

ORDINANCE No C35244

An ordinance adopting an emergency amendment to the City of Spokane comprehensive plan including text amendments to Chapter 4 Transportation, adopting changes to the Planned Bikeway Network Map (Map TR 2), declaring the existence of an emergency and setting an effective date.

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

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

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

WHEREAS, consistent with the Growth Management Act, the City Council enacted Ordinance No. C-34424 on June 8, 2009 adopting an emergency amendment to the City's Comprehensive Plan amending Chapter 4 Transportation, by adopting a Master Bike Plan, including text amendments and a new Planned Bikeway Network Map (Map TR 2); and

WHEREAS, Spokane Municipal Code Chapter 17G.020 "Comprehensive Plan Amendment Procedure" identifies terms and conditions for Comprehensive Plan amendments. Under most circumstances, recommendations for amendments to the Comprehensive Plan may only take place on an annual basis; and

WHEREAS, Spokane Municipal Code Section 17G.020.040 "Amendment Exceptions" outlines conditions under which the Comprehensive Plan may be amended more often. Provided that all of the amendment criteria have been met, the following type of amendment may be considered more frequently than once a year: Section 17G.020.040 D "Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious

environmental degradation or address the absence of adequate and available public facilities or services ”; and

WHEREAS, the criteria for an emergency amendment require a demonstration of community-wide significance. Updates to the Planned Bikeway Network Map (Map TR 2) addresses long range bicycling planning and improvements throughout the city; and

WHEREAS, the second criterion for an emergency amendment is to address the absence of adequate and available public facilities or services. Presently, the Planned Bikeway Network Map, as part of the Master Bike Plan and Comprehensive Plan, has not been updated since its adoption over five years ago and does not accurately reflect the current bikeway network. Updates to the existing bikeway network and proposed future expansion is necessary to incorporate the planning and construction of the bikeway net work in conjunction with local and regional planning, including the City’s Six-Year Comprehensive Street Program; and

WHEREAS, an updated Planned Bikeway Network map will serve as a guide for the continued development of the Master Bike Plan and associated bicycle/pedestrian coordination ; and

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

WHEREAS, state agencies received 60 day notice of City of Spokane’s proposed Comprehensive Plan amendments on January 16, 2015 and no formal comments were received; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared and a Determination of Nonsignificance (DNS) was issued on February 24, 2015 for the proposed Comprehensive Plan Amendments; and

WHEREAS, the Plan Commission held a public hearing on February 25, 2015 to obtain public comments on the proposed amendment and voted unanimously to approve the Findings of Fact, Conclusions and Recommendations to the City Council to approve the proposed amendments, which are attached to the ordinance; and

WHEREAS, as part of the findings, the Plan Commission concluded that an emergency of community-wide concern exists that warrants the adoption of these amendments as an emergency amendment outside the City’ annual comprehensive plan amendment process; and

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

The City of Spokane does ordain:

Section 1. Findings, Analysis and Conclusions. After reviewing the record and considering the arguments and evidence in the record and at the public meetings, the City Council hereby adopts the findings, conclusions and recommendations adopted by the Plan Commission on February 25, 2015.

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

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

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

Section 5. Transmittal to State. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Commerce as required by law.

Section 6. Preparation of Final Comprehensive Plan Document. City Staff are hereby directed to complete preparation of the final Comprehensive Plan document consisting of the creation of a new Planned Bikeway Network Map (Map TR2),

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

Section 8. Emergency. The City Council finds that an emergency of community-wide concern exists that warrants the adoption of this amendment as an emergency amendment outside of the City's annual comp plan amendment process.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

City Clerk

Mayor

Approved as to form:

Assistant City Attorney

Date

Effective Date