



2019/2020 Comprehensive Plan Amendments

PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT Z19-502COMP

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE part and DENY the remainder of the Comprehensive Plan Amendment application seeking to amend the land use planmap designation from “Residential 4-10” to “Office” for 0.61 acres located at 3207 and 3202 E 29th Avenue and 2820 and 2826 S Ray Street. The implementing zoning designation requested is Office with a 35-foot height limit (O-35).

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA).
- B. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z19-502COMP (the “Application”) was submitted in a timely manner for review during the City’s 2019/2020 amendment cycle.
- D. The Application seeks to amend the land use plan map designation for a 0.61-acre area located at 3207 and 3202 E 29th Avenue and 2820 and 2826 S Ray Street (the “Properties”) from “Residential 4-10” to “Office” with a corresponding change in zoning from Residential Single Family (RSF) to Office with a 35-foot height limit (O-35).
- E. The two properties on S Ray Street were added to the proposal by the City Council upon adoption of the 2020 Work Program (see ‘I’ below).
- F. The two Properties on E 29th Avenue are held in common ownership by the applicant; the property at 2820 S Ray Street is held by a second owner, unrelated to the first. The property at 2826 S Ray Street is held by a third owner, unrelated to the other two.
- G. Annual amendment applications were subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- H. On February 6, 2020, an Ad Hoc City Council Committee reviewed the applications that had been timely submitted, and forwarded its recommendation to City Council regarding the applications.
- I. On March 2, 2020, the City Council adopted Resolution RES 2020-0014 establishing the 2020 Comprehensive Plan Amendment Work Program, including the Application in the Work Program.
- J. Thereafter, on May 11, 2020, staff requested comments from agencies, departments, and neighborhood councils. The City received comments stating no concern with the proposal and one requesting a site-specific survey for cultural resources prior to any development.

- K. The City issued a Notice of Application on June 8, 2020 by posting it in the Spokesman Review and Official Gazette and by mail to all properties and owners within a 400-foot radius of the subject Properties and any adjacent properties with the same ownership. The Notice of Application initiated a 60-day public comment period from June 8 to August 7, 2020, during which the City received comment letters from the public in opposition to the proposal, citing potential traffic and access concerns and intrusion into a single-family neighborhood.
- L. On June 4, 2020, the Community Assembly received a presentation regarding the 2020 Comprehensive Plan Amendment Work Program and the Application, and the Community Assembly was provided with information regarding the dates of Plan Commission workshops and hearings.
- M. On June 24, 2020, the Spokane City Plan Commission held a workshop to study the Application.
- N. On June 24, 2020, the Land Use Subcommittee of the Community Assembly received a presentation regarding the 2020 Comprehensive Plan Amendment Work Program, including the Application.
- O. On August 24, 2020, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were issued for the Application. The deadline to appeal the SEPA determination was September 14, 2020. No comments on the SEPA determination were received.
 - 1. Notice of the SEPA Determination for the Application was published in the Official Gazette on September 2 and 9, 2020.
- P. On August 25, 2020, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- Q. On August 24, 2020, Notice of Public Hearing and SEPA Determination was posted on the Properties and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property.
- R. On August 24, 2020 staff published a report addressing SEPA and providing staff's analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the Application recommended approval of the City-added properties and did not provide a recommendation for the applicant-proposed Properties.
- S. On August 26 and September 2, 2020, notice was published in the Spokesman Review providing notice of the SEPA Determination of Non-Significance and notice of the September 9, 2020 Plan Commission Public Hearing.
- T. Following issuance of the public hearing notice, the City received additional comment letters in opposition to the proposal from members of the public, including one who had submitted a comment letter previously during the public comment period.

- U. On September 9, 2020, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, and closed the public record, postponing deliberations until the following hearing date.
- V. One member of the public testified during the hearing on September 9, 2020 in opposition to the proposal, citing concerns with site access and neighborhood intrusion impacts.
- W. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to do so.
- X. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").

- Y. Regarding parcels 35273.0305 and 35273.0306, those located west of S Ray Street, the Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically policy Land Use LU 1.5 concerning the establishment of Office land uses in the City.
- Z. Regarding parcels 35273.0219 and 35273.0220, those located east of S Ray Street, the Plan Commission finds that the proposal is inconsistent with the intent and requirements of the Comprehensive Plan, most specifically policy Land Use LU 1.5 concerning the establishment of Office land uses in the City, as follows:
 - 1. The proposal would place Office land uses outside the vicinity of a Center and Corridor and would allow office uses to cross a major arterial into an existing single-family residential area, an area without an existing trend towards office development.
- AA. The Plan Commission finds that the proposal for parcel 35273.0305 and 35273.0306 meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report, while the proposal for parcels 35273.0219 and 35273.0220 does not meet the decision criteria, as described in 'AA' above.

CONCLUSIONS:

Based upon the application materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding application File No. Z19-502COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

- 1. The Application was submitted in a timely manner and added to the 2020 Annual Comprehensive Plan Amendment Work Program, and the final review Application was submitted as provided in SMC 17G.020.050(D).
- 2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.

3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application concerning parcels 35273.0305 and 35273.0306 is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
6. As outlined in above in the Findings of Fact, the Application concerning parcels 35273.0219 and 35273.0220 is internally inconsistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
7. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
8. The Application has been considered simultaneously with the other proposals included in the 2020 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
9. SEPA review was completed for the Application.
10. The Application will not adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
11. Regarding parcels 35273.0305 and 35273.0306, the Application proposes a land use designation that complies with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
12. Regarding parcels 35273.0219 and 35273.0220, the Application proposes a land use designation that is inconsistent with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
13. Subject to the foregoing, the proposed map amendment and site is suitable for the proposed designation.
14. Regarding parcels 35273.0305 and 35273.0306, the map amendment would implement applicable comprehensive plan policies better than the current map designation.
15. Regarding parcels 35273.0219 and 35273.0220, the map amendment would not implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z19-502COMP, a request by Dwight Hume of Land Use Solutions and Entitlement on behalf of the Ryan Schmelzer and Paige Wallace to change the land use plan designation on 0.61 acres

of land from “Residential 4-10” to “Office” with a corresponding change of the implementing zoning to O-35 (Office, 35-foot height limit), as based upon the above listed findings and conclusions, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the proposed amendment for parcels 35273.0305 and 35273.0306 to the Land Use Plan Map of the City’s Comprehensive Plan with corresponding amendment to the City’s Zoning Map, by a vote of **9 to 0**, recommends City Council **DENY** the requested amendment for parcels 35273.0219 and 35273.0220 to the Land Use Plan Map, and authorizes the President to prepare and sign on the Commission’s behalf a written decision setting forth the Commission’s findings, conclusions, and recommendation on the Application.

Todd Beyreuther, President
Spokane Plan Commission
October __, 2020