

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION**

**0.11 acres along rear property line of Huckleberry's/Ace Hardware shopping center; 1021
W 9th Avenue; File Z17-623COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

Change a portion of one parcel (35193.9017) from "Residential 15-30 Land Use" and RMF zoning to "Neighborhood Retail Land Use" and NR-35 zoning (same as adjacent commercial Ace Hardware and Huckleberry's). The subject portion is approximately 6 feet in width on east edge and 22 feet in width on south edge of parcel (approximately 4,783 square feet or 0.11 acre). No specific development proposal is being approved at this time.

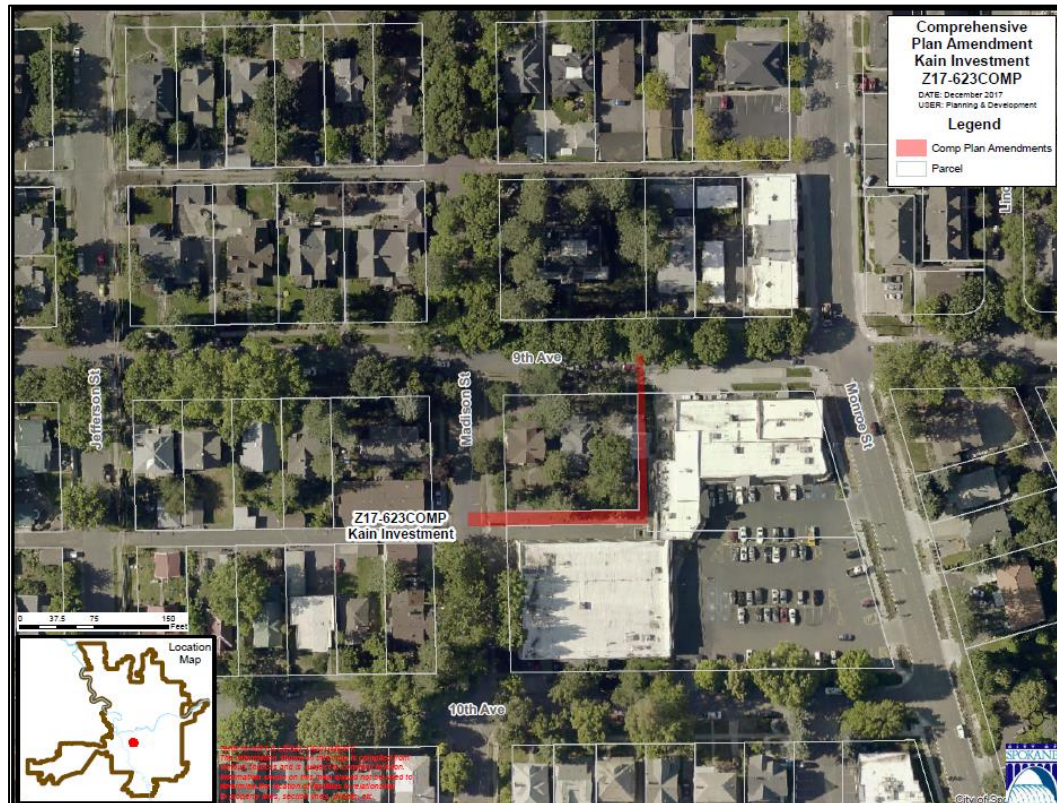
II. GENERAL INFORMATION

Agent:	Dwight Hume, Land Use Solutions and Entitlement
Applicant/Property Owner(s):	Kain Investment LLC (formerly owned by 9 th and Monroe LLC) c/o Ralph E. Swanson Lighthouse Properties
Location of Proposal:	The subject site includes a portion of one parcel located at West 9 th Avenue and South Madison Street (1021 W 9 th Avenue / parcel 35193.9017). The concerned property totals approximately 4,873 square feet (0.11 acres).
Legal Description:	Full legal descriptions of the subject properties are available in the Planning Services Department, located on the 3 rd Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329.
Existing Land Use Plan Designation:	"Residential 15-30"
Proposed Land Use Plan Designation:	"Neighborhood Retail"
Existing Zoning:	RMF (Residential Multifamily)
Proposed Zoning:	NR-35 (Neighborhood Retail with 35-foot height limit)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on August 28, 2018. The appeal deadline is 5 p.m. on September 11, 2018.
Enabling Code Section:	SMC 17G.020, Comprehensive Plan Amendment Procedure.
Plan Commission Hearing Date:	September 12, 2018

Staff Contact:	Christopher Green, AICP, Assistant Planner; cgreen@spokanecity.org
Recommendation:	Approval

III. BACKGROUND INFORMATION

- A. Site Description: The subject property for the proposal is an approximately 4,873 square foot (0.11 acre) portion of an approximately 16,117 square foot (0.37 acre) parcel (Tax Parcel 35193.9016) at the southeast corner of W 9th Avenue and S Madison Street. The parcel shares the block with a shopping center



anchored by a grocer (Huckleberry's Natural Market) and hardware store (Ace Hardware). The shopping center was developed in several phases between 1914 and 1997, and is served by an off-street parking lot along the S Monroe Street and W 10th Avenue frontages.¹ Due to a 2017 boundary line adjustment,² the subject property, shown in red above, is now part of the parcel containing the shopping center but retains the Multifamily Residential land use designation and RMF zoning of its previous parent parcel.

¹ The shopping center presently consists of Tax Parcels 35193.9017 and .0192, totaling approximately 1.91 acres in size.

² Z17-449BLA.

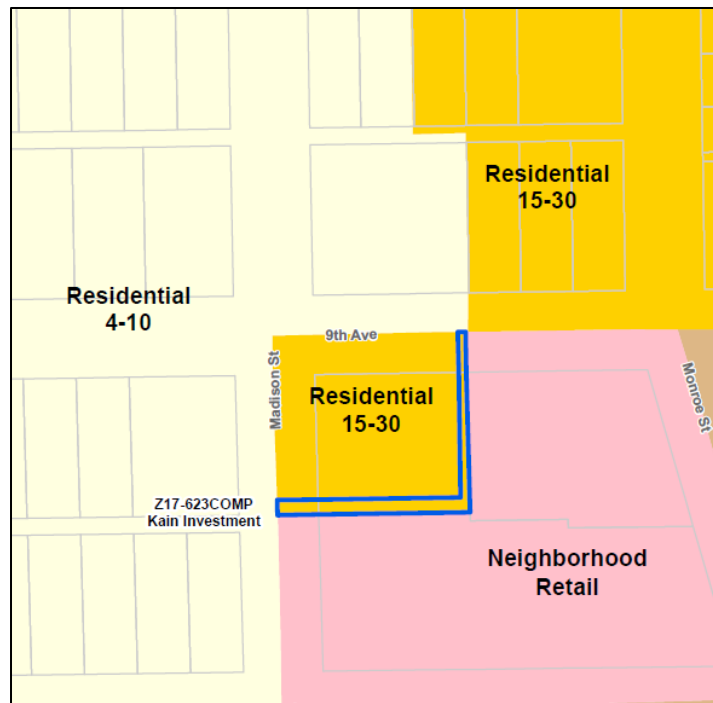
- B. Project Description:** Pursuant to the procedures provided in Spokane Municipal Code Section 17G.020, “Comprehensive Plan Amendment Procedure,” the applicant is requesting a comprehensive plan land use plan map designation change for a 0.11-acre portion of a 0.37-acre tax parcel from “Residential 15-30” to “Neighborhood Retail,” consistent with the existing designation on the remainder of the parcel. If approved, the zoning of the subject property would be



Recent Aerial Photograph – Subject Property Shown in Red.

changed from RMF (Multifamily Residential) to NR-35 (Neighborhood Retail with 35-foot height limit), consistent with the existing designation on the remainder of the parcel.

In effect, the proposal would shift the boundary between existing land use designations and zoning districts to be consistent with the parcel boundary established by the 2017 boundary line adjustment. The area of the proposed plan map and zone change is situated between existing developments on either parcel, and the subject proposal does not include any specific plans for development or improvement to the property.



C. Land Use History

The subject property was annexed into the City of Spokane in 1883 and platted in 1888 as part of Block 1 of the McIntosh Addition subdivision. Spokane County Assessor's records for adjacent properties indicate that commercial use of properties at the southwest corner of 9th Avenue and Monroe Street dates back to at least 1914, when the oldest remaining structure within the shopping center was constructed. Between 1939 and 1961, commercial uses expanded southward to include the entire Monroe Street frontage between 9th and 10th Avenues.³ During this time, the northwest corner of the block, including the subject property, remained in R4 (Multi-Family Residence) zoning.

Since the establishment of the current zoning code in 2006, the location has been zoned RMF (Multifamily Residential). 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 shopping center on the east and south sides of the block was identified as a Neighborhood Retail use, which recognizes "the existence of small neighborhood-serving businesses in locations that are not larger than two acres and that lie outside of designated Centers." The northwest portion of the block, including the subject property, was designated "Residential 15-30," consistent with the longstanding multifamily residential zoning of the properties.

³ In 1939, the City issued Certificate of Occupancy No. 92, allowing "Retail Stores and Shops, limited to uses needed to serve a residential district" on the southeast portion of the block. A zone change from Class II, Residential Zone to Class III, Local Business Zone followed in 1948, and in 1961 the southwest corner of the block was rezoned from "R4" Multi-Family Residence zone to "B1" Local Business zone.

An L-shaped alley through the block was vacated in 1993.⁴ In 2017, Boundary Line Adjustment Z17-449BLA relocated the common boundary between Tax Parcel 9016 and the shopping center parcels approximately 22.25 feet northward and 6.31 feet westward, slightly increasing the size of the shopping center holding. The remaining Tax Parcel 9016 is now in the process of being redeveloped with nine apartment units within three buildings, including both uncovered off-street parking spaces and dedicated spaces within garages. This adjacent multifamily development project has already received development approval and is not under consideration as part of the subject land use map change application under review.

D. Adjacent Land Uses and Improvements:

North (across W 9 th Avenue):	Residential 15-30 (apartments) and Residential 4-10 (single family residences)
South (across W 10 th Avenue):	Residential 4-10 (single family residences) and Office (medical offices)
East (across S Monroe Street):	Office (offices and single family residences)
West (across S Madison Street):	Residential 4-10 (single family residences)

E. Transportation Improvements. The subject property lies along the boundary between two different uses of a block bounded by W 9th Avenue, W 10th Avenue, S Monroe Street, and S Madison Street. The existing shopping center is within the portion of the block designated “Neighborhood Retail,” and is oriented towards the eastern frontage of the block, along S Monroe Street, which is designated as a Minor Arterial. Other streets at the perimeter of the block are designated as local streets. The property is also served by Spokane Transit Authority Route 42 (“South Adams”), which stops at the corner of W 10th Avenue and S Madison Street. Route 42 provides half-hourly service on weekdays and hourly service on Saturdays between the Lower South Hill and downtown transit plaza.⁵

F. Application Process:

- Application was submitted on October 30, 2017 and Certified Complete on April 19, 2018 ;
- City Council established the Annual Comprehensive Plan Amendment Work Program for 2018 by resolution (RES 2018-0021) on March 26, 2018;
- Applicant was provided Notice of Application on May 19, 2018;
- Notice of Application was posted, published, and mailed on May 29, 2018, which began a 60-day public comment period. The comment period ended July 27, 2018;
- A SEPA Determination of Non Significance was issued on August 28, 2018;

⁴ City of Spokane, Council Ordinance C29716, May 24, 1993.

⁵ <https://www.spokanetransit.com/routes-schedules/route/42-south-adams>, accessed August 13, 2018.

- Notice of Public Hearing was posted and mailed by August 29, 2018;
- Notice of Public Hearing was published on August 29 and September 5, 2018;
- Hearing Date is scheduled with the Plan Commission for September 12, 2018.

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-2**. Two agency/city department comments were received regarding this application:

- City of Spokane, Planning & Development
- Spokane Tribe of Indians

Comments from the Spokane Tribe of Indians indicate that because the application does not include specific development proposals and only concerns the land use and zoning of the subject property, impacts to cultural resources are unlikely at this time. The City of Spokane Planning & Development comments indicate that existing water, sewer, stormwater, and transportation facilities serving the subject property are currently adequate but would need to be reviewed at the time of a future development proposal.

Notice of this proposal was also sent to the Cliff Cannon Neighborhood Council and all property owners within the notification area. Notice was posted on the subject property, in the Spokesman Review, and in the local library branch. No comments were received from the Cliff Cannon Neighborhood Council, property owners in the vicinity, or members of the public at large prior to the comment deadline.

V. 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.

VI. REVIEW CRITERIA

SMC Section 17.G.020.030 establishes the approval criteria for Comprehensive Plan Amendments, including Land Use Plan Map Amendments. In order to approve a Comprehensive Plan Land Use Map Amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in ***bold italic*** print. Following each criterion is staff analysis relative to the amendment requested.

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 contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or local legislative actions with which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal. The proposal meets this criterion.

B. GMA.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”), and these goals guided the City’s development of its comprehensive plan and development regulations. This proposal has been reviewed for GMA compliance by staff from the Washington Department of Commerce. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA. The proposal meets this criterion.

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 proposed shift in boundary between land use designations effects a relatively small (approximately 0.11 acre) area and does not measurably alter infrastructure needs on the site or in the vicinity. The City did not require, nor did any Agency comment request or require a traffic impact analysis for the proposal. The subject property is already served by water, sewer, and transit service and lies immediately adjacent to existing local streets. Per State law, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020. Staff finds that the proposal meets this criterion.

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, the proposal involves shifting the boundary between two existing land use designations, with a relatively small (0.11 acre) effected area. Implementation of the concurrency requirement, as well as applicable development regulations and transportation impact fees, will ensure that development is consistent with adopted comprehensive plan and capital facilities standards, or that sufficient funding is available to mitigate any impacts to existing infrastructure networks.

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.***

Staff Analysis: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

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. The proposal does not result in any non-conforming

uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Map and zone change would result in a property that cannot be reasonably development in compliance with applicable regulations.

Capital Facilities Program. As described in the staff analysis of criterion C, above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.

Neighborhood Planning Documents Adopted After 2001. The Cliff-Cannon Neighborhood, utilizing the \$21,150 allocated by the Spokane City Council in 2007, began a planning process in 2012 as part of consortium of neighborhoods known as the South Hill Coalition. The South Hill Coalition adopted the *South Hill Coalition Connectivity and Livability Strategic Plan* in June 2014. As the document title suggests, the *Strategic Plan* focused primarily on environmental and street connectivity issues. The plan does not identify any strategies relating to the future use or development of the subject parcel, nor were any priority projects identified within or adjacent to the subject parcel. Therefore, the proposal to change the land use designation and zoning for the subject property is internally consistent with applicable neighborhood planning documents.

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.

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.

Staff Analysis: The proposal is generally consistent with current comprehensive plan policies, as described in further detail in findings elsewhere within this report. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject 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.

Staff Analysis: The proposed shift in boundary between land use designations effects a relatively small (approximately 0.11 acre) area with no foreseeable implications to regional or interjurisdictional policy issues. No comments have been received from any agency, city department, or neighboring jurisdiction which seems to indicate that this proposal is not regionally consistent. The proposal meets this criterion.

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.

Staff Analysis: This application, along with four other applications for comprehensive plan amendments, are being reviewed concurrently, as part of an annual plan amendment cycle. The five proposals under consideration are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Each of the five subject properties for comprehensive plan amendment proposals are separated from the others by large swaths of pre-existing urban development. 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. The proposal meets this criterion.

H. SEPA.

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

Staff Analysis: The application has been reviewed in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of the information contained in the environmental checklist, 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 28, 2018. The proposal meets this criterion.

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: The proposed shift in boundary between land use designations effects a relatively small (approximately 0.11 acre) area and does not measurably alter demand for public facilities and services in the vicinity of the site or on the citywide basis addressed in CFU 2.1 and CFU 2.2. The proposal does not create a new development site and would only provide a slightly extended site for the adjacent neighborhood retail use. The small scale and of the proposed change precludes any measurable need for public resources to serve the site. Staff finds that the proposal meets this criterion.

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 subject proposal does not involve an amendment to the Urban Growth Area boundary. Therefore, this criterion does not apply to this proposal.

K. 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 [...]

Staff Analysis: The proposal is for a map change only and does not include any proposed policy adjustments. Therefore, this subsection does not apply.

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: Comprehensive Plan Policy LU 1.6 sets forth the locational criteria for the Neighborhood Retail land use designation. The proposal would expand this designation approximately 22.25 feet northward and 6.31 feet westward from an existing 1.91 acre Neighborhood Retail district, developed as a shopping center anchored by grocery and hardware stores. As described in LU 1.6, the Neighborhood Retail designation “recognizes the existence of small neighborhood-serving businesses in locations that are not larger than two acres and that lie outside of designated Centers.”

Because the purpose of the Neighborhood Retail designation is to accommodate existing, moderately intense commercial development, LU 1.6 and other Comprehensive Plan policies generally limit the outward growth of Neighborhood Retail areas. However, the proposed plan map change would only represent an approximately 6 percent increase in the size of the existing Neighborhood Retail site, and would conform to existing parcel boundaries. The additional 4,873 square feet of land designated Neighborhood Retail by the proposal would not allow for an intensification of retail uses on the site, but would slightly increase the off-street parking capacity of the shopping center, thereby reducing potential impacts caused by on-street parking by customers in adjacent residential areas. The proposal meets criterion (a).

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

Staff Analysis: As described in the staff response to criterion (a) above, the shopping center property on the south and east portions of the block meets the locational characteristics for the Neighborhood Retail designation, as set forth in Comprehensive Plan Policy LU 1.6. The proposal would result in a small extension of the existing Neighborhood Retail site, improving parking and circulation for the existing retail uses and alleviating the split designation along the boundary with Tax Parcel 9016. The proposal meets criterion (b).

c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

Staff Analysis: The subject property is a narrow strip along the boundary between abutting properties designated Multifamily Residential and Neighborhood Retail. Under its current Multifamily Residential designation, the subject property has a different land use designation than the remainder of the holding, and precludes extension of adjacent retail uses onto this portion of the property. Due to its limited width of 6.31 to 22.25 feet and small overall size, the subject property does not hold any reasonable potential for further development consistent with the higher density residential uses intended for the Multifamily Residential designation, as described in Comprehensive Plan Policy LU 1.4.

By extending the Neighborhood Retail designation across the remainder of the shopping center parcels, the proposal would allow the perimeter of the property to be used in support of the existing retail use. The existing shopping center makes relatively compact use of the 1.91-acre site, especially considering the center contains both a grocery store and hardware store as retail anchors. Under these circumstances, the shopping center would be able to make efficient use of the additional 4,783 square feet made available by the proposed plan map change by providing additional space for circulation and off-street parking. Therefore, the proposal would provide additional space to support the function of an appropriately located Neighborhood Retail use, as opposed to undevelopable multifamily residential land under the current map designation. The proposal meets criterion (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 subject property will change from RMF (Multifamily Residential) to NR-35 (Neighborhood Retail with 35-foot height limit). The NR-35 zone implements the “Neighborhood Retail” land use designation proposed by the applicant. No policy language changes have been identified as necessary to support the proposed land use plan map amendment. The proposal meets this criterion.

VII. CONCLUSION:

Based on the facts and findings presented herein, staff concludes that the requested amendment to the Land Use Plan Map of the City’s Comprehensive Plan satisfies the applicable criteria for approval as set forth in SMC Section 17.G.020.030.

VIII. STAFF RECOMMENDATION:

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 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.

Staff recommends that the Plan Commission adopt the facts and findings of the staff report and recommend **APPROVAL** of the requested amendment to the Land Use Plan Map of the City’s Comprehensive Plan Map for the subject property containing an approximately 4,873 square foot (0.11 acre) portion of the parcel located at 1021 W 9th Avenue (parcel 35193.9017).

IX. LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A-1	Application Materials
A-2	SEPA Checklist
S-1	SEPA Determination of Non-Significance
S-2	Relevant Comprehensive Plan Policies
PA-1	Department Comment - City of Spokane Planning & Development
PA-2	Agency Comment - Spokane Tribe of Indians

EXHIBIT S-2 – RELEVANT COMPREHENSIVE PLAN POLICIES

LU 1.6 Neighborhood Retail Use

Direct new neighborhood retail use to Neighborhood Centers designated on the Land Use Plan Map.

Discussion: To ensure that neighborhood retail use is attracted to Centers, future neighborhood retail development is directed to the Centers. Neighborhood Retail areas located outside Centers are confined to the boundaries of the Neighborhood Retail designations.

The Neighborhood Retail designation recognizes the existence of small neighborhood-serving businesses in locations that are not larger than two acres and that lie outside of designated Centers. These locations are usually found along arterial streets, typically at the intersection of two arterials. In neighborhoods that are not served by a Center, existing neighborhood businesses provide nearby residents access to goods and services.

No new Neighborhood Retail locations should be designated outside of a Center. Further, business expansion at existing locations should be contained within the City of Spokane Comprehensive Plan 3-10 boundaries of the existing designation.

Business infill within these boundaries is allowed. Businesses that are neighborhood-serving and pedestrian-oriented are encouraged in Neighborhood Retail locations. Buildings should be oriented to the street and provide convenient and easily identifiable sidewalk entries to encourage pedestrian access. Parking lots should not dominate the frontage and should be located behind or on the side of buildings. Drive-through facilities, including gas stations and similar auto-oriented uses, tend to provide services to people who live outside the surrounding neighborhood and should be allowed only along principal arterials and be subject to size limitations and design guidelines.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

CFU 2.1 Available Public Facilities

Consider that the requirement for concurrent availability of public facilities and utility services is met when adequate services and facilities are in existence at the time the development is ready for occupancy and use, in the case of water, wastewater and solid waste, and at least a financial commitment is in place at the time of development approval to provide all other public services within six years.

Discussion: Public facilities are those public lands, improvements, and equipment necessary to provide public services and allow for the delivery of services. They include, but are not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, solid waste disposal and recycling, fire and police facilities, parks and recreational facilities, schools and libraries. It must be shown that adequate facilities and services are available before new development can be approved. While occupancy and use imply an immediate need for water, wastewater and solid waste services, other public services may make more sense to provide as the demand arises. For example, a certain threshold of critical mass is often needed before construction of a new fire

station, school, library, or park is justified. If these facilities and services do not currently exist, commitments for services may be made from either the public or the private sector.

CFU 2.2 Concurrency Management System

Maintain a concurrency management system for all capital facilities.

Discussion: A concurrency management system is defined as an adopted procedure or method designed to ensure that adequate public facilities and services needed to support development and protect the environment are available when the service demands of development occur. The following facilities must meet adopted level of service standards and be consistent with the concurrency management system: fire protection, police protection, parks and recreation, libraries, public wastewater (sewer and stormwater), public water, solid waste, transportation, and schools.

The procedure for concurrency management includes annual evaluation of adopted service levels and land use trends in order to anticipate demand for service and determine needed improvements. Findings from this review will then be addressed in the Six-Year Capital Improvement Plans, Annual Capital Budget, and all associated capital facilities documents to ensure that financial planning remains sufficiently ahead of the present for concurrency to be evaluated.

The City of Spokane must ensure that adequate facilities are available to support development or prohibit development approval when such development would cause service levels to decline below standards currently established in the Capital Facilities Program.

In the event that reduced funding threatens to halt development, it is much more appropriate to scale back land use objectives than to merely reduce level of service standards as a way of allowing development to continue. This approach is necessary in order to perpetuate a high quality of life. All adjustments to land use objectives and service level standards will fall within the public review process for annual amendment of the Comprehensive Plan and Capital Facilities Program.

Land Use Solutions & Entitlement

Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V)

(Hand Delivered)

10-22-17

Tirrell Black
Planning & Development Services
808 W Spokane Falls Blvd. 3rd Floor
Spokane WA 99201

RECEIVED

OCT 30 2017

PLANNING & DEVELOPMENT

Ref: Comprehensive Plan Map Amendment Residential 15-30 to Neighborhood Retail

Dear Tirrell:

Enclosed for your review and processing is a complete set of applications and exhibits for the above referenced map amendment. This is the site commonly known as Huckleberry's and Ace Hardware and involves a very small portion of ownership left over after the recent BLA for 3 lots located at 9th and Madison that are now being developed by others as a single 9 unit apartment site.

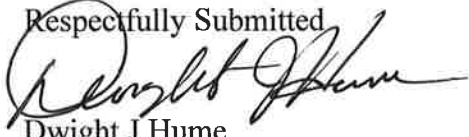
The remnant of the BLA adjoins the north side of the Huckleberry's store and also west of the Ace Hardware building. Dimensionally, there is a 14.25 foot portion paralleling Huckleberry's along the vacated alley and a 6.32 foot portion paralleling the west line of the Ace Hardware building site. Combined, they amount to 2772.5 sf. and are being added into the existing Neighborhood Retail designation of 1.84 acres, resulting in a total of 1.90 acres.

I believe we met with you, James Richman, Lisa and Ami on or about August 17th and discussed this and several other proposals. On this one, as I recall, there was little concern expressed by anyone, since this merely removes a split zone and solidifies the applicant's ownership and use for Neighborhood Retail. In this case, it provides sufficient space for parking and access along the back side of the retail center in full compliance with the applicable development standards.

While the overall intent is to aggregate the site into one zone, there needs to be some clarification about the Assessor's records as they relate to this property. In this instance, there is an approved BLA that aggregates the adjacent three lots into one single parcel and leaves an "L" shape portion. However, as of this writing, the Assessor's records do not show the new parcel numbers

resulting from the BLA and Tax Segregation Request. Ali Brast would be a good contact regarding verification of the BLA and Tax segregation.

Please direct all of your correspondence to me as agent for the owner/applicant.

Respectfully Submitted

Dwight J Hume
Land Use Solutions and Entitlement

Enclosure:

Threshold Application Fee \$500.00

General Application, Authorization to Represent

Threshold Review Form

SEPA Checklist

Site Plan Exhibits 2 sets

Comprehensive Plan Application (fee pending docketing)

Final Review Criteria

Notification Map Application with exhibits (fee pending docketing)

Email discussions with Cliff Cannon (Patricia Hansen Chair)

RECEIVED

OCT 30 2017

PLANNING & DEVELOPMENT

Land Use Solutions & Entitlement

Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V)

(Sent via email this date)

1-02-18

Tirrell Black
Planning & Development Services
808 W Spokane Falls Blvd. 3rd Floor
Spokane WA 99201

Ref: Comprehensive Plan Map Amendment Residential 15-30 to Neighborhood Retail

Dear Tirrell:

This letter is an update from the cover letter submitted with this application and is intended to correct the record as to the size of the zone change. As you know, we are now including the N ½ of the vacated alley adjacent to all of Lots 6-8, Block 1 of McIntosh Addition and the easterly 13.17 ft. of the N. 118.00 ft. of Lot 6. By doing so, we include the remnant portions currently owned by the applicant and zoned RMF. The combined area of the proposed amendment is now 4873.31 sf.

Also on this date, I have forwarded to you via email, the authorization from Kain Investments LLC for Ralph E Swanson to represent their interest in the subject property, a map depicting the area being amended and the revised legal description.

Finally, Spokane County Assessor's have updated their records and the subject parcel that includes the proposed zone change is now 35193.9017.



Dwight J Hume

Black, Tirrell

From: dhume@spokane-landuse.com
Sent: Tuesday, January 02, 2018 10:49 AM
To: Black, Tirrell
Cc: Ralph Swanson
Subject: 9th and Monroe CPA
Attachments: Property Management Agreement - Kain Investments LLC 926 South Monroe, Spokane (V283129).pdf; 9th and Monroe LLC Legal Description.docx; 9th and Monroe General Application.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Tirrell: I have attached both documents that you needed for the file. I also noticed that all of Lot 6 was still zoned RMF, so the legal now includes the east 13.17 ft. of said lot 6 as well as the N ½ of the alley adjacent to Lots 6-8. Because of the change in land area, the General Application was amended accordingly. Please keep the second signature page of the original submittal.

Dwight J Hume

Land Use Solutions and Entitlement
9101 N Mt. View Lane
Spokane WA 99218
509-435-3108

Revised Legal Description

(9th and Monroe LLC Map Amendment Residential 15-30 to Neighborhood Retail)

That portion of Lots 6-8 Block 1, McIntosh Addition as per plat recorded in Volume "A" of Plats, page 188, records of Spokane County; more particularly described as follows:

Lots 6-8 Block 1, McIntosh Addition

EXCEPT the North 118.00 ft. of the West 136.00 ft. thereof;

AND together with the north half of vacated alley adjacent to said Lots 6, 7 and 8.

Containing approximately 4873.31 square feet.

**DESCRIPTION OF PROPOSAL:**

Change Land Use Plan map from Residential 15-30 to Neighborhood Retail and the zone from RMF to NR-35 on 2772.5 sf of said R-15-30 property.

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

1021, 1025 and 1029 W 9th Avenue.

APPLICANT:

Name: Kain Investments LLC C/O Ralph E. Swanson Lighthouse Properties
Address: P O Box 78, Issaquah WA 98027
Phone (home): **Phone (work):** 206.283.1153 ext. 1
Email address: ralph@lighthouseproperties.us

PROPERTY OWNER:

Name: Same as above
Address:
Phone (home): **Phone (work):**
Email address:

AGENT:

Name: Land Use Solutions and Entitlement C/O Dwight Hume
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509.435.3108
Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

Portion of former parcel numbers 35193.0913, 0914, 0915. (see Z17-449BLA)

LEGAL DESCRIPTION OF SITE:

See Attached

SIZE OF PROPERTY:

Approximately 4873.31 sf

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Amendment to the Land Use Plan map from R-15-30 to Neighborhood Retail and the zone map from RMH to NR-35.

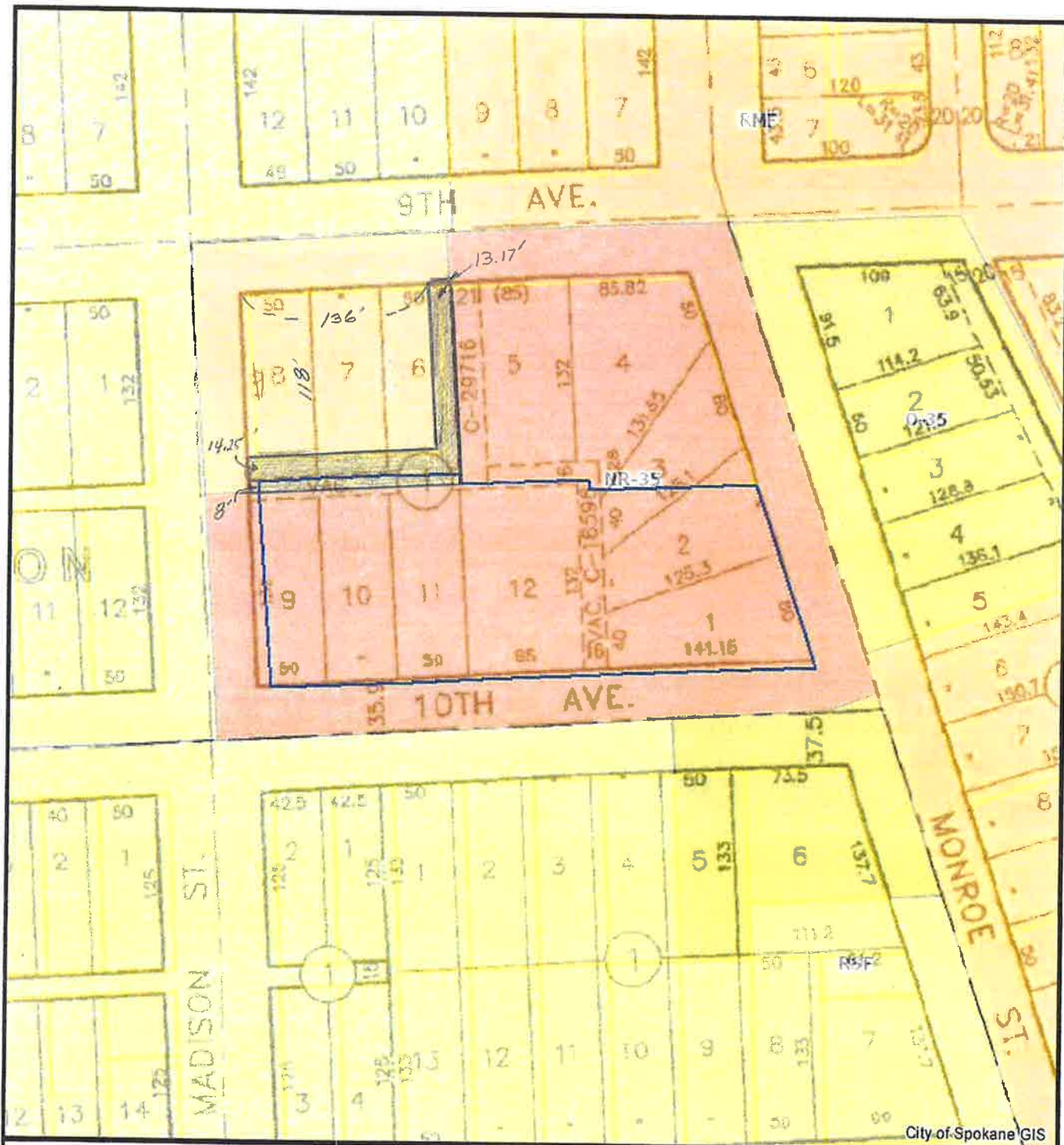
☐ Applicant ☐ Property Owner ☐ Property Purchaser ☐ Agent

I, _____, owner of the above-described property do hereby authorize _____ to represent me and my interests in all matters regarding this application.

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington,
residing at _____



PROPOSED NR-35

My Map
December 19, 2017



Legend

City of Spokane

Parcel

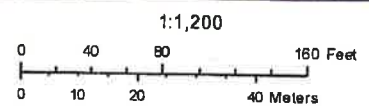
Adult

CC3

N River

Center and Corridor Type 1

Center and Corridor Type 2



THIS IS NOT A LEGAL DOCUMENT:
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Comprehensive Plan Amendment

Record/Permit Number: Z17-623COMP



**Planning Services
Department**
808 W Spokane Falls Blvd
Spokane, WA 99201
Phone: (509) 625-6060
www.spokaneplanning.org

Job Title: Change Land Use Map from R 15-30 to NR

Expires:

Site Information:

Address: 1021 W 9TH AVE

Parcel #: 35193.0913

Permit Status: Pending

Status Date: 10/30/2017

Parent Permit:

Applicant

Owner

**926 MONROE, LLC
c/o RALPH SWANSON OF LIGHTHOUSE PROPERTIES
PO BOX 78
ISSAQUAH WA 98027**

**926 MONROE, LLC
PO BOX 78
ISSAQUAH WA 98027**

EXT 1

Description of Work: Change Land Use Map from R 15-30 to NR

Contractor(s)

Fees:	Qty:	Amount:	Payments:	Ref#	Amount:
Pre-application Fee	1	\$500.00	10/30/2017 Check	3203	\$500.00
		<u>\$500.00</u>			<u>\$500.00</u>
Estimated Balance Due :					Amount:
					\$0.00

CONDITIONS OF APPROVAL



Comprehensive Plan or Development Standard Amendment Threshold Review - Counter Complete Checklist

This checklist includes all of the required information for submitting a **Early Threshold Review Application** for an item that has been docketed for full review as a COMPREHENSIVE PLAN OR DEVELOPMENT STANDARD AMENDMENT. It includes required information of the State Environmental Policy Act. Applications will not be processed until all of the following information is submitted and determined "Counter Complete."

- ☒ Predevelopment meeting summary (if applicable)
- ☒ Pre-application meeting or correspondence with neighborhood council (for map amendments)
- ☒ General Application, completed and signed
- ☒ Threshold Review Application for Comprehensive Plan Amendments
- ☒ Environmental checklist, if required under SMC Chapter 17E.050.
- N/A ☐ Additional materials such as photographs illustrating the site or visioning documents appropriate to a non-project action may be included.
- ☒ For a map amendment, (2) paper copies and one PDF (formatted for posting and emailing) of the site plan, drawn to a minimum scale of 1"=100', on a sheet no larger than 24"x36", which will include all of the following:

- ☐ Applicant's name, mailing address and phone number
- ☐ Section, township and range
- ☐ North arrow and scale
- ☐ Legal description
- ☐ Dimensions of property and property lines
- ☐ City limits and section lines
- ☐ Existing utilities in adjoining right-of-way
- ☐ Existing streets, alleys, major easements or public areas
- ☐ Location of existing buildings
- ☐ Unstable slopes (if applicable)
- ☐ Wetlands (if applicable)
- ☐ Water courses such as streams, rivers, etc. (if applicable)
- ☐ Flood plains, flood fringe or flood way (if applicable)
- ☐ Significant habitat or vegetation (if applicable)

10/30/2017

912 + Madison

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- N/A ☐ For a text amendment, instead of the site plan, please include the proposed amendment with the text to be added underlined and the text to be deleted with strikeouts.
- ☐ Additional application information may be requested later if item is put on the Annual Comprehensive Plan Amendment Work Program and may include, but is not limited to, the following: critical area studies, noise studies, air quality studies, visual analysis, transportation impact studies, geotechnical and wetland studies
- ☐ Planning & Development Department filing fees, as required under SMC Chapter 8.02

☒ Addition of Final Review Criteria Q answered including
old applicable for Comp Plan

▷ Notification Map - in advance

Planning Services
3rd Floor, City Hall
808 W. Spokane Falls Blvd
Spokane, Washington 99201
509.625.6300 (rev. 201709)

**DESCRIPTION OF PROPOSAL:**

Change Land Use Plan map from Residential 15-30 to Neighborhood Retail and the zone from RMF to NR-35 on 2772.5 sf of said R-15-30 property.

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

1021,1025 and 1029 W 9th Avenue.

APPLICANT:

Name: 9th and Monroe LLC C/O Ralph E. Swanson Lighthouse Properties
Address: P O Box 78, Issaquah WA 98027
Phone (home): **Phone (work):** 206.283.1153 ext. 1
Email address: ralph@lighthouseproperties.us

PROPERTY OWNER:

Name: Same as above
Address:
Phone (home): **Phone (work):**
Email address:

AGENT:

Name: Land Use Solutions and Entitlement C/O Dwight Hume
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509.435.3108
Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

Portion of former parcel numbers 35193.0913,0914,0915. (see Z17-449BLA)

LEGAL DESCRIPTION OF SITE:

See Attached

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OCT 30 2017

SIZE OF PROPERTY:

Approximately 2772.5 sf

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LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Amendment to the Land Use Plan map from R-15-30 to Neighborhood Retail and the zone map from RMH to NR-35.

SUBMITTED BY:

DWIGHT HUME

☐ Applicant ☐ Property Owner ☐ Property Purchaser ☒ Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement: **(See Attached Authorization Letter)**

I, _____, owner of the above-described property do hereby authorize _____ to represent me and my interests in all matters regarding this application.

ACKNOWLEDGMENT:

[illegible]

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington,
residing at _____

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Letter of Authorization

I, **RALPH E. SWANSON**, manager of the property described and attached, do hereby authorize Dwight J Hume to represent our interests in all matters regarding this application.

Signed *Ralph E. Swanson* Dated 10 / 24 / 2017

ACKNOWLEDGMENT:

STATE OF WASHINGTON)
) ss.

COUNTY OF KING)

On this 24 day of October, 2017, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared *Ralph Swanson*, to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.



Kristy Brown
Notary Public in and for the State of Washington,
residing at *King County*

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Legal Description

(9th and Monroe LLC Map Amendment Residential 15-30 to Neighborhood Retail)

That portion of Lots 6-8 Block 1, McIntosh Addition as per plat recorded in Volume "A" of Plats, page 188, records of Spokane County; more particularly described as follows:

The S. 14.25 ft. of Lots 7 and 8, and the S 14.25 ft. of the West 42.77 ft. of Lot 6. Together with the E. 6.31' of the N. 118.00' of the West 42.77 ft. of said Lot 6.

Containing approximately 2772.5 square feet.

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Land Use Solutions & Entitlement

Land Use Planning Services
9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V)

(Hand Delivered)

10-22-17

Tirrell Black
Planning & Development Services
808 W Spokane Falls Blvd. 3rd Floor
Spokane WA 99201

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Ref: Comprehensive Plan Map Amendment Residential 15-30 to Neighborhood Retail

Dear Tirrell:

Enclosed for your review and processing is a complete set of applications and exhibits for the above referenced map amendment. This is the site commonly known as Huckleberry's and Ace Hardware and involves a very small portion of ownership left over after the recent BLA for 3 lots located at 9th and Madison that are now being developed by others as a single 9 unit apartment site.

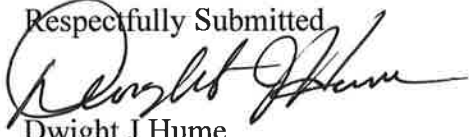
The remnant of the BLA adjoins the north side of the Huckleberry's store and also west of the Ace Hardware building. Dimensionally, there is a 14.25 foot portion paralleling Huckleberry's along the vacated alley and a 6.32 foot portion paralleling the west line of the Ace Hardware building site. Combined, they amount to 2772.5 sf. and are being added into the existing Neighborhood Retail designation of 1.84 acres, resulting in a total of 1.90 acres.

I believe we met with you, James Richman, Lisa and Ami on or about August 17th and discussed this and several other proposals. On this one, as I recall, there was little concern expressed by anyone, since this merely removes a split zone and solidifies the applicant's ownership and use for Neighborhood Retail. In this case, it provides sufficient space for parking and access along the back side of the retail center in full compliance with the applicable development standards.

While the overall intent is to aggregate the site into one zone, there needs to be some clarification about the Assessor's records as they relate to this property. In this instance, there is an approved BLA that aggregates the adjacent three lots into one single parcel and leaves an "L" shape portion. However, as of this writing, the Assessor's records do not show the new parcel numbers

resulting from the BLA and Tax Segregation Request. Ali Brast would be a good contact regarding verification of the BLA and Tax segregation.

Please direct all of your correspondence to me as agent for the owner/applicant.

Respectfully Submitted

Dwight J Hume
Land Use Solutions and Entitlement

Enclosure:

Threshold Application Fee \$500.00

General Application, Authorization to Represent

Threshold Review Form

SEPA Checklist

Site Plan Exhibits 2 sets

Comprehensive Plan Application (fee pending docketing)

Final Review Criteria

Notification Map Application with exhibits (fee pending docketing)

Email discussions with Cliff Cannon (Patricia Hansen Chair)

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Threshold Review

9th and Monroe LLC Map Amendment Residential 15-30 to NR-35

- a. The proposed amendment presents a matter appropriately addressed through the comprehensive plan;
LU 1.6 Direct new neighborhood retail use to Neighborhood Centers designated on the Land Use Plan map. This is merely an adjustment of the existing Neighborhood Retail border to include the applicant's remaining ownership within an existing block and adds 2772 sf. (.06 acres). This is consistent with the comprehensive plan policy because it contains the expansion at the present designated neighborhood center.
- 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;
The proposal does not raise policy or land use issues due to its minimal scale of expansion.
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program;
The proposal formalizes improvements for access and parking heretofore allowed in a sub-standard space. Accordingly, it brings this type of land use into full compliance with applicable development standards. No additional studies will be required. Hence, the proposal can be reasonably reviewed within the resources and time frame of the work program.
- d. 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; *Not Applicable.*
- e. 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;
As stated above, this is a minimal expansion of the Neighborhood Retail designation to include 2775 sf of the applicant's retail ownership, thus allowing adequate improvement for access and parking for the existing retail center. The proposal is therefore consistent with existing land use policy. As such it is also in compliance with Countywide Policy, GMA and other applicable state or federal regulations.

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- f. 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; *Not Applicable*.
- g. State law required, or a decision of a court or administrative agency has directed such a change. *Not Applicable*

Neighborhood Council Outreach:

This proposal is within the Cliff/Cannon NC district. Chairperson, Patricia Hansen is intimately familiar with the adjacent apartment project, the removal of the existing three houses and the redevelopment into a common 9 unit apartment complex. That project, reveals the common future reciprocal access and parking contemplated with this owner/applicant. We attempted to get on their October agenda, however, the meeting had just taken place when this effort was made. See attached email discussions with Patricia Hansen.

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Dwight Hume

From: Patricia Hansen <patricia@pahansen.com>
Sent: Monday, October 09, 2017 11:56 AM
To: Dwight Hume
Subject: Re: 2 proposed land use changes

Dwight,

I'll stay tuned for Tirrell's response before adding this topic to the Neighborhood agenda.

Sincerely,

Patricia

From: Dwight Hume <dhume@spokane-landuse.com>
Sent: Monday, October 9, 2017 9:31 AM
To: Patricia Hansen
Cc: 'Tirrell Black '
Subject: RE: 2 proposed land use changes

Patricia, that would depend upon whether or not the ad-hoc committee has already met to determine the annual docketing. If that has not happened, then of course I would want to attend. If it has been docketed, then eventually I will be requesting a meeting during the 60 day window of the Notice of Application. Let's see what Tirrell can add to this when she returns this Thursday. Thank you for your efforts to accommodate me.

Regards

Dwight J Hume

Land Use Solutions & Entitlement LLC

9101 N Mt. View Lane

Spokane, WA 99218-2140

509-435-3108

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From: Patricia Hansen [<mailto:patricia@pahansen.com>]
Sent: Saturday, October 07, 2017 1:38 PM
To: Dwight Hume
Cc: Tirrell Black
Subject: Re: 2 proposed land use changes

Hello Dwight and Terrell,

Are you interested in being on the January 2nd Agenda for the Cliff Cannon Neighborhood Meeting? I hope this is not too late to inform the Neighborhood about these two proposed land use changes.

Sincerely,

Patricia

From: Dwight Hume <dhume@spokane-landuse.com>
Sent: Friday, October 6, 2017 9:50 AM
To: Patricia Hansen
Cc: Tirrell Black
Subject: RE: 2 proposed land use changes

Patricia: Thanks for the update on your schedule. Let me know if you need additional information. You might want to connect with Tirrell Black, when she returns on October 12th.

Regards

Dwight J Hume

Land Use Solutions & Entitlement LLC

9101 N Mt. View Lane

Spokane, WA 99218-2140

509-435-3108

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From: Patricia Hansen [<mailto:patricia@pahansen.com>]
Sent: Thursday, October 05, 2017 4:16 PM
To: Dwight Hume
Cc: lauraccnc@sisna.com
Subject: Re: 2 proposed land use changes

Dwight,

Thank you for the land use changes described below. The Neighborhood is at least aware of the first proposed change. i am not sure of the second proposed change.

The Neighborhood Council does not have a business meeting in November and December. We start our Winter/Spring meetings in January. We meet the first Tuesday of the month - January 2nd. I will forward your request to the Executive Committee who meet next Tuesday to plan future agendas.

I will respond to you shortly.

Patricia

From: Dwight Hume <dhume@spokane-landuse.com>
Sent: Thursday, October 5, 2017 11:20 AM
To: Patricia Hansen
Cc: lauraccnc@sisna.com
Subject: 2 proposed land use changes

Patricia/Laura: I am sending this email to inform you of two proposed land use changes within your neighborhood and to request to be on your next regular scheduled meeting of November 7th. This request is triggered by the recently approved docketing schedule procedure of screening proposed annual amendment proposals and requires that the proponent inform the respective NC prior to the docketing meeting of the ad hoc committee.

Very briefly, 1) from RMF to NC-35 on a very small portion of property located at 9th and Madison behind Huckleberry's and Ace Hardware south and east of a proposed 9 unit apartment at 9th and Madison. 2) The second proposal is to change from O-150 to CB-150 at the SEC of 6th and Stevens. That proposal would extend an existing CB-150 zone located within the same ownership at the SWC of 6th and Washington and bring all of the ownership into a marketable and usable size of property for commercial use. '

Please confirm my placement on your next agenda.

Kindest Regards

Dwight J Hume

Land Use Solutions & Entitlement LLC

9101 N Mt. View Lane

Spokane, WA 99218-2140

509-435-3108

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Comprehensive Plan or Land Use Code Amendment

Application

DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

☐ Comprehensive Plan Text Change

☒ Land Use Designation Change

☐ Regulatory Code Text Change

☐ Area-wide Rezone

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary.

The proposed amendment incorporates the remaining 2772 sf of property owned by the applicant and currently designated Residential 15-30. The balance of the applicants ownership is adjacent to the east along 9th Avenue and to the south along 10th Avenue and consist of 80,150 sf of Neighborhood Retail. This will adjust the NR designation and make all of the applicants ownership one designation and zone.

- b. How will the proposed change provide a substantial benefit to the public?

The subject property adjoins the "backside" of the existing businesses. Heretofore there has been a substandard area zoned NR-35 that has been used for parking and access to the back of these retail buildings. The applicant was the former owner of the adjacent RMF property and recently sold the same after a BLA was approved that reduced the size of that land area and left this added 2772 sf. With this property zoned to NR-35, the parking can be improved to current development standards. As such, more on-site parking can be provided for employees, enabling more parking on site and on the street.

- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.

The proposed map amendment is consistent with LU 1.6 which directs new retail use to NC designated on the map. In this case, we are adjusting a boundary of an existing designated center to enable proper development of this 2772 sf remainder.

- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

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It does not significantly affect existing policy or designations of the adopted comprehensive plan. This adopted plan must be in compliance with applicable state and federal guidelines and policies, therefore, this amendment is in compliance as well.

- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

Yes, for the same reasons as stated above under subsection "d".

- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?

No, the future improvements will be on site and do not generate any need for off-site capitol improvements.

- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.

No amendments will be required.

- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide. N/A

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.

See enclosed maps on file.

- b. What is the current land use designation?

Residential 15-30

- c. What is the requested land use designation?

Neighborhood Retail

- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

North: Residential and apartments; West: Residential; South and East: Neighborhood Retail

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Section 17G.020.030 Final Review Criteria

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.

No changes to GMA or environmental regulations are known to affect the proposed amendment. Accordingly, the proposed amendment is consistent with applicable GMA and environmental regulations.

B. GMA.

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

The proposal is consistent with the adopted goals and policies of the Comprehensive Plan. That document has the same internal compliance requirement. Therefore, this meets the GMA requirements.

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.

No new infrastructure improvements will be triggered by this proposal. All expenses associated with this proposal are on site and privately funded.

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.

No impacts will occur to require to service levels from this proposed amendment.

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

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adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

The proposed 2775 sf. expansion of the existing Neighborhood Retail Center designation is inconsequential to the internal and applicable plans and programs if the City of Spokane.

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.

Not Applicable

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

The expansion of the existing NR designation by 2775 sf is not consequential to Regional Consistency.

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

The proposed amendment has no accumulative impacts

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.

This proposal has no effects on land use type or geographic area.

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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.

The applicant is unaware of other pending applications. Notwithstanding, this minuscule expansion of an existing NR designation has insignificant cumulative impacts

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) *Not Applicable*

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

The proposal has no impacts upon citywide services.

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: *Not Applicable*

K. Demonstration of Need.

1) 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.);

The designation is an extension of the existing NR designation to include the remaining 2775 sf of the applicant's property. It is internal to the city block that it is located upon and has no new impacts to existing traffic or other land use.

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

The map designation is suitable and consistent with the adjacent NR designation.

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

The map amendment enables full compliant parking improvements to what otherwise has been occurring on sub-standard space within the current NR-35 property.

2) Rezones Land Use Plan Map Amendments

The extension of the existing NR-35 zone does not impact other areas or zones citywide.

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Legal Description

(9th and Monroe LLC Map Amendment Residential 15-30 to Neighborhood Retail)

That portion of Lots 6-8 Block 1, McIntosh Addition as per plat recorded in Volume "A" of Plats, page 188, records of Spokane County; more particularly described as follows:

The S. 14.25 ft. of Lots 7 and 8, and the S 14.25 ft. of the West 42.77 ft. of Lot 6. Together with the E. 6.31' of the N. 118.00' of the West 42.77 ft. of said Lot 6.

Containing approximately 2772.5 square feet.

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Existing NR

Proposed NR



DESCRIPTION OF PROPOSAL:

Comprehensive Plan Map Amendment from Residential 15-30 to Neighborhood Retail

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

Not Applicable, rear yard area added into existing retail

APPLICANT:

Name: 9th and Monroe LLC C/O Ralph E Swanson, Lighthouse Properties
Address: P O Box 78, Issaquah WA 98027
Phone (home): **Phone (work):** 206.283.1153 ext 1
Email address: ralph@lighthouseproperties.us

PROPERTY OWNER:

Name: Same as applicant
Address:
Phone (home): **Phone (work):**
Email address:

AGENT:

Name: Land Use Solutions and Entitlement C/O Dwight Hume
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509.435.3108
Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

Former Parcel #'s 35193.0913-0914, 0915 and 0908. See BZ17-449BLA

LEGAL DESCRIPTION OF SITE:

See attached legal

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SIZE OF PROPERTY:

2772.5 sf.

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Comp Plan Map Amendment

**DOES OWNER/APPLICANT OWN PROPERTY ADJACENT TO SUBJECT PROPERTY?
If yes, provide all parcel numbers.**

Applicant owns 35193.0908 and 0912. (See attached site plan map).

I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in SMC 17G.060. for public hearing and community meeting. Copies of these instructions are available from the Planning Services Department or on www.spokaneplanning.org.

SUBMITTED BY:

☐ Applicant ☐ Property Owner ☐ Property Purchaser ☒ Agent

Land Use Solutions & Entitlement

Land Use Planning Services
9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V)

(Sent via email this date)

1-02-18

Tirrell Black
Planning & Development Services
808 W Spokane Falls Blvd. 3rd Floor
Spokane WA 99201

Ref: Comprehensive Plan Map Amendment Residential 15-30 to Neighborhood Retail

Dear Tirrell:

This letter is an update from the cover letter submitted with this application and is intended to correct the record as to the size of the zone change. As you know, we are now including the N ½ of the vacated alley adjacent to all of Lots 6-8, Block 1 of McIntosh Addition and the easterly 13.17 ft. of the N. 118.00 ft. of Lot 6. By doing so, we include the remnant portions currently owned by the applicant and zoned RMF. The combined area of the proposed amendment is now 4873.31 sf.

Also on this date, I have forwarded to you via email, the authorization from Kain Investments LLC for Ralph E Swanson to represent their interest in the subject property, a map depicting the area being amended and the revised legal description.

Finally, Spokane County Assessor's have updated their records and the subject parcel that includes the proposed zone change is now 35193.9017.

Dwight J Hume
Dwight J Hume

**DESCRIPTION OF PROPOSAL:**

Change Land Use Plan map from Residential 15-30 to Neighborhood Retail and the zone from RMF to NR-35 on 4873.31 sf of said R-15-30 property.

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

1021, 1025 and 1029 W 9th Avenue.

APPLICANT:

Name: Kain Investments LLC C/O Ralph E. Swanson Lighthouse Properties
Address: P O Box 78, Issaquah WA 98027
Phone (home): **Phone (work):** 206.283.1153 ext. 1
Email address: ralph@lighthouseproperties.us

PROPERTY OWNER:

Name: Same as above
Address:
Phone (home): **Phone (work):**
Email address:

AGENT:

Name: Land Use Solutions and Entitlement C/O Dwight Hume
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509.435.3108
Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

Portion of former parcel numbers 35193.0913, 0914, 0915. (see Z17-449BLA)

LEGAL DESCRIPTION OF SITE:

See Attached

SIZE OF PROPERTY:

Approximately 4873 sf

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Amendment to the Land Use Plan map from R-15-30 to Neighborhood Retail and the zone map from RMH to NR-35.

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Revised Legal Description

(9th and Monroe LLC Map Amendment Residential 15-30 to Neighborhood Retail)

That portion of Lots 6-8 Block 1, McIntosh Addition as per plat recorded in Volume "A" of Plats, page 188, records of Spokane County; more particularly described as follows:

Lots 6-8 Block 1, McIntosh Addition

EXCEPT the North 118.00 ft. of the West 136.00 ft. thereof;

AND together with the north half of vacated alley adjacent to said Lots 6, 7 and 8.

Containing approximately 4873.31 square feet.

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AFTER RECORDING RETURN TO:

Attn: Ali Brast
Planning & Development Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

Certificate of Approval of Boundary Line Adjustment

Expiration date if not processed by County Assessor: August 22, 2018

Approval Date: 8/22/17

Reference #: Z17-449BLA

Grantor(s): 926 Monroe, LLC

Site Address: 1021, 1025, 1029 W 9th Ave

Legal description(s) of parcel(s) BEFORE boundary line adjustment:

Assessor's parcel #: 35193.0913

Lots 6, 7 and 8, Block 1, McINTOSH ADDITION, EXCEPT the West 86.50 feet thereof; AND EXCEPT the East 7.00 Feet of Lot 6;

Assessor's parcel #: 35193.0914

The West 86.50 feet of Lots 7 and 8, Block 1, McINTOSH ADDITION, EXCEPT the West 44.50 feet

Assessor's parcel #: 35193.0915

The West 44.5 feet of Lot 8, Block 1, McINTOSH ADDITION

Assessor's parcel #: 35193.0908

Lots 2, 3 and 4 lying Northerly of the North line of Lot 12 extended Easterly; AND all of Lot 5 and the East 7 feet of Lot 6, Block 1, McINTOSH ADDITION, AND the North Half of vacated alley lying south of and adjacent to said East 7 feet of lot 6 and all of Lot 5; AND that portion of said vacated alley lying Northerly of the North line of said Lot 12 extended Easterly and Easterly of the East line of said Lot 12 extended Northerly.

Legal description(s) AFTER boundary line adjustment:

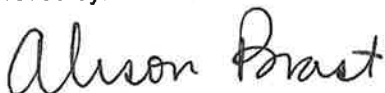
Segregation A (addressed as 1021 W 9th Ave):

The North 118.00 ft. of the West 136.00 ft. of Lots 6, 7 and 8, Block 1, McINTOSH ADDITION

Segregation B (addressed as 1005 W 9th Ave):

Lots 2, 3 and 4 lying Northerly of the North line of Lot 12 extended Easterly; AND all of Lot 5, 6, 7, and 8, Block 1, McINTOSH ADDITION TOGETHER WITH the North Half of vacated alley lying south of and adjacent to the East 7 feet of Lot 6 and all of Lot 5; AND that portion of said vacated alley lying Northerly of the North line of said Lot 12 extended Easterly and Easterly of the East line of said Lot 12 extended Northerly; EXCEPT the West 136.00 ft. of the North 118.00 ft. of said Lots 6, 7 and 8;

Approved by:



Alison Brast, Planning & Development Services

NOTE: Development of this property may be subject to conditions from other City departments.

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Spokane County Assessor

Real Property Segregation Division

1116 West Broadway Avenue

Spokane, Washington 99260

Phone: (509) 477.3698

Fax: (509) 477-2093

Email: ASSRSEG@Spokanecounty.org

Segregation Request Summary

Seg Number	20170403	Seg Category	Sale/Development
Seg Status	Submitted	Seg Type	Boundary Line Adjustment
Seg Status Reason			

Applicant Information

Applicant Is	Owner	Deputy ID	PPADEN
Name	DWIGHT HUME		
Address	9101 N MT VIEW LN, SPOKANE, WA, 99218		
Phone	(509) 435-3108	Work Phone	(509) 477-5902
		Fax	
Email			

Segregation Information Checks

Pending Segs	NO	Taxes Owed	NO	TCA Multiple	NO
Multiple Owners	NO	Res Impr	YES	Pending Excises	NO
Related Prop	NO	Comm Impr	NO		
Annexations	NO	Exemptions	NO		

Parcel Information

Number of Existing Parcels:	4	Current Parcels	35193.0908
Number of New Parcels	2		35193.0913
			35193.0914
Segregation Notes			35193.0915

If Segregation Request is in Pending status, missing requirements must be met within 30 days or the Segregation Request will be terminated from the Assessors Database!!!

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Comprehensive Plan or Land Use Code Amendment

Application

DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary.

The proposed amendment incorporates the remaining 4873 sf of property owned by the applicant and currently designated Residential 15-30. The balance of the applicants ownership is adjacent to the east along 9th Avenue and to the south along 10th Avenue and consist of 80,150 sf of Neighborhood Retail. This will adjust the NR designation and make allof the applicant's ownership one designation and zone.

- b. How will the proposed change provide a substantial benefit to the public?

The subject property adjoins the "backside" of the existing businesses. Heretofore there has been a substandard area zoned NR-35 that has been used for parking and access to the back of these retail buildings. The applicant was the former owner of the adjacent RMF property and recently sold the same after a BLA was approved that reduced the size of that land area and left this added 4873 sf. With this properly zoned to NR-35, the parking can be improved to current development standards. As such, more on-site parking can be provided for employees, enabling more parking on site and on the street.

- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.

The proposed map amendment is consistent with LU 1.6 which directs new retail use to NC designated on the map. In this case, we are adjusting a boundary of an existing designated center to enable proper development of this 4873 sf remainder.

- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

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It does not significantly affect existing policy or designations of the adopted comprehensive plan. This adopted plan must be in compliance with applicable state and federal guidelines and policies, therefore, this amendment is in compliance as well.

- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

Yes, for the same reasons as stated above under subsection "d".

- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?

No, the future improvements will be on site and do not generate any need for off-site capital improvements.

- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.

No amendments will be required.

- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide. N/A

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
See enclosed maps on file.
- b. What is the current land use designation?
Residential 15-30
- c. What is the requested land use designation?
Neighborhood Retail
- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

North: Residential and apartments; West: Residential; South and East: Neighborhood Retail

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MEMORANDUM

PLANNING AND DEVELOPMENT

Date: May 4, 2018

To: Tirrell Black, Associate Planner

EWB

From: Eldon Brown, P.E., Principal Engineer – Development Services

Subject: **Proposed amendment of Land Use Plan Map from Residential 15-30 Land Use to Neighborhood Retail Land Use; if approved, with concurrent change to zoning map from RMF (Residential Multifamily) to NR-35 (Neighborhood Retail).**

Applicant: Kain Investments LLC

Agent: Dwight Hume, Land Use Solutions and Entitlement

File No.: Z17-623COMP, Kain Investments LLC

A review of the subject proposal has been completed and the following comments are offered:

1. There is an eight inch sanitary sewer main in 9th Avenue that serves this general area. Future development applications will need to be reviewed to determine the sizing of new and the adequacy of the existing sewer.
2. There is a 6-inch water main in 9th Avenue that serve this general area. Future development applications will need to be reviewed to determine the sizing of new and the adequacy of existing distribution mains.
3. Compliance to SMC 17.060D Stormwater Facilities is required and will be reviewed at the time of development application(s).
4. The transportation system is adequate for present uses. Future development applications will be reviewed to determine the adequacy of the transportation system at that time. Traffic Impact Fees or street system improvements may be required.

EWB/eb

Cc: Developer Services file
Kris Becker, P. E., Permit Center Manager
Patty Kells, Traffic Engineering Assistant
Mike Nilsson, P.E., Development Services



Spokane Tribe of Indians

April 30, 2018

Tirrell Black
Planner

RE: File No, Z17-624COMP

Ms. Black:

Thank you, for allowing the Spokane Tribe of Indians the opportunity to comment on your undertaking is greatly appreciated.

We are hereby in consultation for this project.

As I understand that this is change to zoning map from RMF to NR-35, it's unlikely that the project will impact any cultural resources in the proposed area.

This letter is your notification that your project has been cleared, and your project may move forward.

As always, if any artifacts or human remains are found upon inadvertent discovery, this office should be immediately notified and the work in the immediate area cease.

Should additional information become available our assessment may be revised.

Again thank you for this opportunity to comment and consider this a positive action that will assist in protecting our shared herritage.

If questions arise, please contact me at (509) 258 – 4315.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer (T.H.P.O.)

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(S): Z17-623COMP

PROPONENT: 9th & Monroe LLC

DESCRIPTION OF PROPOSAL: Change a portion of one parcel (35193.9017) from "Residential 15-30 Land Use" and RMF zoning to "Neighborhood Retail Land Use" and NR-35 zoning (same as adjacent commercial Ace Hardware and Huckleberry's). The subject portion is approximately 6 feet in width on east edge and 22 feet in width on south edge of parcel (approximately 4,783 square feet or 0.11 acre). No specific development proposal is being approved at this time.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: The site address is 1005 W 9th Avenue; located on a portion of one parcel (35193.9017) located at West 9th Avenue and South Madison Street along the boundary between parcel 35193.9017 and 35193.9016.

Legal Description: That portion of Lots 6-8 Block 1, McIntosh Addition as per plat recorded in Volume "A" of Plats, page 188, records of Spokane County; more particularly described as follows:

The S. 14.25 ft. of Lots 6, 7 and 8. Together with the E. 13.17 ft. of the N. 118.00' of said Lot 6 and together with the north half of vacated alley adjacent to said Lots 6, 7 and 8. Containing approximately 4873.31 square feet.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- [] There is no comment period for this DNS.
- [] This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- [X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on September 11, 2018 if they are intended to alter the DNS.

Responsible Official: Heather Trautman

Position/Title: Director, Planning Services **Phone:** (509) 625-6300

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: August 28, 2018

Signature 

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is Noon on September 18, 2018 (21 days from the date of the signing of this DNS). This appeal must be on forms provided by the Responsible Official, make specific factual objections, and be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

Environmental Checklist

File No. _____

Purpose of Checklist:

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "*does not apply*."

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

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A. BACKGROUND

1. Name of proposed project, if applicable: 9th and Monroe LLC Map Amendment
2. Name of applicant: 9th and Monroe LLC c/o Ralph E Swanson
3. Address and phone number of applicant or contact person: Dwight J Hume agent; 9101 N mt. View Lane Spokane WA 99218 509.435.3108
4. Date checklist prepared: October 20, 2017
5. Agency requesting checklist: Division of Planning
6. Proposed timing or schedule (including phasing, if applicable): Upon Approval
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, parking improvements would be completed within this portion of the proposal for retail employees.
b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. Yes, the adjacent land to the south and east is the applicants and is commonly known as Huckleberry's and Ace Hardware.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. None
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. Yes, the adjacent northerly property is being developed as a 9 unit apartment site with removal of the three existing residential structures. A common access easement is proposed from Madison to 9th Avenue through that project for joint use of the renters and future retail parking.

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10. List any government approvals or permits that will be needed for your proposal, if known. **Annual Map and zone change by City Council action. Future parking improvements reviewed by Traffic and Planning Services.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. **The map amendment simply adds 14.25' of NR-35 zoning to the existing NR-35 zone along the northerly boundary of Huckleberry's and 6.31' of NR-35 zoning to the westerly border of Ace Hardware. Parking would then be provided upon approval of the request. The adjacent northerly property is currently being converted to a new 9 unit apartment building within the RMH zone.**

12. Location of the proposal. Give sufficient information to a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. **The proposal is accessed from Madison between 9th and 10th Avenue and/or mid-block on 9th. As stated above, immediately north of Huckleberry's and west of Ace Hardware.**

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.) **The City of Spokane**

14. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

- (1) Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of

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material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).

Non-Project application. To be determined at time of construction. _____

- (2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?

No _____

- (3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.

Non-Project application. To be determined at time of construction _____

- (4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?

Non-Project application. To be determined at time of construction _____

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)?

Unknown _____

- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts?

Yes, storm drainage form hard surface improvements to approved swales if applicable. _____

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TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

Evaluation for
Agency Use
Only

1. Earth

- a. General description of the site (circle one): **flat**, rolling, hilly, steep slopes, mountains, other: _____

- b. What is the steepest slope on the site (approximate percent slope)? **None** _____

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Non-Project application. To be determined at time of construction** _____

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **No** _____

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill: **Non-Project application. To be determined at time of construction** _____

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **No** _____

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example,

Evaluation for
Agency Use
Only

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asphalt or buildings)? Approximately 80% would be impervious.

- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: Non-Project application. To be determined at time of construction

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

During construction, equipment and grading; after construction ingress and egress of vehicles.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Dust abatement and paving

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3. Water

- a. SURFACE:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No

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- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A _____

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No _____

- (5) Does the proposal lie within a 100-year floodplain? ____ If so, note location on the site plan.

No _____

- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No _____

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b. GROUND:

- (1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No _____

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- (2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve.

None

c. WATER RUNOFF (INCLUDING STORMWATER):

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Non-Project application. To be determined at time of construction

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Non-Project application. To be determined at time of construction

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any.

Non-Project application. To be determined at time of construction

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4. Plants (subject property is void of vegetation)

- a. Check or circle type of vegetation found on the site:

_____ Deciduous tree: *alder, maple, aspen, other.*

_____ Evergreen tree: *fir, cedar, pine, other.*

_____ Shrubs

_____ Grass

_____ Pasture

_____ Crop or grain

_____ Wet soil plants, *cattail, buttercup, bullrush, skunk cabbage,*

other.

_____ Water plants: *water lilly, eelgrass, milfoil, other.*

_____ Other types of vegetation.

- b. What kind and amount of vegetation will be removed or altered? N/A _____

- c. List threatened or endangered species known to be on or near the site. Unknown _____

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Non-Project application. To be determined at time of construction _____

5. Animals

- a. Circle any birds and animals which have been observed on or near the site are known to be on or near the site:

birds: *hawk, heron, eagle, **songbirds**, other.* _____

mammals: *deer, bear, elk, beaver, other.* _____

fish: *bass, salmon, trout, herring, shellfish, other.* _____

other: _____

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- b. List any threatened or endangered species known to be on or near the site.

Unknown

- c. Is the site part of a migration route? If so, explain.

No

- d. Proposed measures to preserve or enhance wildlife, if any:

None

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. None expected, parking is only anticipated use.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. No

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- (1) Describe special emergency services that might be required.
Non-Project application. To be determined at time of construction _____

- (2) Proposed measures to reduce or control environmental health hazards, if any:
Non-Project application. To be determined at time of construction _____

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Existing residential and retail traffic. _____

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short Term, grading and paving equipment; long term, traffic noise _____

- (3) Proposed measure to reduce or control noise impacts, if any:
None _____

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?
Residential and retail adjacent to subject proposal. _____

- b. Has the site been used for agriculture? If so, describe. **No** _____

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- c. Describe any structures on the site. Subject portion is vacant
- d. Will any structures be demolished? If so, which? No
- e. What is the current zoning classification of the site? RMF
- f. What is the current comprehensive plan designation of the site? Residential 15-30
- g. If applicable, what is the current shoreline master program designation of the site?
N/A
- h. Has any part of the site been classified as a critical area? If so, specify. Unknown
- i. Approximately how many people would reside or work in the completed project?
N/A
- j. Approximately how many people would the completed project displace? None
- k. Proposed measures to avoid or reduce displacement impacts, if any: None
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Compliance with applicable development standards

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9. Housing (N/A)

- a. Approximately how many units would be provided, if any?
Indicate whether high, middle or low-income housing. _____

- b. Approximately how many units, if any, would be eliminated?
Indicate whether high-, middle- or low-income housing. _____

- c. Proposed measures to reduce or control housing impacts, if
any: _____

10. Aesthetics (N/A)

- a. What is the tallest height of any proposed structure(s), not
including antennas; what is the principal exterior building
material(s) proposed? _____

- b. What views in the immediate vicinity would be altered or
obstructed? _____

- c. Proposed measures to reduce or control aesthetic impacts,
if any: _____

11. Light and Glare

- a. What type of light or glare will the proposal produce? What
time of day would it mainly occur? **Non-Project**
application. To be determined at time of construction _____

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- b. Could light or glare from the finished project be a safety hazard or interfere with views? **No, lighting would be downcast and indirect to surrounding land use.** _____

- c. What existing off-site sources of light or glare may affect your proposal? **No affects** _____

- d. Proposed measures to reduce or control light and glare impacts, if any: **See "b" above** _____

12. Recreation (N/A)

- a. What designated and informal recreational opportunities are in the immediate vicinity? _____

- b. Would the proposed project displace any existing recreational uses? If so, describe. _____

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: _____

13. Historic and cultural preservation (N/A)

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. _____

- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site. _____

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- c. Proposed measures to reduce or control impacts, if any:
Non-Project application. To be determined at time of construction

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **Monroe to 9th and/or 10th west to Madison.**
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **N/A**
- c. How many parking spaces would the completed project have? How many would the project eliminate? **Non-Project application. To be determined at time of construction**
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). **No**
- e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. **N/A**
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. **Non-Project application. To be determined at time of construction**

(Note: to assist in review and if known indicate vehicle trips during PM peak, AM Peak and Weekday (24 hours).)

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- g. Proposed measures to reduce or control transportation impacts, if any: Limited access to and from improved driveways at Madison and 9th Avenue. _____

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15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. No _____

- b. Proposed measures to reduce or control direct impacts on public services, if any: None _____

16. Utilities

- a. Circle utilities currently available at the site: *electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.* All utilities are available _____
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed. None _____

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C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 10-30-17

Signature: _____

Please Print or Type:

Proponent: Dwight J Hume

Address: 9101 N Mt. View Lane

Spokane WA 99218

Phone: _____

509.435.3108

Person completing
form (if different
from proponent): Same

Address: _____

Phone: _____

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Staff member(s) reviewing checklist: _____

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- ☐ A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- ☐ B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- ☐ C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

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D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?

No impacts, parking and access only

Proposed measures to avoid or reduce such increases are:

None

2. How would the proposal be likely to affect plants, animals, fish or marine life?

No impacts

Proposed measures to protect or conserve plants, animals, fish or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

None

Proposed measures to protect or conserve energy and natural resources are:

None

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4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?

No imoact, within existing urban environment _____

Proposed measures to protect such resources or to avoid or reduce impacts are:

None _____

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Minimal impact as the adjacent uses are parking, apartments and retail

Proposed measures to avoid or reduce shoreline and land use impacts are:

Non-Project application. To be determined at time of construction

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

None _____

Proposed measures to reduce or respond to such demand(s) are:

None _____

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

None _____

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C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the *agency* may withdraw any Determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 10-30-17 Signature: DJ Hume

Please Print or Type:

Proponent: Dwight J Hume Address: 9101 N Mt.View Lane

Phone: 509.435.3108 Spokane WA 99218

Person completing form (if different from proponent): SAME

Address: _____

Phone: _____

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Staff member(s) reviewing checklist: _____

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

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- B. ☐ probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. ☐ there are probable significant adverse environmental impacts and recommends a Determination of Significance.

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