



## **CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON THE COMPREHENSIVE PLAN LAND USE MAP AMENDMENT FILE NO. Z1000058COMP**

**A Recommendation of the City Plan Commission to the City Council approving an application by Dwight Hume on behalf of James Ivers and Michael Hume for a proposed Comprehensive Plan Land Use Plan Amendment. The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Residential 15-30" for one parcel, approximately 41,555 square feet in area and located at 2727 East 35<sup>th</sup> Avenue on parcel 35331.1107. If approved, the implementing zoning designation requested is Residential Multifamily (RMF).**

### **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 that complies with the requirements of the Growth Management Act.

**C.** Under the Growth Management Act, comprehensive plans may be amended no more frequently than once a year. All amendment proposals must be considered concurrently in order to evaluate for their cumulative effect. Also, the amendment period should be timed to coordinate with budget deliberations.

**D.** On July 29, 2002, the City Council enacted Ordinance No. C-33074 codifying a revised annual Comprehensive Plan amendment process in SMC 11.02.100. The City Council then amended Ordinance No. C-33074 on December 8, 2003; this ordinance was passed to improve and streamline the amendment process.

**E.** Land use amendment application Z1100058COMP was submitted by the October 31, 2010 deadline for Plan Commission review during the 2011 amendment cycle.

**F.** The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Residential 15-30" for one parcel, approximately 41,555 square feet in area and located at 2727 East 35<sup>th</sup> Avenue on parcel 35331.1107. Per SMC 17G.020.010, the Plan Commission may decide to condition their approval recommendation upon modification of the proposal. An example would be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts. In this case, staff recommends a different land use designation than requested by the

applicant. Staff recommends a land use designation of Residential 10-20 instead of the requested land use designation of Residential 15-30.

**G.** If approved, the implementing zoning designation is requested to be RTF.

**H.** Staff requested comments from agencies and departments on November 17, 2010. Traffic Engineering submitted comments requesting a Trip Generation and Distribution Letter and offered information relevant to access onto Southeast Blvd. No other substantive or adverse comments were received from agencies or departments.

**I.** Notice of Application of the Comprehensive Plan Land Use Map amendment, the SEPA Checklist, and announcement of the public comment period were published in the Spokesman-Review on Friday, January 14, 2011, and Friday, January 21, 2011, and the Official City Gazette on Wednesday, January 19, 2011, and Wednesday, January 26, 2011.

**J.** A public comment period ran from February 11, 2011 to March 18, 2011. Six people submitted public comment, all opposed. Public Comments were individually reviewed at a Plan Commission Workshops held on March 23, 2011 and April 11, 2011.

**K.** The Community Assembly was informed of the proposed Comprehensive Plan Amendments at their meetings on January 7, 2011 and February 4, 2011.

**L.** The Spokane City Plan Commission held workshops to study the amendments on February 9, 2011, February 23, 2011, March 9, 2011, March 23, 2011, and April 13, 2011 April 27, 2011, May 11, 2011 and June 8, 2011.

**M.** A State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on June 22, 2011, for the Comprehensive Land Use Plan Map and Zoning Map changes. The public appeal period for the SEPA determination ended on July 7, 2011.

**N.** On July 14, 2011, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan.

**O.** Notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcement of the July 13, 2011 Plan Commission Public Hearing were published in the Spokesman-Review and the Official City Gazette on Wednesday, July 22, 2011, and Wednesday, July 29, 2011.

**P.** Notice was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on July 22, 2011.

**Q.** The staff report found that the amendment met all the criteria but recommended a different land use designation for approval of this application.

**R.** On July 13, 2011, the Plan Commission conducted a public hearing. Two citizens testified in opposition of the land use designation change, both the agent and applicant testified in support of the land use designation change.

S. The Plan Commission held the written record open for additional public comment until July 27, 2011. Two written comments were received (both in opposition) and one rebuttal letter from the agent regarding the written comments was received.

T. On August 10, 2011, the Plan Commission deliberated on the proposed amendment and considered all of the Comprehensive Plan Amendment decision criteria of Chapter 17G.020 of the Spokane Municipal Code. The Plan Commission also discussed the consistency of the proposed amendment with Comprehensive Plan policies and found that the proposed amendment was consistent with those policies. Following this deliberation, the Plan Commission made a decision to recommend approval with modification of the proposed amendment to the City Council.

### **CONCLUSIONS:**

A. The Plan Commission adopted the following staff recommended findings for the decision criteria and review guidelines for Comprehensive Plan amendments, as listed in SMC 17G.020.010(C):

#### Decision Criteria

1. GMA: This application is consistent with the goals and purposes of the Washington state Growth Management Act.
2. Consistency: The Plan Commission concludes that this application is consistent with and implements the Comprehensive Plan and its supporting documents, specifically LU 5.5 "Compatible Development".
3. Cumulative Effect: Comprehensive Plan Amendment applications are being considered concurrently in order to evaluate their cumulative effects. The Plan Commission concludes that this criterion is met.
4. SEPA: An Environmental Checklist for a non-project action was prepared for this proposal pursuant to WAC 197-11 and the Spokane Environmental Ordinance, and on June 22, 2011, a Determination of Non-significance (DNS) was issued on this application. Notice of the SEPA Determination and announcement of the July 13, 2011 Plan Commission Public Hearing were published in the Spokesman Review on June 22 and June 29, 2011. The Plan Commission concludes that this criterion is met.
5. Adequate Public Facilities: This proposed land use plan map amendment will have no impact on the City's ability to provide public facilities and services. The Plan Commission concludes that this criterion is met.
6. Public Benefit: The proposed land use plan map amendment will provide for infill development within urban areas and would help to prevent the sprawl of development into undeveloped outlying areas without urban services. The Plan Commission concludes that this criterion is met.
7. No Adverse Effect: These proposed changes will not have a significant adverse effect on the public.

## Review Guidelines

1. Regulatory Changes: This proposed amendment is consistent with any recent state or federal legislative actions, or changes to state or federal regulations.
2. Financing: This amendment will not impact or show up in the Six Year Capital Improvement Plan(s).
3. Funding Shortfall: This amendment will not impact funding in a way that would necessitate a scale back on land use objectives and/or service level standards.
4. Internal Consistency: The proposal is consistent with the Comprehensive Plan as it relates to all of its supporting documents, such as the development regulations, Capital Facilities Program, and downtown plan. To remain consistent with the Comprehensive Plan Land Use Map, this amendment would need an automatic zone change from RSF to RMF.
5. Regional Consistency: This proposed amendment is consistent with Countywide Planning Policies, the comprehensive plans of neighboring jurisdictions, the regional Transportation Improvement Plan, and official population growth forecasts.

## 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:

1. 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 applicable Comprehensive Plan Policies for the location of new higher density development have been addressed previously in criterion 2. Staff concludes that this proposed amendment is consistent with the appropriate location criteria identified in the Comprehensive Plan.

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

The subject site has vacant office to the north, developed multi-family to the east and south and single family to the west. The staff suggested Residential 10-20 designation will allow for development options that would provide a step down in intensity and act as a transition between multi-family and single family.

The subject site has access to urban services and has frontage onto Southeast Blvd which would provide good pedestrian access to the intersection of Regal and Southeast Blvd. This frontage has been improved with street paving, curb, pedestrian strip, and sidewalk. The site also fronts

onto 35<sup>th</sup> Avenue, improved with a curb only. The site contains no significant slopes, water features, critical areas or cultural resources that would inhibit development of the site.

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

As stated above, the staff recommended designation is consistent with the Comprehensive Plan policies of protecting single family neighborhoods, providing a decreased intensity zone that would provide still more increased development incentive for the vacant lot.

Staff concludes that this amendment would implement the Comprehensive Plan better than its current land use.

**B.** The proposed amendment has been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, specifically:

1. LU 5.5 "Compatible Development"
2. TR 3.1 "Transportation and Development Patterns"
3. TR 3.4 "Increased Residential Densities"

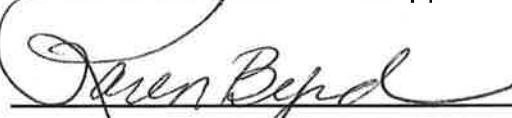
**C.** The proposed amendment has been reviewed by the City Plan Commission and found to be in conformance with the Spokane Municipal Code Chapter 17G.020.

#### **RECOMMENDATIONS:**

**A.** By a vote of 5 to 3, the Plan Commission recommends to the City Council the approval of an amendment to the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Residential 15-30" for one parcel, approximately 41,555 square feet in area and located at 2727 East 35th Avenue on parcel 35331.1107. If approved, the implementing zoning designation requested is Residential Multifamily (RMF).

**B.** The Plan Commission further recommends that the City Council take simultaneous legislative action on all of the amendment applications proposed so the cumulative effect of the various proposals can be ascertained and so that the Comprehensive Plan is not amended more than one time in 2011.

**C.** By a vote of 7 to 0, the Plan Commission recommends the approval of four out of five of the amendment applications to the Comprehensive Plan by the City Council.



**Karen Byrd, President  
Spokane Plan Commission  
September 14, 2011**