



**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
West Plains Annexation Comprehensive Plan Land Use Designations and Zoning
Airfield Overlay Zoning and Airfield Comprehensive Plan Policy**

A recommendation of the City Plan Commission proposing zoning and Comprehensive Plan land use map designations for the pending West Plains Annexation and Airfield Overlay Zoning and Airfield Influence Area Comprehensive Plan Designations and policy. The proposal includes amendments to the Spokane Municipal Code (SMC) Title 17 Unified Development Code, amendments to the Official Zoning Map, emergency amendments to Comprehensive Plan Land Use Map, emergency adoption of a new Comprehensive Plan Map to designate Airfield Influence Areas, emergency adoption of a new section of the Land Use Chapter of the Comprehensive Plan and amendments to the Transportation Chapter of the Comprehensive Plan.

Findings of Fact:

- A.** A portion of the Urban Growth Area / Joint Planning Area located to the West of the limits of the City of Spokane known as the West Plains Annexation Area is proposed to be annexed into the City of Spokane.
- B.** Spokane International Airport and areas impacted by the airport and Fairchild Air Force Base are located in the proposed West Plains Annexation area.
- C.** Areas within the current limits of the City of Spokane and areas that might reasonably be expected to be annexed into the City of Spokane are impacted by Felts Field.
- D.** State law authorizes local jurisdictions to prepare a proposed Comprehensive Land Use Plan to become effective upon the annexation of any area which might reasonably be expected to be annexed.
- E.** State law also authorizes local jurisdictions to prepare a proposed zoning regulation to become effective upon the annexation of any area which might reasonably be expected to be annexed.
- F.** The City of Spokane Comprehensive Plan policy - LU 10.3 Existing Plans states, *“Recognize the interests of the residents of the annexing area and, in the absence of specific policies and standards adopted by the city, honor the intent of adopted county plans and ordinances for areas proposed to be annexed.”*
- G.** Proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map convert the existing Spokane County Comprehensive Plan Land Use designations and

zoning for the West Plains Annexation area to the closest corresponding City of Spokane Land Use designations and zoning categories.

H. RCW 14.12.030 allows local jurisdictions to adopt zoning controls to protect critical airspace from buildings, structures, or other airspace obstructions.

I. RCW 36.70.547 General Aviation Airports mandates that:

Every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport. Such plans and regulations may only be adopted or amended after formal consultation with: Airport owners and managers, private airport operators, general aviation pilots, ports, and the aviation division of the department of transportation. All proposed and adopted plans and regulations shall be filed with the aviation division of the department of transportation within a reasonable time after release for public consideration and comment. Each county, city, and town may obtain technical assistance from the aviation division of the department of transportation to develop plans and regulations consistent with this section.

J. Pursuant to the requirements of RCW 36.70.547 above, the proposal addressed herein has been developed after formal consultation with airport owners and the aviation division of the department of transportation and this proposal has been filed with the aviation division of the department of transportation.

K. The City of Spokane Comprehensive Plan policy - TR 8.4 Airports states, "*Protect the operations of Spokane International Airport and Felts Field with compatible land use regulations and ensure planning is coordinated and consistent with the airports' respective Master Plans.*"

L. The City of Spokane Comprehensive Plan policy - LU 5.1 Built and Natural Environment states, "*Ensure that developments are sensitive to and provide adequate impact mitigation so that they maintain and enhance the quality of the built and natural environment (e.g., air and water quality, noise, traffic congestion, and public utilities and services).*"

M. The City of Spokane Comprehensive Plan policy – LU 5.2 Environmental Quality Enhancement states, "*Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses.*"

N. RCW 36.70A.530 provides that a comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements.

O. Pursuant to RCW 36.70A.530, each city planning under GMA that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, must notify the commander of the military installation of the city's intent to amend its

comprehensive plan or development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development. The notice must request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

- P.** Pursuant to the requirements of RCW 36.70A.530, the commander of the Fairchild Air Force Base has been notified of this proposal and has been asked to submit a written recommendation and supporting facts relating to the proposal. Fairchild Air Force Base planning staff was also consulted and was given the opportunity to comment.
- Q.** The Plan Commission held workshops on the proposed Comprehensive Plan Land Use and Zoning Map amendments on August 11, 2010, October 13, 2010 and October 27, 2010.
- R.** The Plan Commission and the City Council discussed the proposal at a joint meeting on September 30, 2010.
- S.** An open house meeting was held on October 12, 2010 in the West Plains area and another open house meeting was held on October 14, 2010 in the Felts Field Area to receive public feedback on the proposal. Postcards were mailed to property owners, property tax payers, business owners and residents in the proposed Airfield Influence Area. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the open house meetings.
- T.** A State Environmental Policy Act (SEPA) Environmental Checklist was completed and a Determination of Non-significance issued for the proposal on October 26th 2010. The determination was circulated to agencies with jurisdiction and parties of interest. Notice of the determination was published in the Spokesman Review on October 27th and November 3rd of 2010.
- U.** Notice of the proposal and of the Plan Commission's November 10, 2010 hearing was published in the Spokesman Review on October 27th and November 3rd. In addition to the newspaper advertisements, Postcards were mailed to property owners, property tax payers, business owners, and residents notifying them of the Plan Commission's November 10, 2010 hearing. Adjacent jurisdictions and other interested agencies and parties were also sent email notifications of the hearing.
- V.** During the Plan Commission deliberations the 24 public comments received during the hearing process were reviewed and changes to the draft products were made when deemed necessary by the Plan Commission.
- W.** The City Council must receive a recommendation from the City Plan Commission before amending the Comprehensive Plan, Unified Development Code, or zoning maps.
- X.** Spokane Municipal Code (SMC) Section 17G.020.010 "Comprehensive Plan and Development Standard Amendment Process" identifies terms and conditions for Comprehensive Plan amendments and Comprehensive Plan emergency amendments.

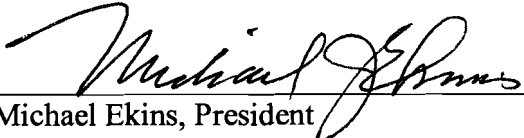
- Y.** Spokane Municipal Code Section 17G.020.010E “Amendment Exceptions” outlines conditions under which the Comprehensive Plan may be amended more often than once a year. Provided that all of the amendment criteria have been met, the following type of amendment may be considered more frequently than once a year: SMC Section 17G.020.010.E1 anticipates amendments to the Comprehensive Plan more often than once per year for annexations, “Also, future annexations will require an amendment to the land use plan map.” SMC Section 17G.020.010E4 states that “Whenever an emergency exists. The Plan Commission will review a potential emergency situation, with advice from the city attorney’s office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.”
- Z.** The Plan Commission has determined, with advice from the city attorney’s office, that the situation does necessitate an emergency comprehensive plan amendment.
- AA.** The criteria for an emergency amendment require a demonstration of community-wide significance. Having all of the area within the City subject to an up to date Comprehensive Plan Land Use Plan Map and implementing zoning and Comprehensive Plan Airfield Influence Area policy and implementing overlay zoning is essential to protecting the public health, safety and welfare and public property and justifies the emergency amendments to the Comprehensive Plan.
- BB.** Upon adoption of the Airfield Overlay Zoning and Comprehensive Plan policy and West Plains zoning and Comprehensive Plan land use map designations, the City will officially publish the following additions and amendments to the City’s Comprehensive Plan and Unified Development Code:
1. A new SMC chapter titled “17C.180 Airfield Overlay Zones.”
 2. A new SMC section to SMC Chapter 17C.210 – Nonconforming Situations titled “17C.210.085 – Nonconforming Situations- Resulting from the Airfield Overlay Zoning.”
 3. Amendments to the City of Spokane Official Zoning Map to include zoning designations for the West Plains Annexation and the Airfield Overlay Zones.
 4. Emergency amended Comprehensive Plan Land Use Plan Map to include land use designations for the West Plains Annexation.
 5. Emergency adoption of a new section of the Land Use chapter of the City of Spokane Comprehensive Plan titled “LU 1.12 Airfield Influence Areas.”
 6. Emergency adoption of a new map for the Land Use chapter of the City of Spokane Comprehensive Plan titled “Airfield Influence Areas.”
 7. Emergency amendment to section TR 8.4- Airfields of the Transportation Chapter of the City of Spokane Comprehensive Plan.

Conclusions:

- A. The Plan Commission has reviewed all public testimony received during the public hearing and has made changes to the draft documents during deliberations to address the testimony as needed.
- B. All State and local public notice and participation requirements have been satisfied.
- C. The amendments and additions to the Unified Development Code, Official Zoning Map and the City of Spokane Comprehensive Plan have been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's Comprehensive Plan.

Recommendations:

- A. The Spokane City Plan Commission finds that the proposed amendments to the Comprehensive Plan, Unified Development Code and Official Zoning Map are in full compliance with the Comprehensive Plan and are recommended for adoption by the Spokane City Council.
- B. The Plan Commission, by a vote of 8 to 0, recommends approval of these documents with changes as deliberated, by the City Council.



Michael Ekins, President
City Plan Commission

12/8/2010
Date