

**STAFF REPORT ON COMPREHENSIVE PLAN  
LAND USE AMENDMENT APPLICATION  
2.78 acres northeast of N North Center Street; Avista Corporation; File Z150078COMP**

**I. SUMMARY OF REQUEST AND RECOMMENDATIONS:**

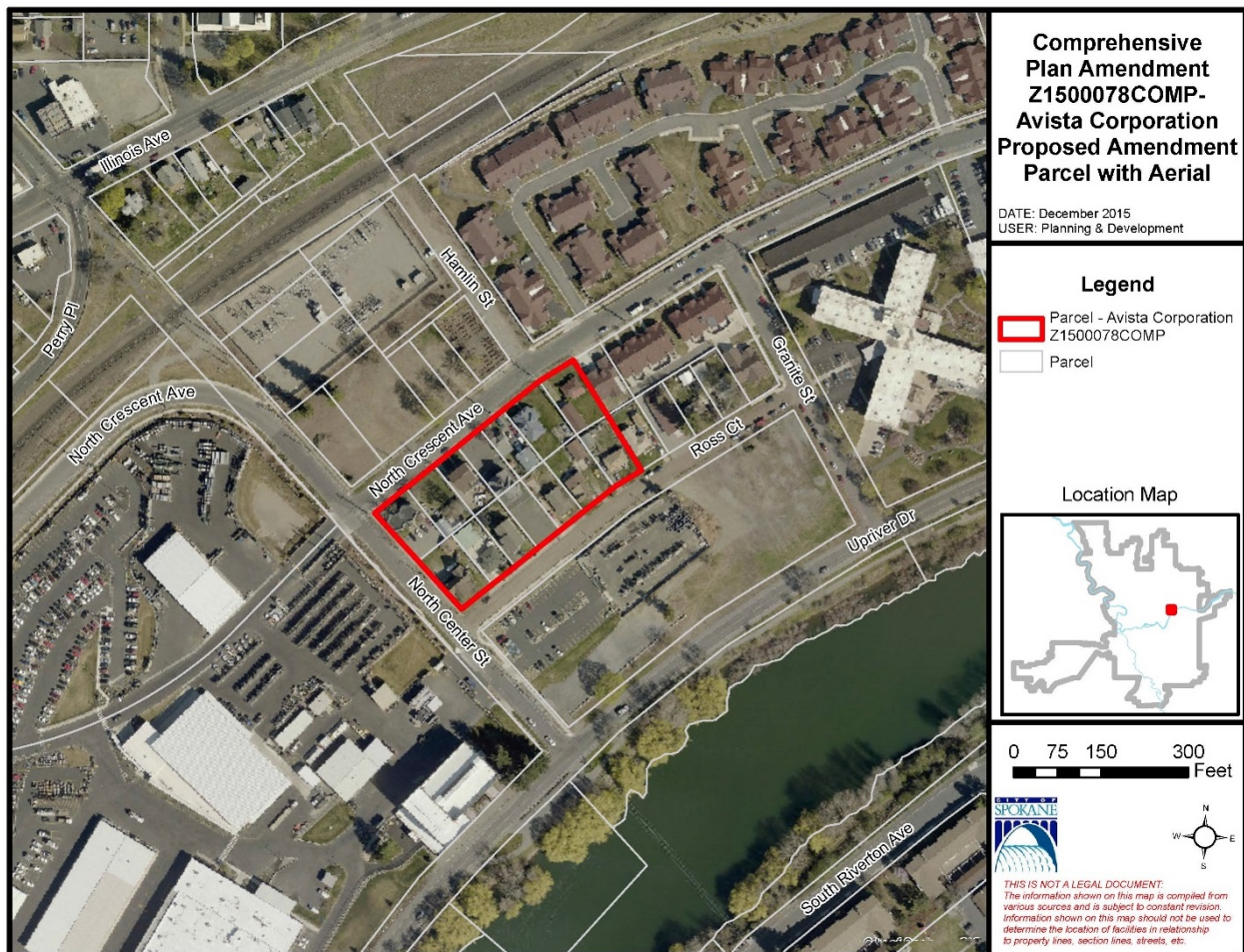
**DESCRIPTION OF PROPOSAL:**

The proposal is to change the land use of fourteen properties from “Residential 15-30” to “Light Industrial” with a concurrent change in zoning from “Residential Multi-Family” to “Light Industrial.” The fourteen subject properties are approximately 2.78 acres in size. No specific development proposal is being approved at this time.

**II. GENERAL INFORMATION**

<b>Agent:</b>	Robin Bekkedahl, Avista Corporation
<b>Applicant/Property Owner(s):</b>	Avista Corporation
<b>Location of Proposal:</b>	The subject site includes 14 parcels bounded on the north by N. Crescent Ave, on the west by N. Center St. and on the south by Ross Ct., generally located NE of the existing Avista headquarters (parcels 35093.1106 to 1107, and 35093.1201 to 1212).
<b>Legal Description:</b>	Ross Park, Holes Subdivision Lots 1-4, parts of 5 and 6, and all of 7-12, as well as Ross Park, Wilkinson Subdivision Lots 6 and 7, all within SW1/4, Section 9, Township 25 North, Range 43 East, Willamette Meridian.
<b>Existing Land Use Plan Designation:</b>	“Residential, 15-30 units per acre”
<b>Proposed Land Use Plan Designation:</b>	“Light Industrial”
<b>Existing Zoning:</b>	RMF (Residential Multi-Family)
<b>Proposed Zoning:</b>	Light Industrial
<b>SEPA Status:</b>	A SEPA threshold Determination of Non-Significance was made on August 23, 2016. The appeal period closed on September 13, 2016 (reference <b>Exhibit S-1</b> ).
<b>Enabling Code Section:</b>	SMC 17G.020, Comprehensive Plan Amendment Procedure.
<b>Plan Commission Hearing Date:</b>	The Plan Commission hearing date is scheduled for September 14, 2016 which potential continuation to the next meeting(s) of the Plan Commission.
<b>Staff Contact:</b>	Kevin Freibott, Assistant Planner; <a href="mailto:kfreibott@spokanecity.org">kfreibott@spokanecity.org</a>

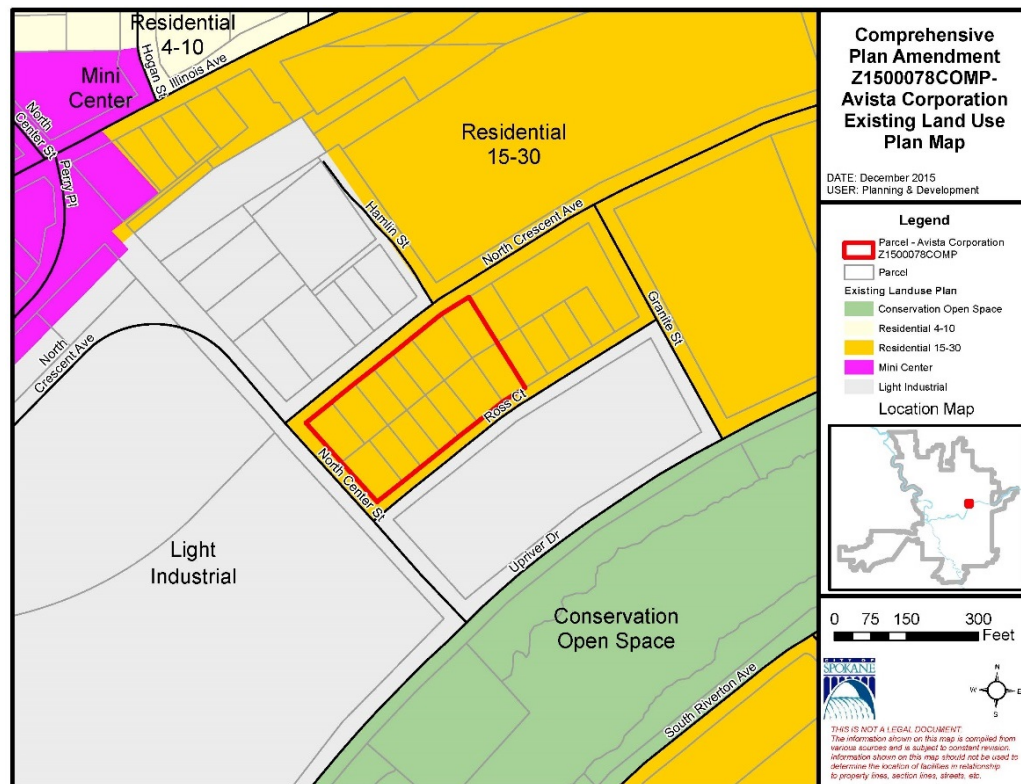
### III. BACKGROUND INFORMATION



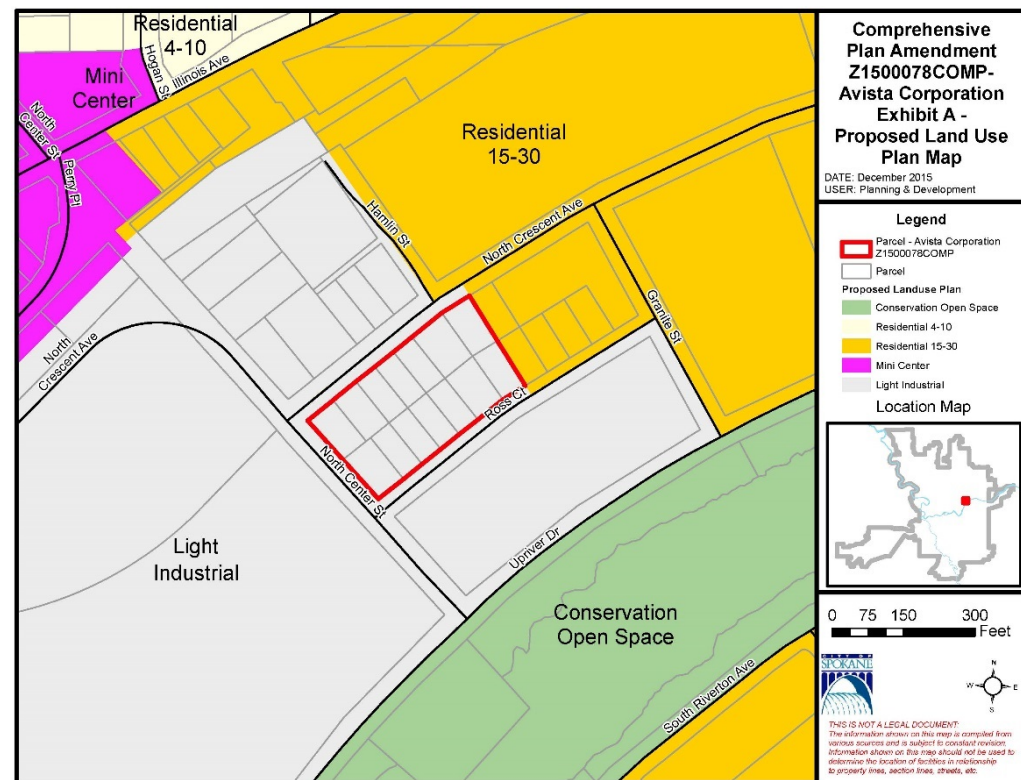
- A. Site Description:** The subject property contains 14 parcels, totaling 2.78 acres in size, located east of the intersection of N Crescent Avenue and N Center Street, northeast of the existing Avista headquarters and southwest of property owned by the Riverview Retirement Community. The subject properties, shown in red above, are all owned by the Avista Corporation. While the aerial photograph above shows houses on those properties, the houses have since been removed. The site is currently vacant and used by Avista as an unimproved parking lot.
- B. Project Description:** Pursuant to the procedures provided in Spokane Municipal Code Section 17G.020, "Comprehensive Plan Amendment Procedure," the applicant is requesting a comprehensive plan land use plan map designation change from "Residential 15-30" to "Light Industrial." If approved, the zoning would be changed from RMF (Residential Multi-Family) to Light Industrial. The applicant's proposal does not include any specific plans for development or improvement to the property. Development and improvement of the site would be subject to all relevant provisions of the City's unified development code, including without limitation, Chapter 17D.010 SMC relating to concurrency.

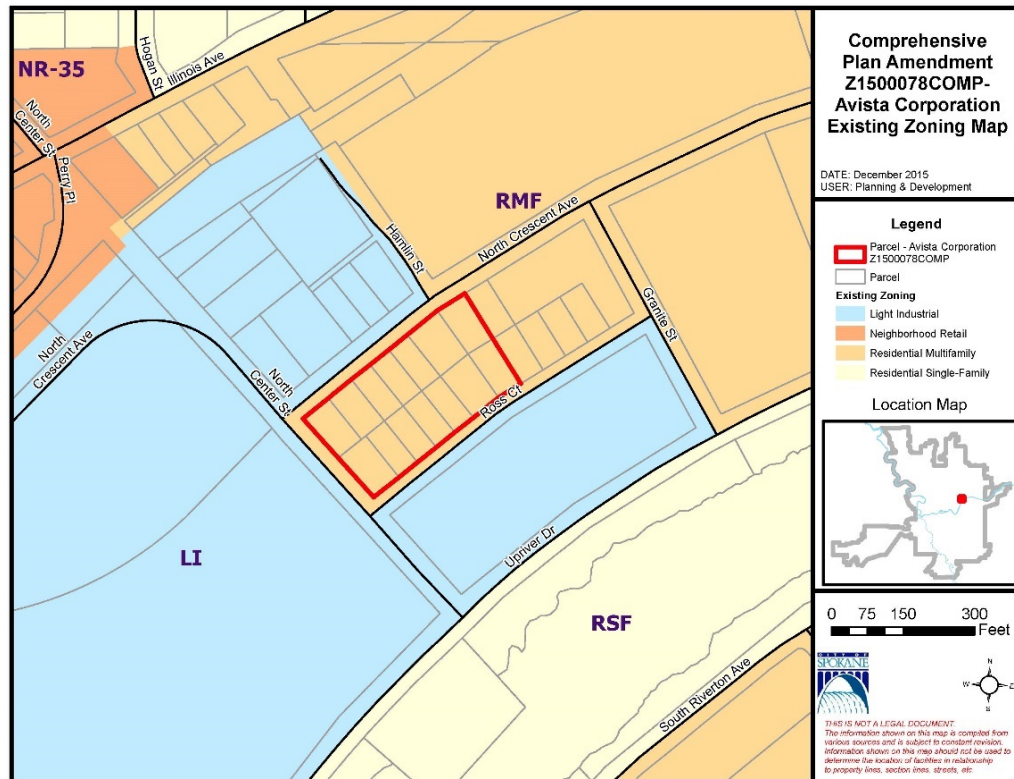
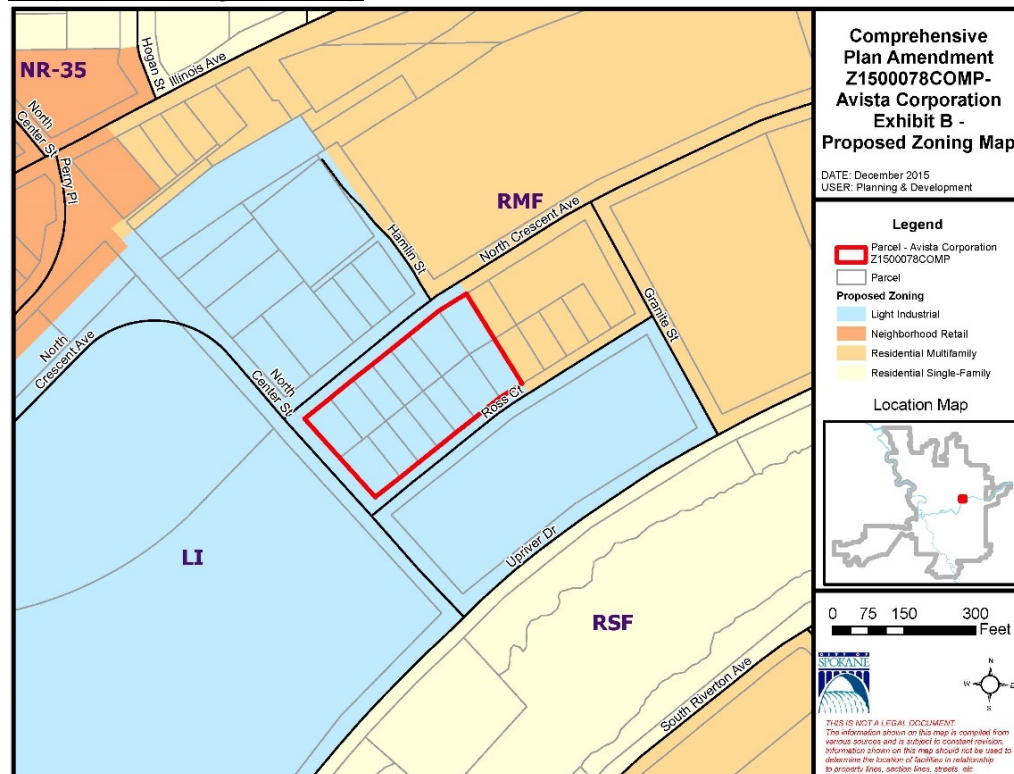


**C. Existing Land Use Plan Map Designations with Subject Area in Red**



**D. Applicant-Proposed Land Use Plan Map**



**E. Existing Zoning Plan Map with Subject Parcels in Red****F. Proposed Zoning Plan Map**

**G. Zoning and Land Use Designation History.** The subject property was annexed into the City of Spokane in 1891 along with all properties in the vicinity. Prior to 2006, the zoning of the proposed property was R3-D (Multifamily Residence Design Zone 3), generally described as Medium-Density Residential. Since the establishment of the current zoning code in 2006, the location has been zoned RMF (Residential Multi-Family). When the Comprehensive Plan for the City of Spokane was rewritten in 2001 according to the newly adopted requirements of the Growth Management Act, the land use of the properties was identified as “Residential 15-30” on the Land Use Map. It has not been changed since that date.

**H. Adjacent Land Uses and Improvements:**



To the northwest<sup>1</sup>: Electrical substation operated by Avista Corporation.  
 To the southwest: Light industrial uses (Avista Corporation Headquarters).  
 To the southeast: Parking and fenced storage yard (Avista Corporation).  
 To the northeast: Multi-family residential uses (Riverview Retirement Community).

<sup>1</sup> Because the parcels are lined up roughly southwest to northwest, similar cardinal directions were used to avoid confusion.



- I. Transportation Improvements. The subject properties are surrounded on three sides by N Crescent Avenue, N Center Street, and Ross Court. All three are classified by the City as “local” streets. The nearest transit service is Route 27, the “Hillyard Route,” that lies approximately 730 feet to the northwest of the subject properties. Access to this route requires that pedestrians cross an uncontrolled rail crossing. However, a paved pathway leads to and from the crossing, improving pedestrian access. The nearest stop on the line is at the intersection of N North Center Street and E Illinois Avenue, approximately 800 feet walking distance from the subject properties.
- J. Past Land Use Map Amendments in Vicinity. The City received an application concerning the subject properties as well as properties to the northwest and southeast in October of 2010, requesting an identical land use and zoning change to what is proposed in this application. During processing of that application several properties were withdrawn from the overall request due to adverse neighborhood reaction and public comment. Included in that withdrawal were the fourteen properties that are now the subject of this application. The 2011 application continued without the subject properties and was approved by the City Council on November 28, 2012.

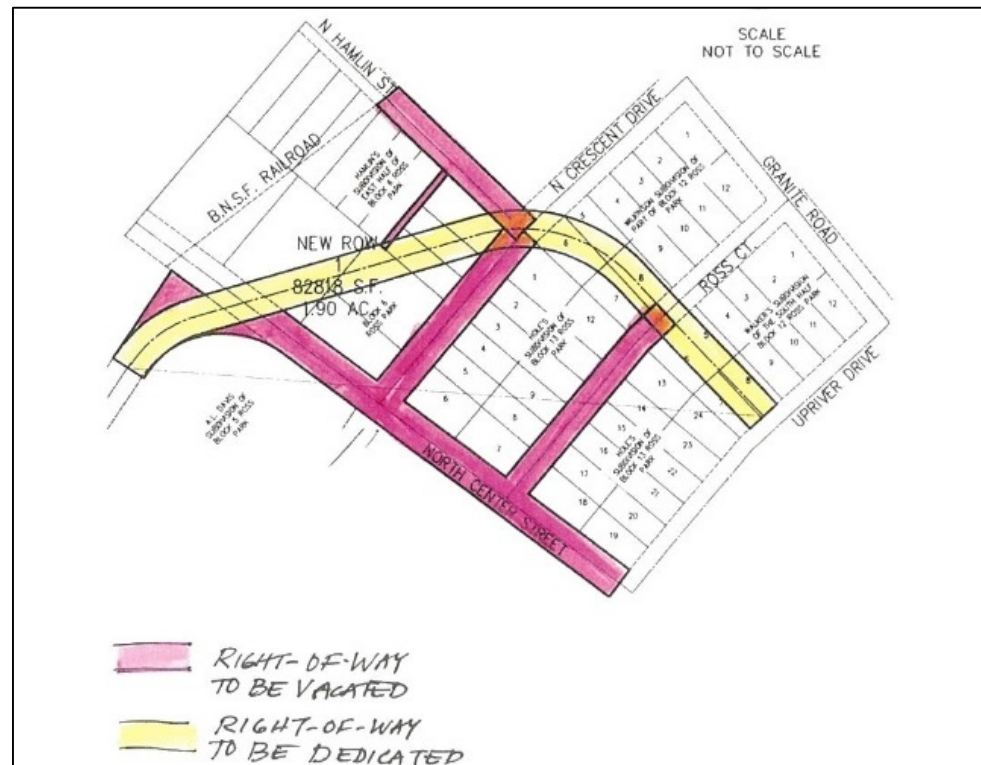


- K. Past Neighborhood Planning Processes. In 2011 the Logan Neighborhood chose to develop a set of new zoning districts and standards for the Hamilton corridor, using form-based zoning concepts. While the Hamilton Corridor zoning has been adopted by the City, the subject properties are too distant from that part of the neighborhood to have any implications on the Neighborhood's plans. The subject properties are outside the Hamilton Corridor zoning. Likewise, all parcels within the vicinity of the subject properties are outside the Hamilton Corridor.
- L. Concurrent Requests by Applicant. Concurrent with the requested Land Use and Zoning change, Avista Corporation is seeking two other approvals from the City. These other approvals are not dependent on this application – the approval or denial of those requests will have no effect on the approval/denial of the land use

and zoning change. However, they are worth noting as they reflect Avista Corporation's overall plans for the subject properties.

#### *Street Vacation/Dedication*

Avista Corporation requested that the City vacate portions of N Center Street, N Hamlin Street, and E Ross Court in the vicinity of the subject properties. Following approval of the vacation, the applicant (Avista) is expected to request an extension of N North Center Street to the east, curving southeast to create a new intersection with E Upriver Drive southeast of the subject properties (see figure below). The City Council approved the request for vacation of the roadways on August 15, 2016.<sup>2</sup>



#### *Shoreline Conditional Use Permit*

Avista Corporation requested that the City grant a Shoreline Conditional Use Permit for the construction of a new intersection at the termination of the extended E North Crescent Avenue. The Spokane Hearing Examiner held a hearing on this proposal on June 2, 2016. The request for a Shoreline Conditional Use Permit was approved by the Hearing Examiner on that date.<sup>3</sup>

- M. Applicable Municipal Code Regulations.** SMC 17G.020, Comprehensive Plan Amendment Procedures.

<sup>2</sup> Spokane City Ordinance ORD C35423.

<sup>3</sup> City of Spokane Planning File #Z1500071SCUP.

N.     Application Process:

- Application was submitted on October 31, 2015 and Certified Complete on December 1, 2015;
- Agency Comment from Interested City Departments and Agencies was requested December 9, 2015 to be completed by February 8, 2016.
- Notice of Application was posted, published, and mailed on May 10, 2016, which began a 60 day public comment period. The comment period, scheduled to end on July 11, 2016, was extended to July 25, 2016;
- The applicant made a presentation regarding the proposal to the Logan Neighborhood Council on May 25, 2016;
- A SEPA Determination of Non-Significance was issued on August 23, 2016;
- Notice of Plan Commission Public Hearing and SEPA Determination was posted and mailed by August 30, 2016;
- Notice of Public Hearing and SEPA Determination was published on August 30, 2016 and September 6, 2016;
- Comprehensive Plan Amendment Hearing Date is scheduled with the Plan Commission for September 14, 2016, with continuance likely to September 21, 2016, and with deliberations likely continued to September 28, 2016.

IV.     AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as **Exhibits PA-1** through **PA-3**. Three agency/city department comments were received regarding this application:

- County of Spokane, Public Works
- City of Spokane, Fire Department
- City of Spokane, Planning & Development

The majority of comments received concerned requests for additional information, once a future development proposal for the subject property is submitted. As this application does not include specific improvement proposals and only concerns the land use and zoning of the parcel, these comments did not warrant additional study. The City of Spokane Planning & Development comments also included a statement that no conflict with City utilities is expected.

Notice of this proposal was also sent to all property owners within the notification area and was posted on the subject property, in the Spokesman Review and in the local library branch. No public comments were received during the public comment period.



**V. TECHNICAL REPORTS & OTHER RELEVANT DOCUMENTS**

No technical reports were requested by any commenting agency, nor were any required by the City.

**VI. COMPREHENSIVE PLAN AMENDMENT PROCESS GUIDING PRINCIPLES**

SMC 17G.020.010 provides the following guiding principles for the annual comprehensive plan amendment process:

1. Keep the comprehensive plan alive and responsive to the community.
2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. The proposed changes must result in a net benefit to the general public.

**VII. REVIEW CRITERIA**

SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, in evaluating proposals to amend the comprehensive plan. The following is a list of those considerations followed by staff analysis relative each.

- A. Regulatory Changes.** Amendments to the Comprehensive Plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

*Staff Analysis:* Staff has reviewed and processed the proposed amendment in accordance with the most current regulations of the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent state or federal or local legislative actions with which the proposal would be in conflict.

- B. GMA.** The change must be consistent with the goals and purposes of the state Growth Management Act.

*Staff Analysis:* The "Legislative findings" included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the "Legislative findings" follows:

*RCW 36.70A.010, Legislative findings.*

*The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.*

*The Growth Management Act details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), including the following goals that are relevant to this application:*

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.*
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.*

*The Growth Management Hearings Board for Eastern Washington has indicated that these goals are to guide the development and adoption of comprehensive plans and development regulations. The goals are all created equal with no priority set forth by the legislature and with no goal independently creating a substantive requirement. City of Wenatchee v. Chelan County, EWGMHB Case No. 08-1-*

0015, FDO at 25 (March 6, 2009). The Board recognized that this lack of priority becomes problematic when jurisdictions are faced with competing goals, and indicated that, although the GMA does not permit the elevation of a single goal to the detriment of other equally important GMA goals, the GMA does permit local legislative bodies to give varying degrees of emphasis to the goals so as to allow them to make decisions based on local needs in order to harmonize and balance the goals. *Id.*

GMA's goals guided the City's development of its comprehensive plan and development regulations. Application of the review criteria in Chapter 17G.020 SMC ensures that amendments to the comprehensive plan are also guided by and consistent with GMA's goals and purposes. The applicant has provided a discussion/analysis on this topic in their application materials which discusses all 13 goals and the proposal's relationship to each (reference **Exhibit A-1**).

- C. Financing.** In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

*Staff Analysis:* The City did not require, nor did any Agency comment request or require a traffic impact analysis for the proposal. Furthermore, as shown in **Exhibit PA-3**, any impacts to city utilities and non-transportation infrastructure would be mitigated by enforcement of City policies and development regulations. The subject property is already served by water, sewer, and transit service and lies immediately adjacent to existing local streets. Per State law, subsequent development of the site will be subject to a concurrency determination under SMC 17D.010.020. Staff is confident that, between enforcing the concurrency requirement and enforcement of the City's development regulations and standards, including the collection of transportation impact fees, any infrastructure implications associated with development of the site will be addressed concurrent with development of the site.

- D. Funding Shortfall.** If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

*Staff Analysis:* As indicated in the previous section, staff is confident that, by enforcing concurrency, the City's development regulations, and by collecting appropriate transportation impact fees, the applicant will be required to cover the cost of mitigating the impacts of development of the site.

- E. Internal Consistency.** The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals



or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Staff Analysis:

1. Development Regulations. *As a non-project proposal, there are no specific plans for development of this site. Additionally, any future development on this site will be required to be consistent with the current Development Regulations at the time an application is submitted.*
2. Capital Facilities Program. *See discussion under paragraph C, above. As no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.*
3. Neighborhood Planning Documents Adopted After 2001. *The Logan Neighborhood adopted form-based zoning standards for the Hamilton Corridor, which were subsequently approved and adopted by the City. However, that corridor lies well outside the vicinity of the subject properties and would not affect the proposal.*
4. Miscellaneous Comprehensive Plan Goals and Policies. *Staff have compiled a group of Comprehensive Plan Goals and Policies which are excerpted from the Comprehensive Plan and contained in **Exhibit S-2** of this report. Further discussion of cogent Comprehensive Plan policies are included under criterion K.2 below.*

*The various factors related to internal consistency, as shown above, seem to indicate that the project would be consistent with internal requirements of the City. The Plan Commission will need to determine in their deliberations if this criterion has been met, or if it can adequately be addressed through conditions as may be imposed as a condition of the Comprehensive Plan amendment and any subsequent development application, in accordance with the provisions of SMC §17D.010.020(C)(2)(c).*

- E. Regional Consistency. All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Staff Analysis: *No comments have been received from any agency, city department, or neighboring jurisdiction indicating that this proposal is not regionally consistent.*

- G. Cumulative Effect. All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning

documents, adopted environmental policies and other relevant implementation measures.

- i. Land Use Impacts. In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.
- ii. Grouping. Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

*Staff Analysis: This application is being reviewed as part of the annual cycle of comprehensive plan amendments along with two other applications for Comprehensive Plan Amendments. The three applications under consideration are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Each of the three applications lies in a different neighborhood and different City Council district. Each of the three is separated from the others by large swaths of pre-existing urban development. While all three applications concern proposed changes in land use and zoning, the conditions and exact modification(s) of land use and zoning are not likely to affect each other in any cumulative amount. As such, it appears that no cumulative effects are possible, nor do the potential for such effects need to be analyzed.*

H.     SEPA. SEPA review must be completed on all amendment proposals.

1. Grouping. When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.
2. DS. If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

*Staff Analysis: The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, a review of other information available to the Director of Planning Services, a Determination of Non-Significance (DNS) was issued on August 23, 2016; City of Spokane Planning, lead agency; Lisa D. Key, Planning Director, SEPA Responsible Official. The DNS is attached as **Exhibit S-1**.*

I.     Adequate Public Facilities. The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described

in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

*Staff Analysis: All affected departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal. There were no comments received that would indicate a concern regarding the provision of public facilities and services to the subject property. The requested Comp Plan Amendment is a non-project action, however, so no concurrency determination is being made at this time. A concurrency determination would be required at the time of any development application on the subject property.*

- J.     UGA. Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

*Staff Analysis: The proposal does not involve amendment of the urban growth area boundary. Therefore, this criterion is not applicable to this proposal.*

K.     Consistent Amendments.

1.     Policy Adjustments. Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:
  - a.     Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
  - b.     The capacity to provide adequate services is diminished or increased;
  - c.     Land availability to meet demand is reduced;
  - d.     Population or employment growth is significantly different than the plan's assumptions;
  - e.     Plan objectives are not being met as specified;
  - f.     The effect of the plan on land values and affordable housing is contrary to plan goals;
  - g.     Transportation and/or other capital improvements are not being made as expected; and/or
  - h.     A question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.



*Staff Analysis: This proposal is a request for a Comprehensive Plan Land Use Plan Map amendment, not a policy adjustment. This criterion is not applicable to this proposal.*

2. Map Changes. Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

*Staff Analysis: Of specific application to this criteria is Comprehensive Plan policy LU 1.10 “Industry,” which states that the City should provide a variety of industrial locations and site sizes for industrial development. The policy goes on to say that industrial locations should be:*

- Free from critical areas;*
- Not subject to conflicting adjacent land uses;*
- Readily accessible to adequate transportation, utility, and service systems; and*
- Convenient to the labor force.*

*Regarding critical areas, the subject properties are generally flat and do not contain any wetlands or wetland buffers, as shown on City of Spokane GIS maps. Likewise, the subject properties lie outside any flood zone or hazardous soils or geography.*

*Regarding adjacent land uses, the subject properties are surrounded on three sides by Light Industrial uses. Only properties to the northeast of the subject properties could potentially conflict with a Light Industrial designation on the subject properties. As was determined in the previous land use designation change for surrounding properties, those potential conflicts could be adequately addressed through the landscaping, screening, and frontage improvements required by the Spokane Municipal Code, most directly by the requirements of Spokane Municipal Code 17C.130. Furthermore, were the Avista Corporation application for the rerouting of E North Crescent Avenue approved, the non-industrial uses to the northeast would be further separated from the proposed light industrial uses of the subject properties by a new street (see background information III.L above).*

*Lastly, regarding readily accessible transportation and convenience for the labor force, the subject properties are served adequately by three existing local streets. Furthermore, existing transit service is located within ¼ mile.*

*The Plan Commission will need to determine if this criterion has been met, or if it can adequately be addressed through conditions as may be imposed as a condition of the Comprehensive Plan amendment and any subsequent development application, in accordance with the provisions of SMC §17D.010.020(C)(2)(c).*

- b. The map amendment or site is suitable for the proposed designation;

*Staff Analysis: As discussed in the items above, there is no indication that the proposal would require additional infrastructure or capital facilities to serve it. Likewise, as discussed above, the proposal would appear to concern properties that would be sufficiently buffered from non-industrial uses to the northeast through application of Spokane Municipal Code standards at the time of development.*

- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

*Staff Analysis: As discussed in general in items a and b above and in consideration of the policies listed in **Exhibit S-2**, the proposal would appear to be supportive of the Light Industrial zoning designation of the adjacent parcels. Likewise, application of Spokane Municipal Code requirements for landscaping, screening, and frontage improvement would ensure that conflicts with adjacent non-industrial uses would be minimized. The Plan Commission will need to determine in their deliberations if this criterion has been met, or if it can adequately be addressed through conditions as may be imposed as a condition of the Comprehensive Plan amendment and any subsequent development application, in accordance with the provisions of SMC §17D.010.020(C)(2)(c).*

- 3. Rezones, Land Use Plan Map Amendment. Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

*Staff Analysis: If the land use plan map amendment is approved as proposed, the zoning designation of the parcels will change from RMF (Residential Multi-Family) to LI (Light Industrial). No policy language changes have been identified as necessary to support the proposed land use plan map amendment. As such, it appears that this criterion would be met for the proposed land use designation change.*

L. Inconsistent Amendments.

1. Review Cycle. Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

*Staff Analysis: The City of Spokane uses a method of "consistent" and "inconsistent" annual review, with "inconsistent" proposals only allowed to be reviewed every other year. This request is being considered under a "consistent" review cycle. No inconsistencies with the Comprehensive Plan have emerged during analysis [see discussion under criterion K.2 above], thus it appears to be appropriate to consider this proposal in the current year.*

2. Adequate Documentation of Need for Change.

- a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
- b. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- c. The capacity to provide adequate services is diminished or increased;
- d. Land availability to meet demand is reduced;
- e. Population or employment growth is significantly different than the plan's assumptions;
- f. Transportation and/or other capital improvements are not being made as expected;
- g. Conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. Assumptions upon which the plan is based are found to be invalid; or
- i. Sufficient change or lack of change in circumstances dictates the need for such consideration.



*Staff Analysis: This application is not being reviewed as an inconsistent Comprehensive Plan Land Use Map Plan amendment request. As such, the criterion above does not appear to be applicable to this application.*

3. Overall Consistency. If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

*Staff Analysis: This is not being reviewed as an inconsistent Comprehensive Plan Land Use Map Plan amendment request. As such, the criterion above does not appear to be applicable to this application.*

*If the Plan Commission were to find that the proposal is an “inconsistent amendment”, they would need to determine if they had enough information to reach a decision, based upon the criteria detailed in the above discussion. If not, they could recommend denial of the application (as per SMC 17G.020.060 (M)(2)).*

#### **VIII. DRAFT FINDINGS OF FACT**

- A. The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).
- B. The City of Spokane adopted a Comprehensive Plan in May of 2001, in compliance with the requirements of the GMA, and has provided for periodic updates and annual amendments, as allowed under GMA.
- C. Under GMA, comprehensive plans may be amended no more frequently than once per year. All amendment proposals must be considered concurrently in order to be evaluated for their cumulative effect. Also, the amendment period should be timed to coordinate with budget deliberations. Pursuant to Spokane Municipal Code 17G.020.020 all applications submitted by the deadline and found to be complete, excluding a single application that was withdrawn by the applicant prior to the public comment period, have been considered concurrently and constitute the only amendments to the Comprehensive Plan this calendar year.
- D. Comprehensive Plan amendment application Z1500078COMP (reference **Exhibit A-1**) was submitted by the October 31, 2015 deadline for Plan Commission review during the 2015/2016 amendment cycle, as required by Spokane Municipal Code 17G.020.060.C.
- E. The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan, which the application proposes to modify the land use designation of fourteen properties totaling 2.78 acres from “Residential Multi-Family” to “Light Industrial”.
- F. The subject properties comprise fourteen parcels within the southwest 1/4 of Section 9, Township 25 North, Range 43 East, Willamette Meridian, being further described as Ross Park, Holes subdivision lots 1 through 4, parts of lots 5 and 6,

and lots 7 through 12, as well as Wilkinson subdivision lots 6 and 7, all in the City of Spokane, Logan Neighborhood. These properties were annexed into the City of Spokane in 1891 in combination with many other parcels.

- G. The subject properties are accessed via three streets designated by the City as “local” streets: E North Crescent Avenue, E Ross Court, and N North Center Street.
- H. The requested implementing zoning designation is “Light Industrial” for the entire property.
- I. Staff requested comments from agencies and departments on December 9, 2015. Comments received are summarized as follows:
- Scott Engelhard of the County of Spokane Public Works (reference **Exhibit PA-1**);
  - Dave Kokot, P.E., of the City of Spokane Fire Department (reference **Exhibit PA-2**); and,
  - Eldon Brown, P.E., of the City of Spokane Planning & Development Department (reference **Exhibit PA-3**).
- J. A public comment period was originally set to run from May 10, 2016, to July 11, 2016 to provide a 60 day comment period. Due to the date of submittal of technical analyses required of another Comprehensive Plan Amendment application, the public comment period was extended by 14 days, through July 25, 2016. Regardless, no public comments were received during the comment period.
- K. The Logan Neighborhood Council received a presentation from the applicant at their May 25, 2016 meeting.
- L. The Community Assembly received a presentation regarding the proposed 2015/2016 Comprehensive Plan amendment applications at their June 2, 2016 meeting.
- M. The Spokane Plan Commission held a substantive workshop to study the requested amendment on May 25, 2016.
- N. A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on August 23, 2016 by City of Spokane Planning; Lisa Key, Planning Director and SEPA Responsible Official (see **Exhibit S-1**). The public appeal period for the SEPA determination ends at 5pm on September 13, 2016.
- O. On August 26, 2016 the Washington State Department of Commerce and appropriate state agencies were given the 60-day notice before adoption of any proposed changes to the Comprehensive Plan.
- P. Notice of the Public Hearing and Determination of Non-Significance for the proposed Comprehensive Plan Land Use Map amendment, was published in the Spokesman Review on August 30, and September 6, 2016 and the Official City Gazette on August 31, September 7, and September 14, 2016.

- Q. Notice of Public Hearing and SEPA Determination was posted on the subject property and mailed to all property owners and tax payers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a 400 foot radius of any portion of the boundary of the subject property on August 30, 2016.
- R. The staff report provided an analysis of all the decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17.G.020, Comprehensive Plan Amendment Procedure.
- S. The Plan Commission held a public hearing on the requested amendment on September 14, 201, which was continued September 21, 2016, and deliberations were held on September 28.
- T. As a result of the City's efforts, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given that opportunity to comment.

Additional findings of fact may be added by the Plan Commission during deliberations, based upon new information that may be introduced into the record through the course of the hearing proceedings.

#### IX. DRAFT CONCLUSIONS:

Based upon the application materials, technical studies, staff analysis, SEPA review, agency and public comments received, and public testimony presented regarding the requested Comprehensive Plan Amendment application File No. Z1500084, the Plan Commission will need to address the following conclusions with respect to the review criteria, as detailed in SMC 17G.020.030, and the decision criteria, as detailed in SMC 17G.020.060(M) in their deliberations:

1. The proposed amendment to the comprehensive plan **IS / IS NOT** consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
2. The proposed change **IS / IS NOT** consistent with the goals and purposes of the state Growth Management Act.
3. Infrastructure implications of the proposed comprehensive plan amendment **IS / IS NOT** reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.
4. The proposed amendment **IS / IS NOT** internally consistent with development regulations, capital facilities program, shoreline master program, the downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa.
5. The proposed amendment to the comprehensive plan **IS / IS NOT** consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring



- jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.
6. The 2015/2016 proposed Comprehensive Plan amendments **HAVE / HAVE NOT** been reviewed concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.
  7. Adverse environmental impacts association with this proposed amendment **HAVE / HAVE NOT** been identified. If adverse environmental impacts have been identified, adequate mitigation measures **HAVE / HAVE NOT** been identified as requirements for incorporation into a decision on the proposed amendment.
  8. A SEPA review **HAS / HAS NOT** been completed on the requested amendment.
  9. The proposed amendment **DOES / DOES 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.
  10. The proposed land use designation **IS / IS NOT** in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
  11. The proposed map amendment and site **ARE / ARE NOT** suitable for the proposed designation.
  12. The map amendment **DOES / DOES NOT** implement applicable comprehensive plan policies better than the current map designation.
  13. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan policies.
  14. The applicant **HAS / HAS NOT** presented enough evidence to justify the need for the proposed change to the Comprehensive Plan.
  15. The proposed change to the Comprehensive Plan **IS / IS NOT** more effectively or appropriately addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
  16. The Plan Commission **DID / DID NOT** receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

**X. PLAN COMMISSION RECOMENDATION:**

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC 17G.020, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan.

If recommended for approval, the Plan Commission may incorporate conditions of approval into their recommendation, as may be identified in deliberations as necessary

and/or appropriate to address the review criteria, decision criteria, and/or neighborhood compatibility issues.

**XI. LIST OF EXHIBITS**

**Exhibit Description**

A-1	Application Materials
A-2	SEPA Checklist
S-1	SEPA Determination of Non-Significance
S-2	Relevant Comprehensive Plan Policies
PA-1	Agency Comment - County of Spokane, Public Works
PA-2	Department Comment - City of Spokane, Fire Department
PA-3	Department Comment - City of Spokane, Planning & Development