

**STAFF REPORT ON COMPREHENSIVE PLAN  
LAND USE AMENDMENT APPLICATION  
1.9 acres west of S Regal St; QueenB/South Regal; File Z150085COMP**

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

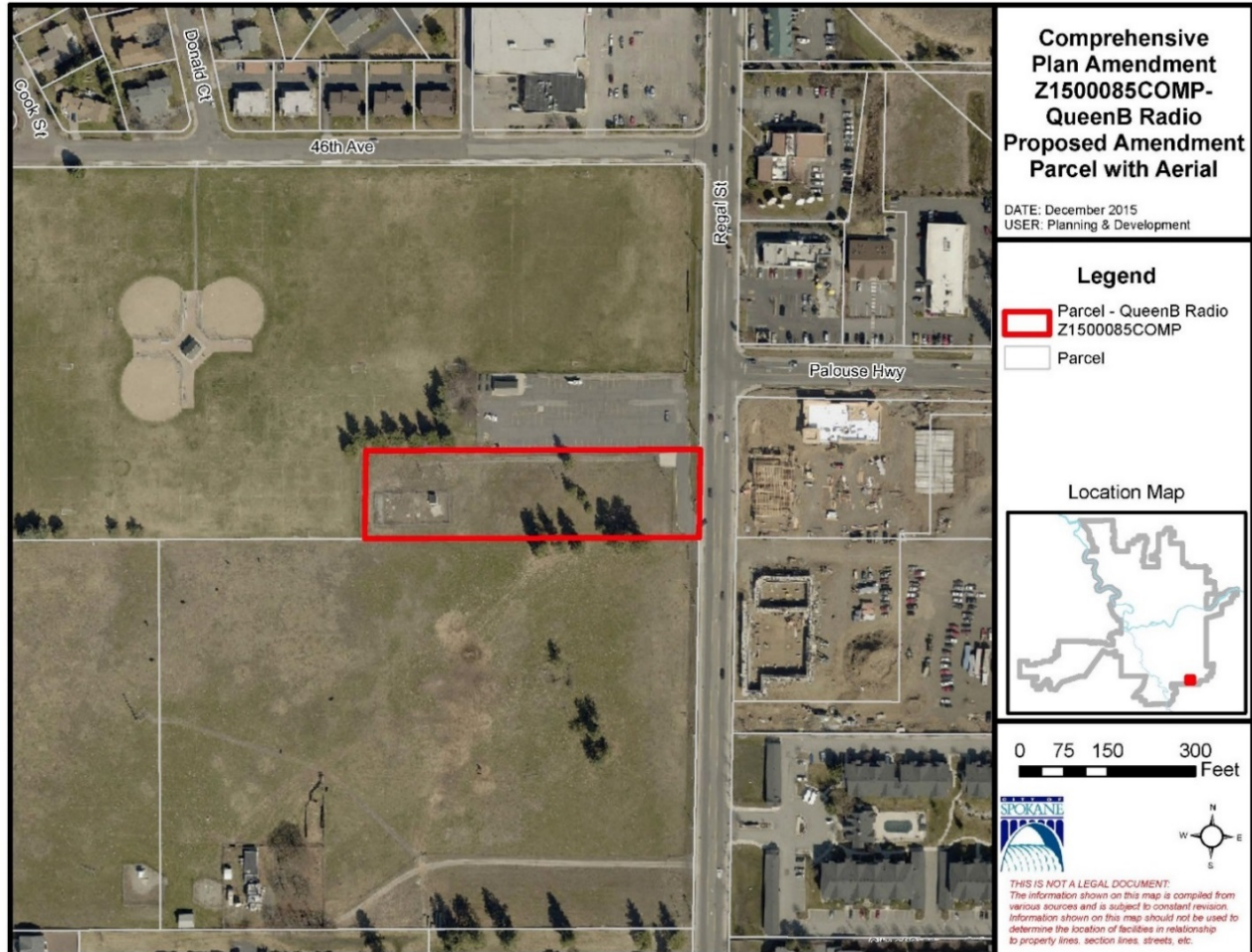
**DESCRIPTION OF PROPOSAL:**

The proposal is to change the land use of the properties from “Open Space” to “Centers and Corridors Core” with a concurrent change in zoning from “Residential Single Family” to “CC2-District Center.” The property is approximately 1.9 acres in size. No specific development proposal is being approved at this time.

**II. GENERAL INFORMATION**

<b>Agent:</b>	Mr. Stanley Schwartz, Witherspoon Kelley
<b>Applicant/Property Owner(s):</b>	Applicant: QueenB Radio, Inc. Property Owner: City of Spokane
<b>Location of Proposal:</b>	The subject site is one property located at 2651 E 49th Avenue, on South Regal Street, southwest of the intersection of South Regal Street and the Palouse Highway (Parcel 34041.0038).
<b>Legal Description:</b>	South 150 feet of the east 600 feet of government lot 8 in the NE1/4 of Section 4, T24N, R43E, Willamette Meridian, excepting the road.
<b>Existing Land Use Plan Designation:</b>	“Open Space”
<b>Proposed Land Use Plan Designation:</b>	“Centers and Corridors Core”
<b>Existing Zoning:</b>	RSF (Residential Single Family)
<b>Proposed Zoning:</b>	CC2-DC (Centers and Corridors Type 2 – District Center)
<b>SEPA Status:</b>	A SEPA threshold Determination of Non-Significance was made on August 23, 2016. The appeal period closed on September 13, 2016 (see <b>Exhibit S-1</b> ).
<b>Enabling Code Section:</b>	SMC 17G.020, Comprehensive Plan Amendment Procedure.
<b>Plan Commission Hearing Date:</b>	The Plan Commission hearing date is scheduled for September 14, 2016 which potential continuation to the next meeting(s) of the Plan Commission.
<b>Staff Contact:</b>	Kevin Freibott, Assistant Planner; <a href="mailto:kfreibott@spokanecity.org">kfreibott@spokanecity.org</a>

### III. BACKGROUND INFORMATION



- A. Site Description:** The subject property is a single parcel, 1.9 acres in size, located southeast of the intersection of S Regal Street and the Palouse Highway, immediately south of the Southeast Sports Complex. The subject property, shown in red above, is currently owned by the City of Spokane but is subject to a purchase agreement with QueenB Radio, Inc. who is seeking to purchase the property from the City.

The subject property contains a now blocked-off driveway access for the Southeast Sports Complex parking lot and a single small outbuilding within a security fence. Frontage improvements exist along S Regal Street, including a curb and sidewalk. No other improvements exist on the property.

The blocked driveway on the property once provided the only access to the small 110-stall parking lot immediately north of the subject property, serving the Southeast Sports Complex. Not shown on the aerial photograph above are modifications made by others to the intersection of S Regal Street and the Palouse Highway to now provide access to those spaces directly from that intersection (see photograph on next page). Due to that new access, the driveway on the subject

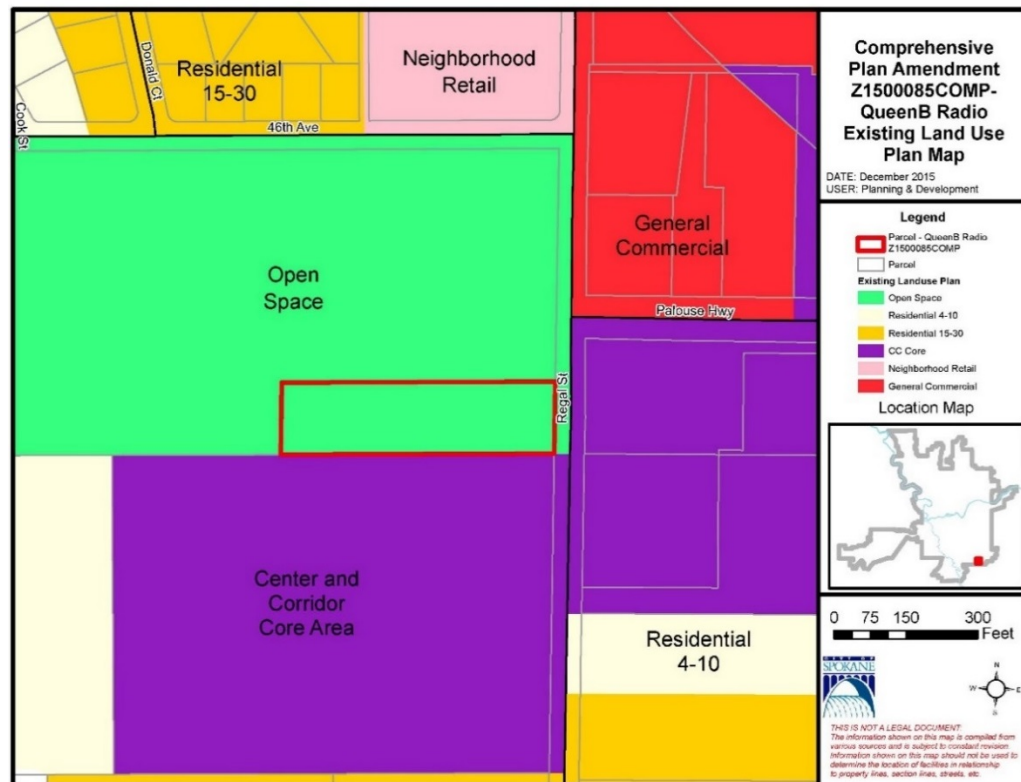
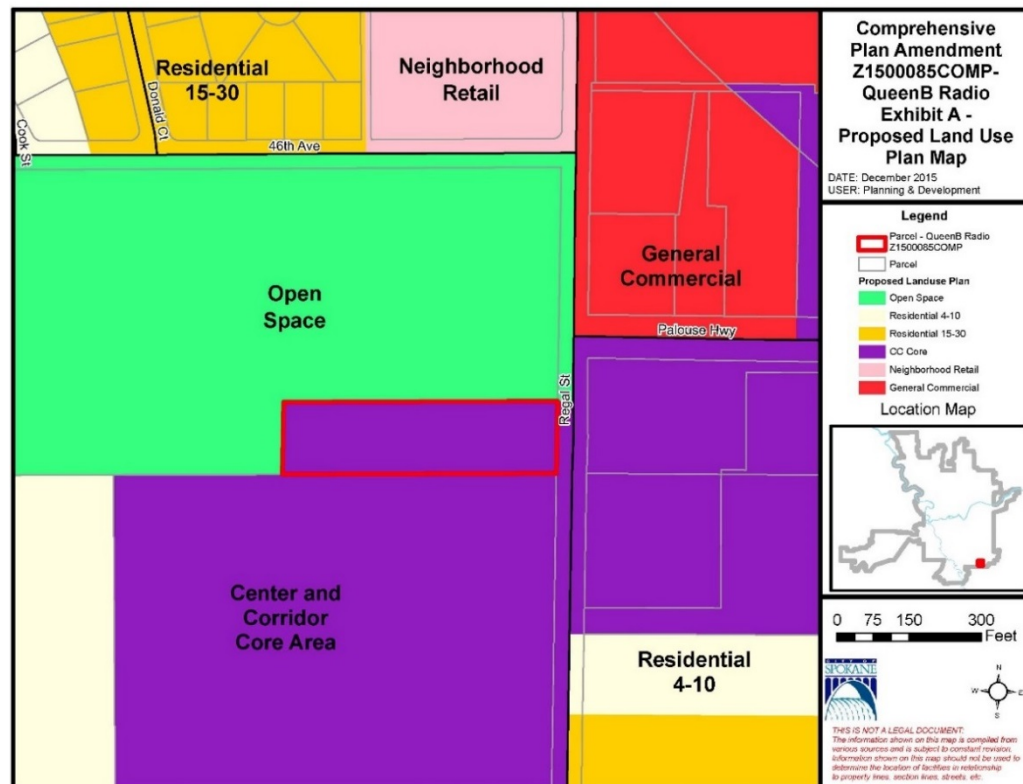
property is no longer required and has been blocked off by large concrete planters and modification of frontage improvements on S Regal Street.

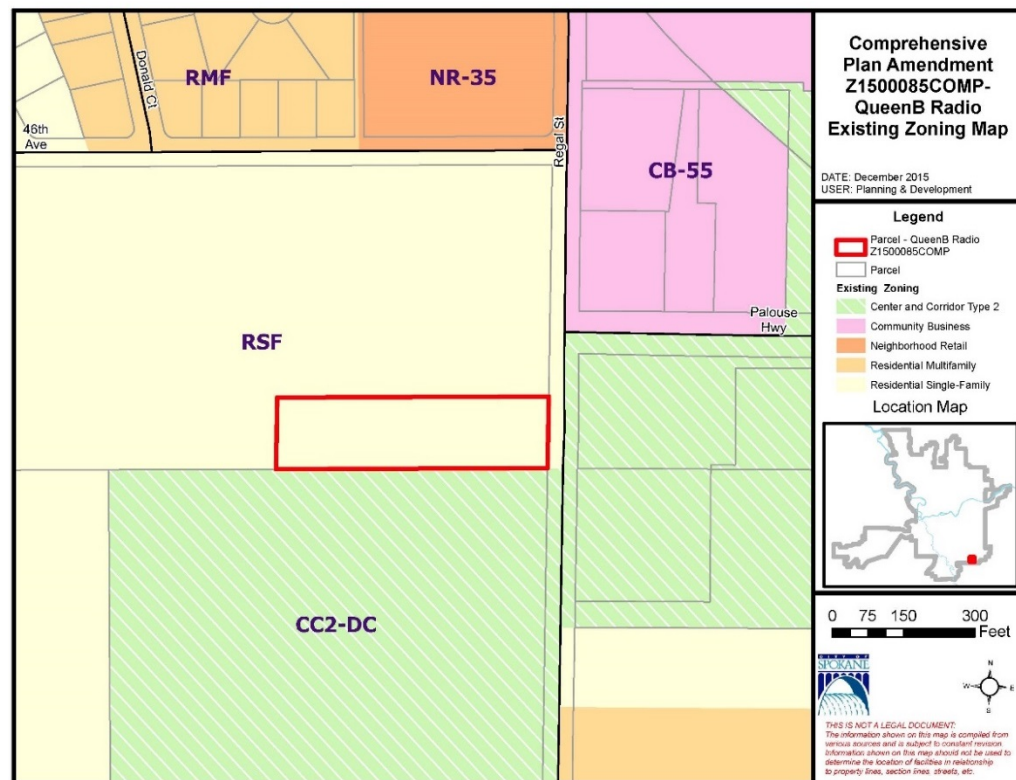
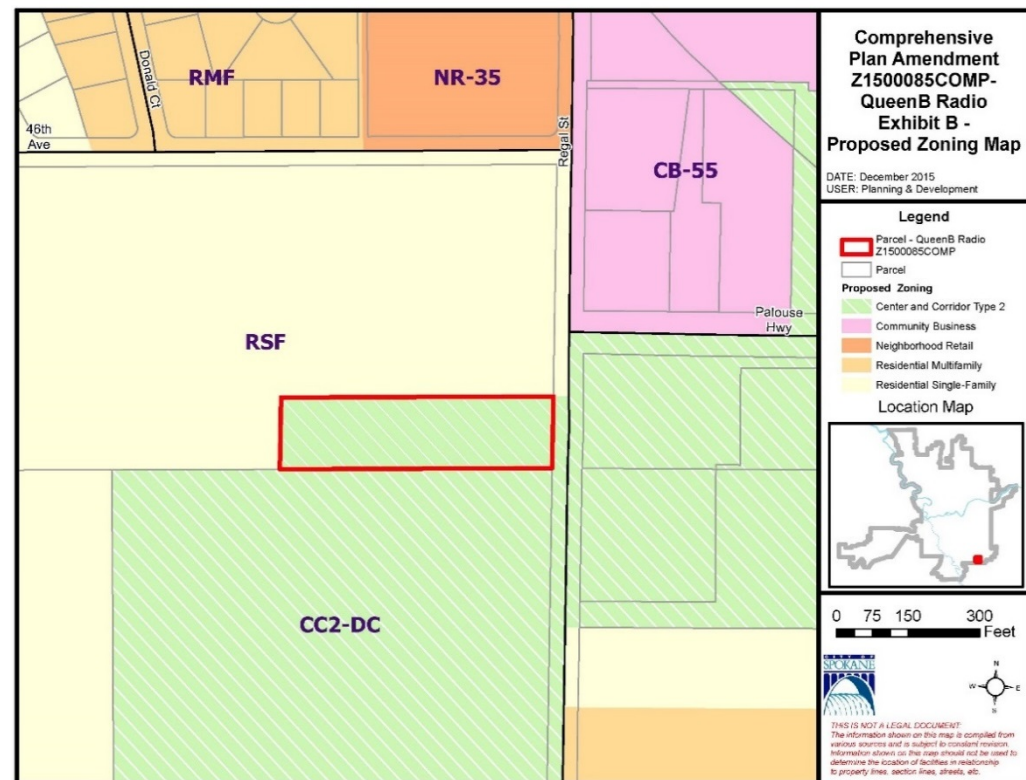


*Recent Aerial Photograph – Subject Property Shown in Red.*

- B.** **Project Description:** Pursuant to the procedures provided in Spokane Municipal Code Section 17G.020, “Comprehensive Plan Amendment Procedure,” the applicant is requesting a comprehensive plan land use plan map designation change from “Open Space” to “Centers and Corridors Core.” If approved, the zoning would be changed from RSF (Residential Single Family) to CC2-District Center. The applicant’s proposal does not include any specific plans for development or improvement to the property. Development and improvement of the site would be subject to all relevant provisions of the City’s unified development code, including without limitation, Chapter 17D.010 SMC relating to concurrency. The Applicant also proposes to subject development of the site to the terms of a development agreement containing terms mirroring the terms in the development agreements required in connection with previous comprehensive plan amendments for the properties surrounding the site to the east and south (discussed further in paragraph L below).



C. Existing Land Use Plan Map Designations with Subject Area in RedD. Applicant-Proposed Land Use Plan Map

E. Existing Zoning Plan Map with Subject Parcels in RedF. Proposed Zoning Plan Map

### G. Zoning and Land Use Designation History.

The subject property was annexed into the City of Spokane in 1960 by Ordinance C16586, known as the Blankenship-Dixon Annexation. It is important to note that this name refers to more than one annexation in the city. In 1979 the properties across S Regal Street were annexed. In 2005 the properties to the south of the subject property were also annexed.

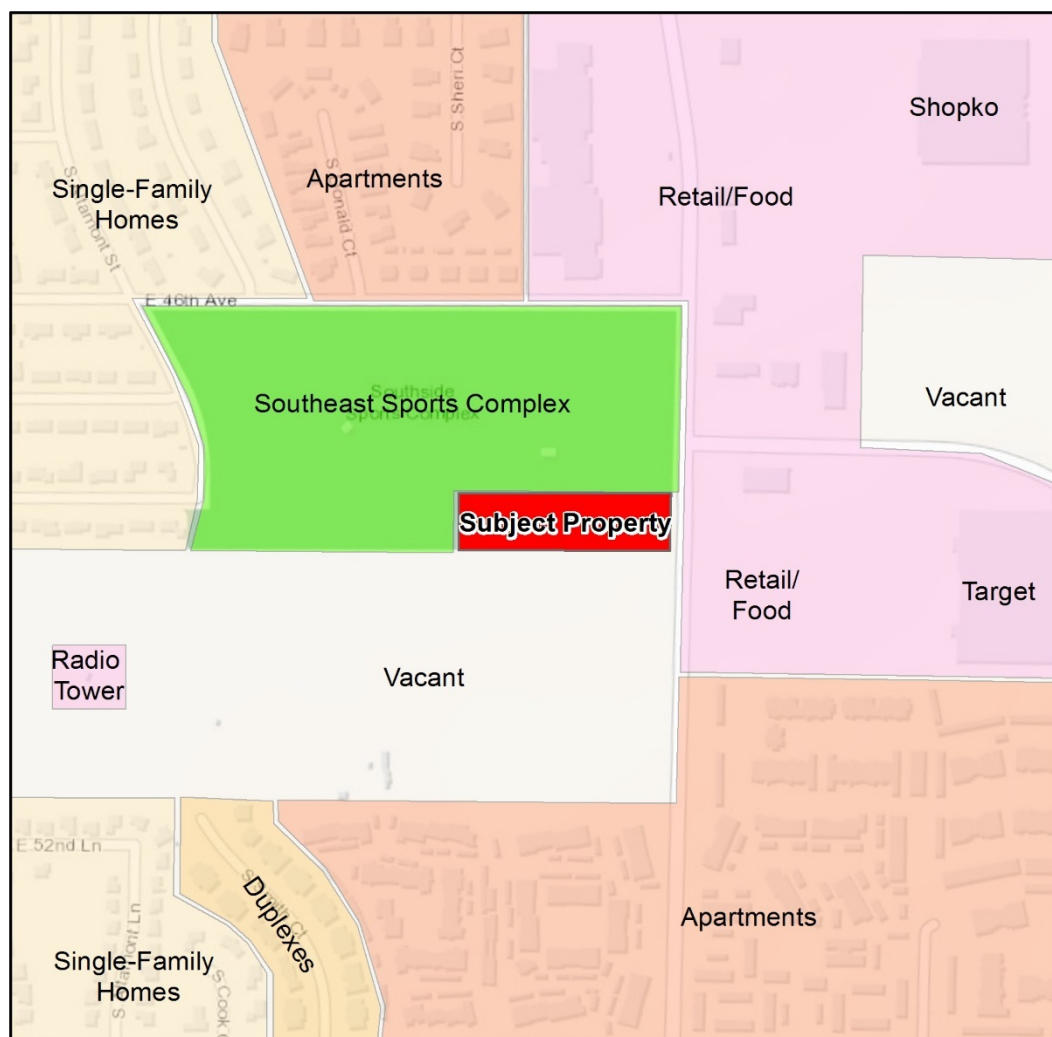


Prior to 2006, the zoning of the proposed property was R1 (One-Family Residence Zone). Since the establishment of the current zoning code in 2006, the location has been zoned RSF (Residential Single Family). When the Comprehensive Plan for the City of Spokane was rewritten in 2001 according to the newly adopted requirements of the Growth Management Act, the property was identified as “Open Space” on the Land Use Map. It has not been changed since that date.

### H. Adjacent Land Uses and Improvements:

To the north:	Park/Sports Fields (Southeast Sports Complex)
To the west:	Park/Sports Fields (Southeast Sports Complex)
To the south:	Vacant Land
To the east:	Shopping Center

See the graphic on the following page for a general depiction of adjacent development and land uses.



- I. Transportation Improvements. The subject property lies immediately west of S Regal Street, which is designated as a Minor Arterial. The property is also immediately adjacent to Spokane Transit Authority Route 45, known as the “Regal” route, with 30-minute service on weekdays and 1-hour service on weekends between the downtown plaza and E 57th Avenue.<sup>1</sup>
- J. Past Land Use Map Amendments in Vicinity. In 2005, the City received Comprehensive Plan amendment applications for the property immediately south of the subject property (and owned by applicant QueenB Radio, Inc.) and for properties immediately east of the subject parcel. The applications proposed to amend the existing land uses (all Residential) to Centers and Corridors Core. The 2006 Comprehensive Plan already designated this area for a “District Center,” however no center planning had occurred and no center-type land use had been established for these parcels. During the next two years (the applications were held over for a year due to the complexity of the proposals), these applications were considered by the City. Ultimately, a majority of the Plan Commission voted

<sup>1</sup> [www.spokanetransit.com/routes-schedules/route/45-regal](http://www.spokanetransit.com/routes-schedules/route/45-regal), accessed July 21, 2016.

to recommend denial of the applications, because they believed center planning should involve a neighborhood planning process. For various reasons set forth in the ordinances approving the amendments, the City Council disagreed and approved the applications, subject to the condition that the applicants must enter into binding development agreements with the City addressing the matters set forth in the ordinances approving the amendments. Copies of those ordinances are attached to this report as **Exhibit S-3**. Thereafter, the applicant (along with the other 2005 applicants) entered into development agreements with the City addressing development of the properties. A copy of the agreement between the applicant and the City, which relates to the property lying south of and adjacent to the subject site, is attached to this report as **Exhibit A-5**.<sup>2</sup>

K. **Purchase and Sale Agreement.** The subject property is currently owned by the City of Spokane. However, the applicant has entered into a Purchase and Sale Agreement with the City to buy the property (see **Exhibit A-3**). Closing of that sale agreement is subject to a number of conditions, including the following:

- The purchaser securing from the Spokane Parks and Recreation Department an easement to allow access through Park property into the subject property;
- Approval of a Comprehensive Plan Amendment to amend the land use and zoning of the site for Centers and Corridors; and
- Approval of a development agreement identical to the one entered into for the adjacent properties (see discussion under Item J above).

L. **Draft Development Agreement.** As discussed above, the applicant has initiated negotiations with the City Attorney's office to prepare a development agreement for the subject property. The most recent draft of the proposed agreement is attached to this report as **Exhibit A-4**. This agreement, largely identical to the previously approved development agreement, would place conditions on development on the subject property for the next ten years. As with the development agreement currently recorded for the properties in the District Center, the draft development agreement requires adherence to an integrated site plan, including provisions for:

- Pedestrian connections;
- Tree preservation;
- Design theme;
- A community plaza;
- Viewscapes; and
- Long-term development of the Center.

A copy of the previously approved development agreement regarding the adjacent property is attached to this report as **Exhibit A-5**. The existing Integrated Site Plan for the adjacent property is included in this Staff Report as **Exhibit A-6**.

---

<sup>2</sup> City of Spokane, Council Ordinance C34469, August 17, 2009



M. Past Neighborhood Planning Processes. Starting in 2008 the Southgate Neighborhood initiated a neighborhood planning process, utilizing the Neighborhood's planning allocation of \$21,150 from the Spokane City Council in 2007. In 2012 the Neighborhood completed this effort and adopted a multi-part plan for the Neighborhood, consisting of a Transportation & Connectivity Plan, a Parks and Open Space Element, and a number of maps. All the various parts were recognized by the City Council in Resolution 2012-0008 on January 30, 2012.

The Transportation & Connectivity Plan included discussion of the following items that relate to or could affect this proposal:

- The Typical Street/Arterial Character map indicated a “local access” street along the southern boundary of the subject property, providing access from S Regal Street in the east to S Crestline Street to the west. No such road exists at this time, nor is one shown in any City street map, existing or planned.
- The Ferris/Adams Student Trail map indicated a “primary route” student trail along the same alignment as the local access street discussed above. No such amenity currently exists within the subject property.

The Parks and Open Space Plan included discussion of the Southeast Sports Complex, including both the existing condition of the park (at the time of writing) and the Neighborhood's desire for future improvements to the Southeast Sports Complex. While at the time of writing the subject property was owned by the City of Spokane, none of the exhibits or discussions of the complex included changes to the subject parcel. The Parks and Open Space Plan included the following relevant provisions:

- Proposed enhancements to the Southeast Sports Complex including improved site access from S Regal St (which has since been completed);
- Increased pedestrian access and circulation, including new paved pedestrian connections west to east through the complex; and,
- A potential community center to be developed west of the existing parking lot and north of the subject parcel, located entirely within the existing complex property.

The subject property was not addressed in the Parks and Open Space Plan.

N. Southeast Sports Complex Master Plan.

On April 13, 2016 the City of Spokane Parks and Recreation Department gave a presentation to the Southgate Neighborhood regarding a Draft Master Plan for the Southeast Sports Complex. That draft plan provides a forward looking plan for the sports complex that includes new amenities, a reconfigured field layout, and a cooperative concept for additional fields on the western half of the KXLY property to the south of the existing complex. The new Master Plan graphic shows “future retail” uses on the subject property with shared parking on the western half of the property.



*Excerpt from Southeast Sports Complex Draft Master Plan –Subject Property Shown in Red*

O. Applicable Municipal Code Regulations. SMC 17G.020, Comprehensive Plan Amendment Procedures.

P. Application Process:

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

- Comprehensive Plan Amendment Hearing Date is scheduled with the Plan Commission for September 14, 2016, with continuance likely to September 21, 2016, and with deliberations likely continued to September 28, 2016.

#### **IV. AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT**

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as **Exhibits PA-1** through **PA-4**. Four agency/city department comments were received regarding this application:

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

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

Notice of this proposal was also sent to all property owners within the notification area and was posted on the subject property, in the Spokesman Review, and in the local library branch. During the public comment period four comment letters were received from the following individuals (see **Exhibit P-1** through **P4**):

- Tim and Paula Davenport – 2313 E 52nd Lane
- Sandra Christensen – South Stone Street
- John Murray, President, and Karen Caton, Vice President – Redhawk Homeowners Association.
- Ted Teske, Chair - Southgate Neighborhood Council

Public comments received ranged from concerns about groundwater and traffic, to site access and parking, and, in the case of one commenter, objection to the change in character a change in Land Use designation and Zone might cause. In the case of the Neighborhood Council, their comments indicate support of the proposed change in land use designation and zoning.

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

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

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

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

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

## **VII. REVIEW CRITERIA**

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

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

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

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

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

*RCW 36.70A.010, Legislative findings.*

*The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the*



*conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.*

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

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

*The Growth Management Hearings Board for Eastern Washington has indicated that these goals are to guide the development and adoption of comprehensive plans and development regulations. The goals are all created equal with no priority set forth by the legislature and with no goal independently creating a substantive*

requirement.<sup>3</sup> The Board recognized that this lack of priority becomes problematic when jurisdictions are faced with competing goals, and indicated that, although the GMA does not permit the elevation of a single goal to the detriment of other equally important GMA goals, the GMA does permit local legislative bodies to give varying degrees of emphasis to the goals so as to allow them to make decisions based on local needs in order to harmonize and balance the goals (*ibid*).

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

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

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

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

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

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

<sup>3</sup> City of Wenatchee v. Chelan County, EWGMHB Case No. 08-1-0015, FDO at 25 (March 6, 2009).

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

Staff Analysis:

1. Development Regulations. As a non-project proposal, there are no specific plans for development of this site. Additionally, any future development on this site will be required to be consistent with the current Development Regulations at the time an application is submitted.
2. Capital Facilities Program. See discussion under paragraph C, above. As no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.
3. Neighborhood Planning Documents Adopted After 2001. The Southgate Neighborhood adopted a series of documents as part of their Neighborhood Planning effort in 2012 (see section III.M, above). While both the Transportation and Circulation Plan and the Parks and Open Space Element included desired/requested features adjacent to the subject property, they did not include any specific designs/plans/discussion of the subject parcel itself. The proposal to change land use/zoning for the subject property would not preclude the installation/development of those adjacent features.
4. Miscellaneous Comprehensive Plan Goals and Policies. Staff have compiled a group of Comprehensive Plan Goals and Policies which are excerpted from the Comprehensive Plan and contained in **Exhibit S-2** of this report. Further discussion of cogent Comprehensive Plan policies are included under criterion K.2 below.

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

- 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: No comments have been received from any agency, city department, or neighboring jurisdiction which seems to indicate that this proposal is not regionally consistent.

G. Cumulative Effect. All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

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

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

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

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

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



- I.     Adequate Public Facilities. The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

*Staff Analysis: All affected departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal. No comments were received that would indicate that additional public facilities would be required to serve the subject property were the proposal approved.*

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

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

- K.     Consistent Amendments.

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

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

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

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

*Staff Analysis: As outlined by the applicant in their submitted materials (see **Exhibit A-1**) the inclusion of the subject property in the Center would allow for better circulation within the KXL Y-owned properties of the Center and could likewise increase pedestrian and transit access to the subject property. Likewise, as shown in the Draft Southeast Sports Complex Master Plan (see section III.N, above), comments from the Southgate Neighborhood Council (see **Exhibit P-4**), and the arguments presented by the applicant in their application (see **Exhibit A-1**), the subject property integrates well with neighborhood plans, the Parks and Recreation Department's plans, and the Center as a whole.*

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

*Staff Analysis: Policy LU 3.2 "Centers and Corridors", states: "Designate centers and corridors (neighborhood scale, community or district scale, and regional scale) on the land use plan map that encourage a mix of uses and activities around which growth is focused."*

*A conceptual district center size is offered under the policy, stating, "As a general rule, the size of the district center, including the higher density housing surrounding the center, should be approximately 30 to 50 square blocks." Policy LU 4.5, Block Length, states in the discussion: "Block lengths of approximately 250 to 350 feet on average are preferable, recognizing that environmental conditions (e.g., topography or rock outcroppings) might constrain these shorter block lengths in some areas."*

*Assuming block sizes for the purpose of this discussion are 350 feet by 350 feet (the largest size discussed in Policy LU 4.5), the center area should range from roughly 84 to 141 acres. The existing center zoning, represented by CC zones on the Spokane Zoning Map, as well as the surrounding higher density housing is approximately 133.6 acres in size. As such, the District Center as it stands now is within the size envisioned by the Comprehensive Plan, assuming the larger block size. The addition of the subject*

*properties to that center would constitute a 1.4 percent increase in area and would not exceed the maximum size for a District Center envisioned by the Comprehensive Plan.*

*Regardless of the assumed block size considered, the addition of the subject property's 1.9 acres to the District Center appears to further proper execution of the District Center designation already established by prior City actions (see sections III.J and III.M, above). Given the existing plans for development of adjacent parcels as well as the plans for the Southeast Sports Complex, it appears that Center-type development of the subject parcel would integrate well with the development character of the vicinity and would thus further the goals and policies of the Comprehensive Plan.*

*As discussed in the items above, there is no indication that the proposal would require additional infrastructure or capital facilities to serve it. Likewise, as discussed above, the proposal would appear to be appropriately scaled to fit into the designation of a Center as described by the Comprehensive Plan. Given the subject property's adjacency to a previously established Center and the fact that Center-type development on the site would conform to both the existing plans of adjacent development and the Draft Master Plan for the Southeast Sports Complex, it appears the site is suitable for the proposed designation.*

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

Staff Analysis: *As indicated above, a fundamental goal of the Comprehensive Plan is the efficient use of land and resources. The Comprehensive Plan seeks to implement this objective with a focused growth strategy known as "centers and corridors". As discussed in general in items a and b above, and in consideration of the policies listed in **Exhibit S-2**, the proposal appears to be supportive of the Center Land Use Designation and the Centers and Corridors Core zoning designation of the adjacent parcels. Likewise the proposal would not appear to interfere with the provision of park and recreational facilities and services on the adjacent Spokane Parks and Recreation properties.*

*In summary, the Plan Commission will need to determine if these three criteria have been met, or if they can adequately be addressed through conditions as may be imposed on the approval of the Comprehensive Plan amendment and any subsequent development application, in accordance with the provisions of SMC §17D.010.020(C)(2)(c).*

3. Rezones, Land Use Plan Map Amendment. Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map

implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

*Staff Analysis: If the land use plan map amendment is approved as proposed, the zoning designation of the parcels will change from RSF (Residential Single Family) to CC2-District Center. No policy language changes have been identified as necessary to support the proposed land use plan map amendment. As such, it appears that this criterion would be met for the proposed land use designation change.*

L. Inconsistent Amendments.

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

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

2. Adequate Documentation of Need for Change.
  - a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
  - b. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
  - c. The capacity to provide adequate services is diminished or increased;
  - d. Land availability to meet demand is reduced;
  - e. Population or employment growth is significantly different than the plan's assumptions;



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

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

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

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

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

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

- A. The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).
- B. The City of Spokane adopted a Comprehensive Plan in May of 2001, in compliance with the requirements of the GMA, and has provided for periodic updates and annual amendments, as allowed under GMA.
- C. Under GMA, comprehensive plans may be amended no more frequently than once per year. All amendment proposals must be considered concurrently in order to be evaluated for their cumulative effect. Also, the amendment period should be timed to coordinate with budget deliberations. Pursuant to Spokane Municipal Code 17G.020.020 all applications submitted by the deadline and found to be complete, excluding a single application that was withdrawn by the applicant prior to the public comment period, have been considered concurrently and constitute the only amendments to the Comprehensive Plan this calendar year.

- D. Comprehensive Plan amendment application Z1500085COMP (see **Exhibit A-1**) was submitted by the October 31, 2015 deadline for Plan Commission review during the 2015/2016 amendment cycle, as required by Spokane Municipal Code 17G.020.060.C.
- E. The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan, which the application proposes to modify the land use designation of a single 1.9-acre property from "Open Space" to "Centers and Corridors Core".
- F. The subject property is a single parcel, constituting a part of Government Lot 8 in the northeast quarter of Section 4, Township 24 North, Range 43 East in the City of Spokane, Southgate Neighborhood. This property was annexed into the City of Spokane in 1960 in combination with a number of other parcels.
- G. The subject property is located immediately northwest of the existing Southgate District Center.
- H. The core of the Southgate District Center consists of approximately 48.5 acres with approximately 85.1 acres of adjacent higher density zoning, in all totaling 133.6 acres. If this application is approved, the subject property would add an additional 1.9 acres, or 1.4 percent, to the existing District Center.
- I. The subject property is accessed via S Regal Street, a minor arterial, with secondary access via an access drive leading west from the intersection of S Regal Street and the Palouse Highway, which is itself also classified as a minor arterial in this location.
- J. The requested implementing zoning designation is "Centers and Corridors Type 2 – District Center" for the entire property.
- K. Staff requested comments from agencies and departments on December 9, 2015. Comments received are summarized as follows:
- Scott Engelhard of the County of Spokane Public Works (see **Exhibit PA-1**);
  - Dave Kokot, P.E., of the City of Spokane Fire Department (see **Exhibit PA-2**); and,
  - Eldon Brown, P.E., of the City of Spokane Planning & Development Department (see **Exhibit PA-3**).
  - Karl Otterstrom, AICP, of the Spokane Transit Authority (see **Exhibit PA-4**)
- L. A public comment period was originally set to run from May 10, 2016, to July 11, 2016 to provide a 60 day comment period. Due to the date of submittal of technical analyses required of another Comprehensive Plan Amendment application, the public comment period was extended by 14 days, through July 25, 2016. Comments received from the public included the following:

- John Murray, President of the Redhawk Homeowners Association (see **Exhibit P-1**);
- Sandra Christensen of S Stone Street (see **Exhibit P-2**);
- Tim and Paula Davenport of 2313 E 52nd Lane (see **Exhibit P-3**); and,
- Ted Teske, Chair of the Southgate Neighborhood Council (see **Exhibit P-4**).

M. The Southgate Neighborhood Council received a presentation from the applicant at their June 8, 2016 meeting.

N. The Community Assembly received a presentation regarding the proposed 2015/2016 Comprehensive Plan amendment applications at their June 2, 2016 meeting.

O. The Spokane Plan Commission held substantive workshops to study the requested amendment on May 11, 2016.

P. A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on August 23, 2016 by City of Spokane Planning; Lisa Key, Planning Director and SEPA Responsible Official (see **Exhibit S-1**). The public appeal period for the SEPA determination ends at 5pm on September 13, 2016.

Q. On August 26, 2016 the Washington State Department of Commerce and appropriate state agencies were given the 60-day notice before adoption of any proposed changes to the Comprehensive Plan.

R. Notice of the SEPA Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcement of the August 24, 2016 Plan Commission Public Hearing were published in the Spokesman Review on August 30, 2016 and September 6, 2016 and the Official City Gazette on August 31, 2016 and September 7, 2016.

S. Notice of Public Hearing and SEPA Determinations was posted on the subject property and mailed to all property owners and tax payers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a 400 foot radius of any portion of the boundary of the subject property on August 30, 2016.

T. The staff report provided an analysis of all the decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17.G.020, Comprehensive Plan Amendment Procedure.

U. The Plan Commission held a public hearing on the requested amendment on September 14, 2016, which was continued to September 21, 2016, with deliberations held on September 28, 2016.

V. As a result of the City's efforts, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given that opportunity to comment.

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

**IX. DRAFT CONCLUSIONS:**

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

1. The proposed amendment to the comprehensive plan **IS / IS NOT** consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
2. The proposed change **IS / IS NOT** consistent with the goals and purposes of the state Growth Management Act.
3. Infrastructure implications of the proposed comprehensive plan amendment **IS / IS NOT** reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.
4. The proposed amendment **IS / IS NOT** internally consistent with development regulations, capital facilities program, shoreline master program, the downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa.
5. The proposed amendment to the comprehensive plan **IS / IS NOT** consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.
6. The 2015/2016 proposed Comprehensive Plan amendments **HAVE / HAVE NOT** been reviewed concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.
7. Adverse environmental impacts association with this proposed amendment **HAVE / HAVE NOT** been identified. If adverse environmental impacts have been identified, adequate mitigation measures **HAVE / HAVE NOT** been identified as requirements for incorporation into a decision on the proposed amendment.
8. A SEPA review **HAS / HAS NOT** been completed on the requested amendment.
9. The proposed amendment **DOES / DOES NOT** adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the



planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

10. The proposed land use designation **IS / IS NOT** in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site **ARE / ARE NOT** suitable for the proposed designation.
12. The map amendment **DOES / DOES NOT** implement applicable comprehensive plan policies better than the current map designation.
13. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan policies.
14. The applicant **HAS / HAS NOT** presented enough evidence to justify the need for the proposed change to the Comprehensive Plan.
15. The proposed change to the Comprehensive Plan **IS / IS NOT** more effectively or appropriately addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
16. The Plan Commission **DID / DID NOT** receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

#### **X. PLAN COMMISSION RECOMENDATION:**

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

If recommended for approval, the Plan Commission may incorporate conditions of approval into their recommendation, as may be identified in deliberations as necessary and/or appropriate to address the review criteria, decision criteria, and/or neighborhood compatibility issues.

#### **XI. LIST OF EXHIBITS**

<u>Exhibit</u>	<u>Description</u>
A-1	Application Materials
A-2	SEPA Checklist
A-3	Purchase and Sale Agreement
A-4	Draft Development Agreement
A-5	Development Agreement for Adjacent Parcels
A-6	Integrated Site Plan
S-1	SEPA Determination of Non-Significance
S-2	Relevant Comprehensive Plan Policies
S-3	Ordinances Relating to Adjacent Comprehensive Plan Amendments (Past)
P-1	Public Comment - John Murray, President, Redhawk Homeowners Association

<u>Exhibit</u>	<u>Description</u>
P-2	Public Comment - Sandra Christensen
P-3	Public Comment - Tim and Paula Davenport
P-4	Public Comment - Southgate Neighborhood Council
PA-1	Agency Comment - County of Spokane, Public Works
PA-2	Department Comment - City of Spokane Fire Department
PA-3	Department Comment - City of Spokane Planning & Development
PA-4	Agency Comment - Spokane Transit Authority