

# CHAPTER 10

## ESSENTIAL PUBLIC FACILITIES ELEMENT

### Introduction

The Growth Management Act (GMA) requires all local comprehensive plans include a process for identifying and siting essential public facilities, and prohibits local comprehensive plans or development regulations from precluding the siting of essential public facilities.

Essential Public Facilities are defined in the GMA, as follows:

*Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes and secure community transition facilities as defined in RCW 71.09.020. (RCW 36.70A.200)*

In addition Skagit County and its Cities and Towns have agreed to Countywide Planning Policies that address the availability and provision of essential public facilities and services. Those policies include:

12.2 All communities within a region shall fairly share the burden of regional public facilities.

12.3 A process shall be developed for identifying and siting essential public facilities. The Comprehensive Plan may not preclude the siting of essential public facilities.

An essential public facility may include facilities owned by the government or a private entity. The La Conner Schools, the La Conner Swinomish Library, Town Hall, and Maple Hall are existing essential public facilities located within the Town of La Conner.

Given its location and land constraints, the most likely essential public facilities that the Town would need to accommodate would be those related to housing at risk individuals. The La Conner Uniform Development Code contains an array of definitions relating to essential public facilities. These definitions include: adult family home; convalescent or nursing home; domiciliary care; housing for people with functional disabilities; people with functional disabilities; rest homes; nursing homes and homes for the elderly; retirement homes; retirement apartments; and supportive living arrangements. As a community, the Town recognizes the need to address problems or special needs generated within our community.

Housing for at risk people groups as described above can be placed into the following three categories:

- *Secure Community Transition Facility*: A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under RCW 71.09. A Secure Transition Facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. These facilities include, but are not limited to, the facilities established pursuant to RCW 71.90.250 and any community based facilities established under RCW 71.09 and operated by DSHS or under contract to DSHS.
- *Community Residential Facility*: Any dwelling licensed, certified or authorized by State, Federal or local authorities as a residence for children or adults with physical; developmental or mental disabilities; dependent children or elderly individuals in need of supervision, support and/or independent living training; domestic violence shelters, and rape relief shelters. Does not include halfway houses, or secure community transition facilities.
- *Community Treatment Facility*: Any dwelling or building licensed, certified or authorized by State, Federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems, needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway houses, crisis residential centers or secure community transition facilities.

A fourth category covers other typical essential public facilities that each community needs to include in order to function in an orderly manner.

- *Public Service Facility*: Any building or infrastructure essential to government services provided by the Town of La Conner to the public (i.e. schools, police and fire service). This does not include facilities within the public rights-of-way. Specific public service facilities in La Conner are as follows:
  - The La Conner Swinomish Library, which is a regional facility;
  - The La Conner Town Hall, an historic structure which houses essential local government functions; and
  - Maple Hall, an historic structure that serves several public uses such as the Senior Center. It is also a public meeting venue for the Town Council, Planning Commission, and Parks Commission, among others.

## **GOALS AND POLICIES**

### **GOAL A**

*To follow the process and siting criteria in Appendix 10-A and not prohibit or exclude the siting of essential public facilities.*

#### **Policies**

- 10A-1 The Town recognizes the need to provide essential facilities in proportion to the needs of its citizens.

### **GOAL B**

*To ensure that the siting of essential public facilities includes and provides for extensive public processes.*

#### **Policies**

- 10B-1 Public notice should be given to the Town and its residents when an essential public facility is being considered for La Conner.
- 10B-2 Consult with affected agencies and utilities in preparing recommendations and give them an opportunity for review and comment.
- 10B-3 Convene public meetings when sites are under consideration to:
- a. Inform the Town's residents of why the facility is needed, why in La Conner, and the timelines for selecting a site and receiving citizen input.
  - b. Inform citizens when specific sites have been selected and receive citizen input.

### **GOAL C**

*To ensure that land use and review processes provide adequate information needed to evaluate the siting of the proposed essential facilities.*

#### **Policies**

- 10C-1 Establish permitting criteria using parameters established in Appendix 10-A.

#### **GOAL D**

*To ensure that the siting of essential public facilities is in conformance with the following zoning regulations:*

#### **Policies**

- 10D-1 Secure Community Transition Facilities may be permitted as a Conditional Use outside the Historic District in Commercial and Industrial Zones only.
- 10D- 2 Community Residential Facilities may be permitted as a Conditional Use in Residential and Commercial Zones only.
- 10D-3 Community Treatment Facilities may be permitted as a Conditional Use outside the Historic District in Commercial Zones only.
- 10D-4 Public Service Facilities may be a permitted use in a Public Zone and a Conditional Use in all other zones outside of the public right-of-ways.

## **APPENDIX 10-A**

---

The following issues will serve as a basis to establish criteria for site selection of essential public facilities:

### Specific facility requirements:

- Identify the characteristics of the facility that make it difficult to site.
- Identify security plans and mitigation needed to protect persons and neighbors
- Nature or conditions of the occupants should be defined with particular attention to the extent they pose a hazard
- Size of facility and number of occupants
- Minimum acreage needed
- Accessibility
- Transportation and service needs/requirements
- Supporting public service needs
- Health and safety
- Site design
- Zoning
- Availability of alternate sites

### Impacts of the facility:

- Land use compatibility
- Land use and development in adjacent and surrounding areas
- Zoning in surrounding areas
- Present and proposed population density of surrounding areas
- Environmental impacts and opportunities to mitigate
- Effect on agricultural, forest or mineral lands, critical areas, and historic, archaeological and cultural sites
- Effect on the likelihood of associated development
- Effect on public costs, including operating and maintenance
- Existing Comprehensive Plan designations for the surrounding area