

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapter 17G.020,
Comprehensive Plan Amendment Procedure; 17G.025, Text Amendments to the
Unified Development Code, and; Section 08.02.069, Comprehensive Plan and
Land Use Code Amendments**

A recommendation from the City Plan Commission to the City Council to DENY proposed amendments to the Spokane Municipal Code. These proposed changes would amend the procedures for annual Comprehensive Plan Amendments processing as well as amend the procedures for private-applications to amend the Unified Development Code. This proposal would add a threshold determination or a "docketing" step; SMC Chapters 17G.020 and 17G.025 currently govern these procedure. Proposed new sections 17G.020.025 and 17G.020.026 describe the proposed threshold procedure and threshold decision criteria.

Findings of Fact:

- A.** Pursuant to RCW 36.70A.130, the Growth Management Act ("GMA") authorizes the City to consider annual amendments to its Comprehensive Plan, but GMA generally does not require the City to approve any particular amendment(s). Absent a statutory provision mandating that the City approve a certain amendment, the decision whether or not to approve a particular amendment is within the City Council's legislative discretion.
- B.** Pursuant to GMA's authorization, the City has established an annual process for accepting and reviewing applications to amend the City's Comprehensive Plan. That process is codified in Chapter 17G.020 of the Spokane Municipal Code ("SMC").
- C.** The stated purpose of the proposed amendment was to add efficiencies to the City's annual Comprehensive Plan amendment process by establishing a threshold review process that would be used to determine which amendment proposals will be included in the City's annual Comprehensive Plan Amendment Work Program. The threshold review process proposed to add efficiencies to the City's annual amendment process by identifying amendment proposals which may be more appropriately addressed as part of other ongoing work programs, or included in the City's next periodic update. The proposed threshold review process also sought to more efficiently handle the work load for Plan Commission and the City Council, as well as staff. The proposed early threshold review was also intended to benefit applicants who, without early feedback, may spend considerable time and resources on proposed amendments.
- D.** The proposed threshold review process has been adopted in many local jurisdictions around the State and is consistent with the GMA.
- E.** The Community Assembly received a presentation on this proposal at their meeting of May 4, 2017.
- F.** The Spokane City Plan Commission held a workshop to study the proposed amendment on January 25, March 22, April 26, and May 10, 2017.

- G. On April 26, 2017, the City notified the Washington State Department of Commerce of its intent to adopt the proposed threshold review process. The City received an acknowledgement letter from the Department of Commerce on April 26, 2017.
- H. Notice of these proposed amendments to SMC and announcement of the Plan Commission's June 14, 2017 hearing was published in the Spokesman Review on May 31, 2017 and June 7, 2017.
- I. This proposed change is a categorically exempt from State Environmental Policy Act (SEPA) as procedural action as described in WAC 197-11-800(19).
- J. The City Plan Commission held a public hearing on June 14, 2017 to obtain public comments on the proposed amendments; deliberations followed.

Public Comment:

- A. The Plan Commission received one written comment in opposition to the proposed amendment, dated June 14, 2017, from Dwight Hume. His letter expressed concerns regarding the use of public hearings during the docketing process to allow public comment on whether or not the application "qualifies for consideration; and, the potential of Plan Commission and/or City Council to direct the action for consideration to another Planning process, which is an unreliable option due to staffing and budget considerations. He states that the applicant has a right to "due process". His letter also indicated that if it was a matter of excessive staff time, the provision of hourly rates for extraordinary staff time in the City's fee schedule should be assessed, but it would need to be assessed both against the applicant and the neighborhood or other opposition groups.
- B. At their hearing on June 14, 2017, the Plan Commission heard testimony from two individuals, Dwight Hume and Jim Frank, in opposition to the proposed amendment. Dwight Hume's testimony reiterated the points in his letter (described in paragraph A, above). Jim Frank also testified, stating that last year's Comprehensive Plan amendment in the North Indian Trails neighborhood would not have been considered unreasonable by any rational person based upon the language in the Comprehensive Plan. He indicated that the neighborhood doesn't like the Comprehensive Plan because it is a suburban neighborhood and we are trying to impose an urban plan on a suburban neighborhood. He further stated that the proposed amendment would throw cold water on investment in the City, and that the amendment was ill-conceived.
- C. No other testimony was heard.

Discussion:

During deliberations on June 14, 2017, the Plan Commission considered the proposed text amendment using the criteria set forth in SMC 17G.025.010. The Plan Commission indicated in deliberations that they did not believe that the proposal would encourage business investment or promote a good business climate in the City. Instead, the Plan Commission found that the current process (i) provides greater opportunity for public notice and participation for all applications received by the City; (ii) provides a more equitable process that meets the needs

of the entire community, including the applicants; and (iii) provides a meaningful opportunity for applicants to make adjustments to otherwise objectionable applications based on feedback received from staff, the public, the Plan Commission, and ultimately the City Council during the longer process.

The Plan Commission also indicated that they not believe that the proposed amendments would result in significant improvements in the efficiencies of managing Plan Commission, City Council, and/or staff workloads and suggested that there are better ways to address work load and resource concerns, including increased application processing fees. The Plan Commission indicated that they support providing all applicants with more process than is envisioned by the proposed threshold review process.

Conclusions:

With regard to the Proposed Text Amendment to Spokane Municipal Code Chapter 17G.020, Comprehensive Plan Amendment Procedure; 17G.025, Text Amendments to the Unified Development Code, and; Section 08.02.069, Comprehensive Plan and Land Use Code Amendments , based on the foregoing findings, public comments and testimony heard on the proposed amendment, and discussion during deliberations, the Plan Commission concluded that:

- A.** The proposed amendments are not consistent the applicable goals and policies of the City's Comprehensive Plan.
- B.** The proposed amendments do not bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of **6** to **2**, the Plan Commission voted against recommending approval of the proposal to add the threshold review process to the City's annual Comprehensive Plan Amendment process.



**Dennis Dellwo, President
Spokane Plan Commission
June 28, 2017**

DRAFT ORDINANCE NO. _____
Prepared for Plan Commission Hearing, June 14, 2017

Chapter 17G.020
Comprehensive Plan Amendment Procedure

17G.020.010 ((Comprehensive Plan Amendment Purpose)) Purpose and Guiding Principles

- A. This chapter ~~((provides the process))~~ establishes the procedure and decision criteria that the City will use to review and amend ~~((for amending))~~ the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ~~((annual))~~ amendment process are legislative actions. These actions include amendments to the land use plan map ~~((or))~~ and/or text of the comprehensive plan.
- B. The guiding principles of the annual amendment process ~~((for comprehensive plan amendments))~~ are as follows:
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))~~ Amendments to the comprehensive plan must result in a net benefit to the general public.

C. Scope of Amendments

A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;
2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;
3. Administrative and regulatory procedures that implement the comprehensive plan; or
4. The comprehensive plan or its implementation measures, as necessitated by annexation action.
5. Proposed amendments may not include amendments to the urban growth area boundary.

17G.020.020 ((Timing)) Amendment Process

- ~~((A. No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, 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.))~~
- B. ~~((A.))~~ This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ~~((an area-wide or))~~ a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((application requirements of SMC 17G.060.070)) procedures set forth in chapter 17G.060 SMC.

New Section:

Section 17G.020.025 Initiation of Amendment Proposals

- A. Amendment proposals initiated by the public or persons or entities other than the City.
1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:
 - a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.

- i. City Council Review. Pursuant to the applicable procedural provisions of this chapter, complete applications to propose an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by the City Council. The City Council will hold a public hearing and, using the criteria set forth in SMC 17G.020.026, determine which amendment proposals initiated by the public should be included in the Annual Comprehensive Plan Amendment Work Program.
 - ii. Consideration of Geographic Scope. Prior to the hearing, the City Council shall review the geographic scope of any proposed amendments. The City Council may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics.
 - iii. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.
 - b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.
 - i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.
 - ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.
- 2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.
 - a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.
 - b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

B. Amendment Proposals Initiated by the City Council or Plan Commission.

1. City Council.

- a. Initiation. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the City Council is required to initiate consideration of an amendment.
- b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

- a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.
- b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

3. Subarea Plan Review. The City Council may initiate a review of a subarea plan in accordance with the procedure specified in subsection B.1 of this section when it concludes that the issues arising in a subarea are of sufficient magnitude and complexity to merit review through a subarea review process. Prior to review of a subarea plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

A new Section 17G.020.026 is added as follows:

Section 17G.020.026 Threshold Review Decision Criteria

The City Council may add a proposed amendment to the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met

- A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and
- B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and
- C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- D. The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, "significantly changed conditions" requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject

property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and

- E. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- F. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and
- G. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated;
- H. State law required, or a decision of a court or administrative agency has directed such a change.

17G.020.030 Final Review Criteria

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, ~~((and))~~ by the plan commission and by the city council in ~~((determining whether a criterion for approval has been met))~~ making a decision on the proposal.

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

E. Internal Consistency.

1. 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.
2. If a proposed amendment is significantly inconsistent with current policy within 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.

F. 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.

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.

1. 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.
2. 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.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

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).

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.

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.

K. ~~((Consistent Amendments))~~ Demonstration of Need.

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;
- 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.

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.);
- b. The map amendment or site is suitable for the proposed designation;
- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

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.

~~((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.~~

~~2. Adequate Documentation of Need for Change.~~

~~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:~~

- ~~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. transportation and/or other capital improvements are not being made as expected;~~
- ~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~
- ~~g. assumptions upon which the plan is based are found to be invalid; or~~
- ~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~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.))~~

17G.020.040 Amendment ((Exceptions)) Frequency

~~((The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.)) The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:~~

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive

plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. ~~((Also, future annexations will require an amendment to the land use plan map.))~~

B. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

~~((B))~~ C. Adoption or amendment of ~~((a))~~ the shoreline master program.

~~((G))~~ D. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.

~~((D))~~ E. 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.

~~((E))~~ F. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

~~((F))~~ G. Changes necessary to address 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.

~~((G))~~ H. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.

~~((H))~~ I. Technical corrections that would remove typographical errors or resolve a mapping error.

17G.020.050 Amendment Applications

~~((A. Scope of Amendments.~~

~~A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:~~

- ~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~

2. ~~regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~
3. ~~administrative and regulatory procedures that implement the comprehensive plan; or~~
4. ~~the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

~~Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.))~~

~~((G))A.((Pre-application)) Threshold Review Application.~~

~~Prior to submitting an amendment proposal for threshold review per SMC 17G.020.025, a private applicant is required to schedule a pre-application conference ~~((by submitting the following -)).~~ The following shall be submitted prior to scheduling the predevelopment conference:~~

1. ~~((Pre-application)) Threshold review application form, including a general summary of the nature of the ~~((desired change))~~ proposed amendment.~~
2. ~~The ~~((pre-application))~~ threshold review fee as specified in chapter 8.02 SMC.~~

~~((D))B. Final Review Application ((Components)).~~

~~A private applicant for a comprehensive plan amendment must submit the following documents and fees:~~

1. ~~A general application.~~
2. ~~A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:~~
 - a. ~~Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ~~((or inconsistent))~~ with the current comprehensive plan, and whether the applicant believes any ~~((specific suggested changes))~~ additional amendments to the plan ~~((or))~~ and/or other related documents may be necessary to maintain the comprehensive plan's internal consistency. ~~((The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.))~~~~

- b. Statement of how the amendment request is consistent with all of the ~~((decision criteria))~~ guiding principles and final review criteria.
3. A completed SEPA checklist. A non-project supplement ~~((is))~~ will be required since all comprehensive plan amendments are considered non-project proposals.
 4. A notification district map.
 5. ~~((Full))~~ Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ~~((pre-application))~~ threshold review fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 17G.020.060 is amended as follows:

17G.020.060 Process for Application, Review and Decision

~~((A. Pre-application Form.~~

~~Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.))~~

~~((B))A. Pre-application Conference.~~

~~A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's ((desired change)) proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their ((concern)) proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).~~

~~((C))B. ((Deadline for Consideration)) Application Deadline.~~

~~((Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference.)) Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to~~

be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete. An application ((will)) shall not move ahead for ((further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal)) final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

~~((D.—Application Certification, Docketing.~~

~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one-hundred-twenty-day review requirements of chapter 36.70B RCW.))~~

~~((E))C.((Full Review—SEPA)) Review by City Staff and Agencies.~~

~~((Full)) Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis ((begins December 1st for those proposals certified complete by November 30th)) of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. ((Priority of proposal)) Timely review is ((based)) dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements ((and provision of requested studies)). Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.~~

((F))D. Notice of Application/SEPA.

~~((Within fourteen days of the completion of the review required))~~ When the review described in subsection ((E)) (C) above is complete, staff sends ((the)) a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within ((sixty)) thirty days of the date the notice of application is ((sent by staff to the applicant)) provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

((G))E. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

((H))E. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence ~~((and hold public open houses))~~ during this time.

((I))G. SEPA Determination.

~~((Within ten days of))~~ Following the end of the public comment period, staff will complete the SEPA threshold determination ~~((, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty))~~ pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications 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).

((J))H. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published ~~((within seventeen days of the end of the public comment period, and))~~ fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

~~((K))~~I. Staff Report.

~~((Once the SEPA appeal period ends,))~~ Prior to the Plan Commission hearing, ~~((the))~~ staff prepares its final report, which address~~((es both))~~ SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are ~~((mailed))~~ provided to the applicant as well as ~~((the))~~ plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state ~~((office of community, trade and economic development))~~ department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620~~((, and subsection (I)(9) of this section))~~.

~~((L))~~J. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA ~~((appeal period has expired))~~ decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

~~((M))~~K. Plan Commission Recommendation.

The plan commission bases its recommendation on the ~~((review guidelines and required decision))~~ guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, ~~((and conclusions regarding its recommendation))~~ conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

1. Approval based on support for the proposal and recognition that it is ~~((either))~~ consistent with the comprehensive plan ~~((and/or that enough evidence was presented to justify the need for the change))~~ applicable guiding principles, and amendment review criteria.
 - a. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

2. Denial for the following reason(s):
- a. The proposal ~~((does not comply with the review guidelines or decision criteria))~~ is not consistent with applicable guiding principles and/or amendment review criteria.
 - b. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
 - c. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ~~((This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.))~~

~~((N))~~L. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's ~~((amendment))~~ recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council ~~((may))~~ shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. ~~((However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.))~~

~~((O))~~M. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive

plan amendments over the years, and such list will be included as part of the comprehensive plan.

17G.020.070 Notification

- A. Application Deadline.
As a courtesy, the city will publish a reminder notice once (~~in early January and again~~) in early (~~September~~) August regarding each year's amendment application deadlines.
- B. Private Applicant.
A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.
- C. Text Changes.
Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of publishing/posting/ mailing are provided to the planning department by the applicant.
- D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.
- E. City Council Hearing.
Notice of city council hearings must be published in the *Official Gazette*, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.
- F. City Council Decisions.

City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the *Official Gazette*. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.

G. Duration, Content of Notice.

Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.

H. Transmittal to State, Notice of Intent to Adopt.

At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state ((office of community, trade and economic development (CTED))) department of commerce (Commerce) ((as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions,)) for their review and comment. In addition, copies of adopted amendments must be transmitted to ((CTED)) Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

No changes proposed, included for reference will not go in final ordinance:

17G.020.075 Supplemental Notice

A. Purpose.

In order to make all efforts to notify related parties, supplemental notification methods should be utilized, as appropriate, such as:

1. notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
2. placing notices in appropriate regional, neighborhood, foreign language or trade journals; and
3. publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

B. Who to Notify.

Depending on the nature of particular applications, the plan commission may decide to require additional notice procedures that are reasonably calculated to

provide notice of proposed amendments to comprehensive plans and development regulations to any of the following groups:

1. Property owners, residents and building occupants.
2. Other affected and interested individuals.
3. Tribes.
4. Government agencies.
5. Businesses.
6. School districts; and
7. Organizations.

Section 10. That there is adopted a new section 17G.020.080 to chapter 17G.020 of the Municipal Code to read as follows:

No changes proposed, included for reference will not go in final ordinance:

17G.020.080 Public Participation Program

A. Roles

All complete applications for amendment to the comprehensive plan are considered and reviewed by the plan commission and city council. Depending on the content, scope or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.

B. Goals.

Various public meetings, forums, presentations and outreach may be conducted in order to ensure:

1. broad dissemination of proposals and alternatives;
2. opportunity for written comments;
3. public meetings after effective notice;
4. provision for open discussion;
5. communication programs;
6. information services; and

7. consideration of and response to public comments.

C. Strategies and Methods.

In addition to plan commission and city council public hearings on amendment proposals, specific public participation strategies and methods should include, as appropriate:

1. efforts to involve the broadest cross-section of the community;
2. a series of public meetings or workshops should be held at various locations;
3. opportunity to make written comment;
4. a variety of communication programs and information services, such as information packets, brochures and a speakers bureau;
5. drafts of proposals and alternatives should be reproduced and made available to the public at the planning department offices, public libraries, and the planning department's website;
6. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media;
7. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.

D. Neighborhood Meetings.

Since all proposals are required to be consistent with any adopted neighborhood plan or center plan; persons proposing site-specific amendments are encouraged to address these through the neighborhood planning process. If the affected area currently has no existing neighborhood or center planning group, the applicant should meet with whatever representative body already exists (e.g., neighborhood council, or CDBG steering committee).

E. Consideration of and Response to Public Comments.

All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

F. SEPA.

Every effort should be made to incorporate public involvement efforts into the SEPA process.

- G. Emergencies.
Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.

end

DRAFT ORDINANCE

Amending SMC Section 8.02.699 Comprehensive Plan and Land Use Code Amendments

Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.069 Comprehensive Plan and Land Use Code Amendments

- A. A ~~((pre-application))~~ threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to SMC 17G.020.010(G)(3) and shall be credited to the full application fee pursuant to SMC 17G.020.010(G)(4)(e).
- B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.
- C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.
- D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

Section 17G.025.010 Text Amendments to the Unified Development Code

- A. Initiation.
~~((Text amendments to this code))~~ Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:
 - 1. Property owner(s) or their representatives;
 - 2. Any citizen, agency, neighborhood council, or other party; or
 - 3. A ~~((City))~~ city department, the plan commission, or the city council.
- B. Applications. ~~((Applications shall be made on))~~ Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are

specified in chapter 8.02 SMC.

C. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than the City.

1. ((After submittal of an applicant-initiated application, the application)) Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:
 - a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
 - b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
 - c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
 - d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
 - e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
 - f. State law required, or a decision of a court or administrative agency has directed such a change.
2. ((After submittal,)) If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ((shall)) should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and

SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

((D)) E. Notice of Public Hearing.

Amendments to ((this code)) Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and
- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city

council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

H. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. (~~By a majority vote, the city council shall~~) The city council may:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.

J. Inapplicability to certain chapters.

This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the "construction standards"). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council's regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be

submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).