

ORDINANCE NO \_\_\_\_\_

An ordinance adopting an emergency amendment to the city of spokane comprehensive plan including amendments to chapter 4 transportation, by adopting a master bike plan including changes to the text of the transportation chapter of the comprehensive plan and a new planned bikeway network map (map tr 2).

WHEREAS, in compliance with the Washington State Growth Management Act, Chapter 36.70A RCW, the City of Spokane adopted a Comprehensive Plan on May 21, 2001; and

WHEREAS, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan shall be subject to continuing evaluation and review, and amendments to the Comprehensive plan shall be considered no more frequently than once every year; and

WHEREAS, Chapter 36.70A.130(2) of the Revised Code of Washington notes that amendments to the Comprehensive Plan may be considered more frequently than once per year under certain circumstances. RCW 36.70A.130(2)(b) states, "...after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court"; and

WHEREAS, the City's Comprehensive Plan is required to be consistent with the Growth Management Act. A 2005 amendment to the Growth Management Act requires a, "Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles" (RCW 36.70A). The Master Bike Plan proposes revisions to the existing bicycle-related policies in Chapter 4 Transportation and the Planned Bikeway Network map (TR 2) to address this provision of the Growth Management Act; and

WHEREAS, Chapter 36.70A.130(2) of the Revised Code of Washington notes that amendments to the Comprehensive Plan may be considered more frequently than once per year under certain circumstances. RCW 36.70A.130(2)(b) states, "...after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court"; and

WHEREAS, Spokane Municipal Code Section 17G.020.010 "Comprehensive Plan and Development Standard Amendment Process" identifies terms and conditions for Comprehensive Plan amendments. Under most circumstances, recommendations for amendments to the Comprehensive Plan may only take place on an annual basis; and

WHEREAS, Spokane Municipal Code Section 17G.020.010E "Amendment Exceptions" outlines conditions under which the Comprehensive Plan may be amended more often. Provided that all of the amendment criteria have been met, the following type of amendment may be considered more frequently than once a year: Section 17G.020.010E4 "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"; and

WHEREAS, the criteria for an emergency amendment require a demonstration of community-wide significance. The Master Bike Plan addresses bicycling improvements throughout the city; and

WHEREAS, the second criterion for an emergency amendment is to address the absence of adequate and available public facilities or services. Presently, the city of Spokane bikeway network lacks connectivity and is not adequate in terms of providing available facilities that will encourage increased bicycling. The Bike Master Plan will serve as a guide to the actions of various local agencies to make improvements. In addition, the adoption of this plan as an emergency amendment will ensure that Spokane is considered for potential federal or other funds allocated for bicycle improvements when the next opportunity becomes available. The City should adopt this bicycle plan prior to the 2009 construction season to ensure that no opportunities to erect bicycle facilities are missed; and

WHEREAS, the proposed Master Bike Plan also contains a series of actions, which support the Master Bike Plan goal and policies, and will serve as a guide for the functions of the bicycle/pedestrian coordinator, a new position that will be hired by the City in 2009; and

WHEREAS, Spokane's Planning Services Department gathered public input at three open houses held in April 2008. Nearly 350 people attended this series of open houses to provide input. The Master Bike Plan Workgroup used input from 1200 survey responses. Additionally, Spokane's Planning Services Department gathered ideas from various listening posts held throughout the year, and collected e-mail/phone responses from stakeholders. More than 70 people attended an open house in November; and

WHEREAS, the Plan Commission held a public hearing on the Master Bike Plan on January 28, 2009. The Master Bike Plan consists of changes to current Comprehensive Plan language, an addition of a new section in Chapter 4 Transportation, and changes to Map T.R. 2 Regional Bikeway Network; and

WHEREAS, the City of Spokane also sought community participation in the Comprehensive Plan Update by contacting local media outlets and urging them to include several stories about the Master Bike Plan; and

WHEREAS, the City of Spokane also encouraged public participation and provided information on the Comprehensive Plan Update on its website ([http://www.spokaneplanning.org/master\\_bike\\_plan.htm](http://www.spokaneplanning.org/master_bike_plan.htm)); and

WHEREAS, as a result of the City's efforts, the public has had extensive opportunities to participate throughout the Comprehensive Plan amendment process and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, bicycles are currently mentioned in Chapter 4 Transportation of Spokane's Comprehensive Plan. Some of the policies in section 4.4 have been modified for the sake of clarity, consistency and modernization. Language in section 4.5 has also been modified for the same purposes; and

WHEREAS, this amendment proposal includes the addition of new bicycle-related goals and policies. These goals and policies are supported by an action plan that outlines specific actions that city agencies should take to implement the plan; and

WHEREAS, state agencies received 60 day notice of City of Spokane's proposed Comprehensive Plan amendments on December 4, 2008 and no formal comments were received; and

WHEREAS, the City Council finds that the amendments set forth herein are consistent with the Growth Management Act, and will protect and promote the health, safety and welfare of the general public; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared and a Determination of Nonsignificance (DNS) was issued on December 4, 2008 for the proposed Comprehensive Plan Amendments; -- Now, Therefore,

The City of Spokane does ordain:

**Section 1:** Findings, Analysis and Conclusions. After reviewing the record and considering the arguments and evidence in the record and at the public meetings, the City Council hereby adopts the findings and conclusions adopted by the Plan Commission on April 22, 2009.

**Section 2:** Revision of Sections of Existing Comprehensive Plan Elements. The City of Spokane Comprehensive Plan is hereby amended to revise the text, policy, and other provisions of the following sections of the Plan contained in Exhibit 1 and Exhibit 2, incorporated herein by this reference as if set forth in full.

**Section 3:** Revision of Map TR 2. The City of Spokane Comprehensive Plan Map TR 2 is hereby amended to reflect changes proposed in Exhibit 3.

**Section 4:** Amendments to Replace and Supersede. The City of Spokane Comprehensive Plan is amended by these changes and all such changes are intended to replace and supersede all sections of the Comprehensive Plan that are or may be inconsistent with the amendments contained herein.

**Section 5:** Transmittal to State. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Community, Trade and Economic Development as required by law.

**Section 6:** Preparation of Final Comprehensive Plan Document. City Staff are hereby directed to complete preparation of the final Comprehensive Plan document, including correction of any typographical edits, and inclusion of appropriate graphics and illustrations.

**Section 7:** Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.


ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date