

Ordinance No. C32847

AN ORDINANCE OF THE CITY OF SPOKANE ADOPTING A NEW COMPREHENSIVE PLAN AS REQUIRED BY THE WASHINGTON STATE GROWTH MANAGEMENT ACT, CHAPTER 36.70A RCW, AND IN ACCORDANCE WITH THE STATE ENVIRONMENTAL POLICY ACT (SEPA), CHAPTER 43.21C RCW; AND REPEALING THE EXISTING COMPREHENSIVE PLAN AND ITS COMPANION DOCUMENTS AND PLANS.

WHEREAS, RCW 36.70A.040 requires counties with a population of at least 50,000 that, in the decade prior to May 16, 1995, experienced a population increase of more than 10%, to adopt comprehensive land use plans and development regulations consistent with the Growth Management Act (RCW 36.70A), and this directive applies to the cities located within such counties as well; and

WHEREAS, adoption of the City of Spokane's Comprehensive Plan must be processed in compliance with the requirements of the State Environmental Policy Act (SEPA) and include an analysis of cumulative effects of development in the City (WAC 365-195-610); and

WHEREAS, the Growth Management Act (GMA) states that the comprehensive plan must be consistent with the Countywide Planning Policies and coordinated with neighboring jurisdictions (RCW 36.70A.210); and

WHEREAS, the Growth Management Act requires the protection of five critical areas: aquifer recharge areas; frequently flooded areas; fish and wildlife habitat conservation areas; geologically hazardous areas; and wetlands (RCW 36.70A.170 and WAC 365-195-410); and

WHEREAS, the Growth Management Act contains goals that are intended to guide the development and adoption of comprehensive plans, which relate to urban growth, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, citizen participation and coordination, public facilities and services, historic preservation (RCW 36.70A.020), and shorelines (RCW 36.70A.480); and

WHEREAS, the Growth Management Act states that the comprehensive plan shall contain elements that address land use, transportation, housing, capital facilities, and utilities (RCW 36.70A.070), and also provides for the inclusion of optional elements (RCW 36.70A.080); and

WHEREAS, the comprehensive plan is required to demonstrate and uphold the concepts of internal consistency (WAC 365-195-500), conformity (RCW 36.70A.120), and concurrency (WAC 365-195-510); and

WHEREAS, the Growth Management Act requires the City of Spokane to propose an Urban Growth Area which is sufficient to accommodate allocations for future population growth, and contains future growth to urban areas where adequate public facilities and services exist or can be provided in an efficient manner (RCW 36.70A.110); and

WHEREAS, the Growth Management Act requires a process of early and continuous citizen participation for creating both the comprehensive plan and the supporting development regulations (RCW 36.70A.140);

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SPOKANE, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. Adoption of Findings of Fact. The City Council finds that all GMA prerequisites for the adoption of the City's Comprehensive Plan have been met and adopts the following:

FINDINGS OF FACT

- 1) Mandate to plan for future growth
 - a) Due to Spokane County's growth rate between 1983 and 1993, the Washington State Office of Financial Management determined that Spokane County and the cities located within the county fell under the full mandates of the Growth Management Act (GMA) as of July 1, 1993.
- 2) Integrated process, Analysis of impacts
 - a) The City of Spokane, with consultant assistance, has conducted an Integrated SEPA process as authorized by WAC 197-11-210.
 - b) The City of Spokane has made a Determination of Significance in regards to the action of adopting a new comprehensive plan in accordance with State Environmental Policy Act (SEPA) requirements.
 - c) The City has considered alternatives and mitigated the significant impacts in the process of policy and land use alternative decisions.
 - d) The City's deliberations on the new Comprehensive Plan's Land Use Plan map reflect an integrated SEPA / GMA strategy in which environmental information has been included in each decision in the process. This phased and integrated process has been completed consistent with WAC 197-11-060(5)(b) and WAC 197-11-210.
 - e) In addition, fiscal, market, social, and operational analyses for each of the three proposed growth alternatives were conducted by City of Spokane planning staff and service providers, with consultant assistance. The public, the Plan Commission, and the City Council reviewed this information in their selection of Centers and Corridors as the Preferred Alternative, rather than either Current Patterns or Central City.
- 3) Countywide Planning Policies, Regional Coordination
 - a) The GMA Steering Committee of Elected Officials convened in 1993 to prepare Countywide Planning Policies as a regional framework for comprehensive planning.
 - b) The GMA Steering Committee of Elected Officials established a population allocation process and formula, and a methodology for calculating land capacity for urban growth.
 - c) Each element of the City's comprehensive plan contains a section that reviews the Countywide Planning Policies addressed by that chapter, and the Plan Commission and City Council agree that the comprehensive plan is consistent with the Countywide Planning Policies.

4) Critical Areas and Resource Lands

- a) The City of Spokane has adopted ordinances that meet the requirements of the GMA to classify, designate, and regulate aquifer recharge areas, frequently flooded areas, and wetlands.
- b) The City Plan Commission has recommended for City Council adoption two ordinances that classify, designate, and regulate geologically hazardous areas, and fish and wildlife habitat conservation areas. Those ordinances will be adopted before the comprehensive plan is adopted.
- c) Each ordinance has been completed consistent with the requirements of RCW 36.70A.170.

5) Comprehensive Plan

- a) Compliance: Each element of the City's comprehensive plan contains a section that describes the goals and requirements of the Growth Management Act, and the Plan Commission and City Council agree that the comprehensive plan is in compliance with those goals and requirements.

- b) Required elements:

- i) All of the Growth Management Act's topic-related requirements are addressed in the comprehensive plan.

- ii) In addition, the Housing element provides a directive foundation for regulations relative to Accessory Dwelling Units.

- iii) Maps are used to depict land use, as well as to satisfy inventory requirements.

- iv) The City Plan Commission and City Council recognize the adopted Shoreline Master Program (SMP) as an element of the comprehensive plan and have included shoreline goals and policies in the Natural Environment Element consistent with the requirements of RCW 36.70A.480.

- c) Optional elements: In addition to the required elements, the public process identified important topics that became comprehensive plan chapters in their own right. Certain requirements of the Growth Management Act are found in these optional elements; for example, the Social Health chapter addresses some types of essential public facilities. While not a requirement under the Growth Management Act, the Countywide Planning Policies require comprehensive plans to contain a chapter on Economic Development. Optional elements which represent community priorities are:

- i) Economic Development,

- ii) Urban Design and Historic Preservation,

- iii) Natural Environment,

- iv) Social Health,

- v) Neighborhoods,

- vi) Parks, Recreation and Open Space, and

- vii) Leadership, Governance and Citizenship.

- 6) Internal consistency, conformity: The comprehensive plan is internally consistent, and the policies and Capital Facilities Program demonstrate conformity between land use objectives and capital programming.

- a) The Transportation element supports the Land Use maps and policies.

- b) In the Capital Facilities and Utilities element, land use options are directly linked to level of service standards, and trends in capital programming. In addition, the Capital Facilities Program demonstrates the service capacity and fiscal ability to implement the comprehensive plan.
 - c) The policies in the comprehensive plan are consistent with the Visions and Values, as well as the Centers and Corridors growth alternative.
- 7) Concurrency: Policies in the Capital Facilities and Utilities element of the comprehensive plan describe concurrency requirements that apply to nine types of urban governmental services and public facilities.
- a) Adequate water, wastewater (sewer and stormwater), and solid waste service are required to be in existence at the time the development is ready for occupancy and use.
 - b) The other public services required for concurrency are fire protection, police protection, parks and recreation, libraries, transportation, and schools. If, at the time of development approval, these services are not in place at service levels adequate to support the new development, a financial commitment must be in place at that time to provide an adequate level of service for these other public services within six years.
- 8) Land Use Map and Proposed Final Urban Growth Area Boundary
- a) The Land Use Plan map fully reflects and is consistent with the Centers and Corridors policies and other form-giving policies within the Comprehensive Plan.
 - b) The Land Use Plan map provides an adequate supply of land for residential growth over the 20-year planning period, consistent with the housing goal of the Growth Management Act and in accordance with the Land Capacity Report and the plan's prescription of residential densities.
 - c) The Land Use Plan map accommodates the projected commercial land capacity needed over the 20-year planning period. Capacity is consistent with the plan's policies for redevelopment and intensification of commercial areas and center and corridor environments.
 - d) The Land Use Plan map accommodates the projected industrial land capacity needed over the 20-year planning period, consistent with the analysis of the City's capacity to provide urban services and the suitability of the industrial lands that can be served.
 - e) The policies and planned capital improvements of the transportation element fully support the Land Use Plan map to maintain planned levels of service as the community grows over the next 20 years.
 - f) According to the Land Capacity Report, there is insufficient land within the current (2001) city limits to accommodate the City's allocated growth population.
 - g) The City's proposed Final Urban Growth Area boundary on the Land Use Plan map includes land outside the current city limits in order to provide adequate land to accommodate the City's planned growth population as determined by the Land Capacity Report and the planned uses and densities.
 - h) The City will have the capacity over 20 years to service the allocated growth population at the planned densities and land use pattern presented on the Land Use Plan map.
 - i) The Land Use Plan map reflects the City's consideration of critical areas based on state requirements. Some areas that are designated as open space on the land use map have associated critical areas.
 - j) The Land Use Plan map identifies and designates open space corridors within the proposed urban growth area as required by WAC 365-195-420.

9) Citizen Participation

- a) The Growth Management Act's requirement for early and continuous public participation was met through the Spokane Horizons program. Major highlights of that six year process include:
- i) A citizen participation forum held in March of 1995 produced "Key Principles for Public Participation," including the promise of "input-based outcomes".
 - ii) The Spokane Horizons Executive Board was formed in the summer of 1995. Consisting of representatives from local neighborhood, business and civic organizations, their purpose was to provide expertise or resources normally not available to the City.
 - iii) Visioning: Through a series of questionnaires, open houses and public workshops, the community developed a citywide vision, as well as Visions & Values for each of the plan topics. The City Council adopted the Visions & Values on June 10, 1996. These Vision and Value statements are reiterated in the comprehensive plan at the beginning of the chapter to which they pertain.
 - iv) Work groups: Starting in July of 1996, ten citizen work groups totaling over 300 people met for over two years to address the plan topics. They produced reports entitled "Community Issues," "Ideas for Community Solutions," and "Draft Goals & Policies."
 - v) Two full rounds of public outreach were conducted to discuss growth alternatives. In each case, information delivery methods included numerous public meetings, a video, a tabloid publication, and a survey.
 - (1) January to June, 1998: General discussion of two growth strategies, current patterns and focused growth. Outreach included meetings with over 90 civic groups, contact with over 2500 people, 94 videos loaned out, 975 surveys returned, and roughly 42,000 copies of a color newsprint tabloid distributed through local papers.
 - (2) May to September, 2000: 120 day public comment period on the Draft Comprehensive Plan/ Environmental Impact Statement (EIS) and three proposed growth alternatives (Current Patterns, Centers and Corridors, and Central City). Public education and feedback were provided through meetings with 80 civic groups and over 800 people, outreach at nine community festivals, youth involvement, and distribution of hundreds of pamphlets outlining the Public Participation Program, as well as 14,000 copies of the award-winning magazine tabloid, *Spokane Quest*. The Draft Comprehensive Plan/EIS was available on CD-ROM and the City's website. Over 370 surveys were returned, together with 135 comment letters.
 - vi) The City of Spokane Plan Commission held a Public Hearing on the Draft Comprehensive Plan/EIS the evening of September 6, 2000.
- b) The City Plan Commission forwarded to the City Council their Findings, Conclusions and Recommendation on the Draft Comprehensive Plan/EIS on January 17, 2001.
- c) The goals and policies in the Plan Commission's Recommended Draft Comprehensive Plan/EIS, as well as their selection of Centers and Corridors as the preferred growth alternative, are all based on and informed by input from the Horizons process and the Plan Commission's extensive review of oral and written public comment on the Draft Comprehensive Plan/Environmental Impact Statement (EIS).
- d) The City Council received written comment and held seven weekly public hearings on the Plan Commission's Recommended Draft Comprehensive Plan/EIS from February 26 to April 9, 2001.

- e) The Final Environmental Impact Statement (FEIS) and final Capital Facilities Program (CFP) were released for public review on March 23, 2001 and City Council received testimony on these two documents until April 9, 2001.
- f) In response to public comment, changes were proposed to the Recommended Comprehensive Plan policies and the land use map during eleven joint City Council / City Plan Commission study sessions held between March 1 and May 10, 2001.
- g) City Council's proposed amendments to the Recommended Comprehensive Plan were released for public review on May 4, 2001 and submitted to a public hearing on May 7, 2001 before the City Council.
- h) City Council heard final testimony on the proposed comprehensive plan, including the proposed amendments, on May 14, 2001.

10) Development Regulations

- a) The City of Spokane Plan Commission reviewed Draft Initial Development Regulations, conducted a thirty-day public comment period from January 29 to February 28, and held a public hearing on February 21, 2001.
- b) The Plan Commission deliberated on the Draft Initial Development Regulations on May 9, and passed their recommendation on to City Council.
- c) The City Council heard final testimony on the revised Initial Development Regulations at the first reading on May 14, 2001, and the second reading on May 21, 2001.
- d) The Initial Development Regulations maintain the existing land use regulatory ordinances and land use controls in effect until such time as these ordinances are amended.
- e) Policies contained in the comprehensive plan provide a development framework consistent with the Centers and Corridors growth alternative.

11) Downtown Plan

- a) *Charting the Future: The Plan for a New Downtown* was adopted by City Council on March 29, 1999, as part of the City of Spokane's existing comprehensive plan, with the intention that it would become a component of the new comprehensive plan once that process was completed.
- b) Central Business District zoning provisions and design guidelines were recommended for approval by the City Plan Commission at a public hearing on April 26, 2000, approved by the City Council on October 30, 2000, and revised December 11, 2000.

12) Review

- a) The Plan Commission and City Council members have attended numerous meetings, workshops, hearings, study sessions, and retreats during the course of this six-year planning process.
- b) The comprehensive plan has been reviewed by the required state and local agencies and jurisdictions. Changes have been made consistent with the comments where required or warranted.
- c) The Draft Comprehensive Plan/EIS and Recommended Comprehensive Plan were sent to the state Office of Community Development for review, and a final version will also be sent within ten days after adoption.

13) Amendment. The Comprehensive Plan provides for adequate review and amendment procedures.

- a) The City of Spokane is committed to conducting an annual process to consider amendments to the comprehensive plan.

- b) The urban growth boundary will be reviewed at least once every five years relative to the current Office of Financial Management's twenty-year population forecast and adjustments made, as warranted, to accommodate the projected growth.

Section 2. Repeal of Existing Comprehensive Plan. The existing 1983 City of Spokane Land Use Plan and all other existing comprehensive plan documents are hereby repealed, effective upon the date that the 2001 City of Spokane Comprehensive Plan becomes effective, with the exception of the Spokane Municipal Code and regulatory sections contained within the Peaceful Valley Neighborhood Plan and the Browne's Addition Neighborhood Plan.

Section 3. Adoption of the City of Spokane Comprehensive Plan. The City Council hereby adopts, in accordance with the State of Washington Growth Management Act, the 2001 City of Spokane Comprehensive Plan, including Volume 2 of the Draft Comprehensive Plan/EIS (adopted by reference) together with its supporting records, analyses and materials as listed therein.

Section 4. Shoreline Master Program. The City of Spokane's Shoreline Master Program is hereby adopted as a part of the 2001 City of Spokane Comprehensive Plan by this reference as though fully set forth herein.

Section 5. Downtown Plan. *Charting the Future: The Plan for a New Downtown*, a strategic plan for the downtown area of the City of Spokane, together with the zoning ordinance amendments and design guidelines meant to implement the downtown plan, are hereby adopted as a part of the 2001 City of Spokane Comprehensive Plan by this reference as though fully set forth herein.

Section 6. Submission of Adopted Plan to the State of Washington. The Director of Planning is hereby authorized to transmit a copy of the adopted comprehensive plan to the State of Washington Office of Community Development within ten days after adoption of this Ordinance.

Section 7. Severability. If any section, sentence, clause or phrase of the 2001 City of Spokane Comprehensive Plan should be held to be invalid or unconstitutional by a Growth Management Hearings Board or any other body or court with authority and jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of the 2001 City of Spokane Comprehensive Plan.

Section 8. Authentication and Recording. The City Clerk shall authenticate and record a copy of the City of Spokane Comprehensive Plan along with this adopting Ordinance in the City's records.

Passed by the City Council _____ 2001.

Rob Higgins, Council President

Attest:

Terri Pfister, City Clerk

Approved as to form:

Assistant City Attorney

John T. Powers, Jr., Mayor Date