



**CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATIONS ON THE COMPREHENSIVE PLAN LAND USE MAP
AMENDMENT FILE NO. Z1000059COMP**

A Recommendation of the City Plan Commission to the City Council approving a proposed Comprehensive Plan Amendment application by Nick & Michele Follger. The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Office" for two adjoining parcels, approximately 27,325 square feet in area and located at 2714 & 2728 East 31st Avenue. If approved, the implementing zoning designation requested is Office-35 (O-35). In addition Planning Staff recommends to the Plan Commission that they expand the boundary of this application to include two vacant parcels located at 2801 East 31st Avenue and 2814 East 31st Avenue to the Land Use Designation of R 4-10 to Office at the same time to match the zoning of O-35 after a rezone of these properties in 2001. Lastly a change to the underlying land use on a parcel located on 32nd Avenue suggested by a Plan Commission member during a Public Hearing held on July 13, 2011. This was discussed due to it being similar to the other two listed above that are zoned Office-35 but have underlying land uses of Residential 4-10. The land owner of this property was contacted and has given permission to change the land use from Residential 4-10 to Office.

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 Z1000059COMP 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 Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Office." The subject property is located at 2714 & 2728 East 31st Avenue with parcel numbers 35331.0305 and 35331.0304 respectively. Per SMC 17G.020.010, the Plan Commission may 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. Staff recommends that scope of the amendment be expanded to include the adjacent properties located at 2801 East 31st Avenue and 2814 East 31st Avenue and 2815 E. 32nd Avenue, parcel numbers 35331.0215, 5331.0303 and 35331.0312. Note: A change to the underlying land use on the last address on 32nd Avenue was suggested by Plan Commission member Asher Ernst at the Public Hearing held on July 13, 2011 due to it being similar to the other two that are zoned Office-35 but have underlying land uses of Residential 4-10. The property owner of this small parcel was contacted and has given permission via email to change the land use from Residential 4-10 to Office.
- G.** If approved, the implementing zoning designation is requested to be Office-35.
- H.** Staff requested comments from agencies and departments on November 17, 2010. No 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 June 22 and 29, 2011, and the Official City Gazette on the same dates.
- J.** A public comment period ran from February 11, 2011 to March 18, 2011. No comments were received from the public.
- 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 of Public Hearing and SEPA Determination 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 June 22, 2011.
- Q. The staff report found that the amendment met all the criteria and recommended approval of this application.
- R. On July 13, 2011, the Plan Commission conducted a public hearing. No persons testified or had written public comment.
- S. The Plan Commission held the written record open for additional public comment until July 27th, 2011. No additional comments were received during the extended public comment period.
- T. On September 14, 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

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.
- 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 map amendments 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 map amendment will result in a minor benefit to the public.
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 and Capital Facilities Program.
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 office development have been addressed previously in Criterion 2 of the staff report for this proposal and presented at the Plan Commission public hearing on July 13, 2011. 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 is surrounded on all sides by properties that are designed either Office (North and East) or R 15-30 (South and West). The proposed zoning will allow for development that has been determined to be harmonious with the existing uses in the area.

The subject site has access to urban services and has frontage onto 31st Avenue which has been paved and improved with a curb and sidewalk. 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 applicant and staff finds that the proposed designation is consistent with the Comprehensive Plan policies of protecting residential neighborhoods, directing new, or in this case an existing, office uses towards centers and corridors and within areas where the existing use of land is Office and higher density residential, thus promoting compatible development.

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:

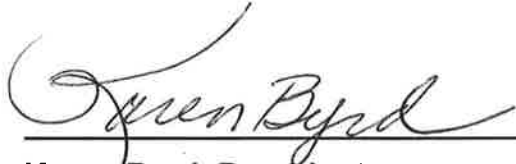
2. **LU 1.2 Districts**
3. **LU 1.5 Office Uses**
4. **LU 3.1 Coordinated and Efficient Land Use**
5. **LU 3.2 Centers and Corridors**
6. **ED 3.6 Small Businesses**

- 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 7 to 0, the Plan Commission recommends to the City Council the approval of a proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Office" for two adjoining parcels, approximately 27,325 square feet in area and located at 2714 & 2728 East 31st Avenue. If approved, the implementing zoning designation requested is Office-35 (O-35). In addition Planning Staff recommends to the Plan Commission that they expand the boundary of this application to include two vacant parcels located at 2801 East 31st Avenue and 2814 East 31st Avenue to the Land Use Designation of R 4-10 to Office at the same time to match the zoning of O-35 after a rezone of these properties in 2001. Lastly a change to the underlying land use on a parcel located on 32nd Avenue suggested by a Plan Commission member during a Public Hearing held on July 13, 2011. This was discussed due to it being similar to the other two listed above that are zoned Office-35 but have underlying land uses of Residential 4-10. The land owner of this property was contacted and has given permission to change the land use from Residential 4-10 to Office.

- 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