



CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON THE COMPREHENSIVE PLAN LAND USE MAP AMENDMENT FILE NO. Z1000060COMP

A Recommendation of the City Plan Commission to the City Council to deny an application by Heylman Martin Architects, on behalf of City of Spokane, Community Development Department, for a proposed Comprehensive Plan Land Use Plan Map 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 parcels, approximately 85,561 square feet in area and located at 1030 West Courtland Avenue on parcel numbers: 35063.1701, 35063.2402, 35063.2304 -.2308. 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 Z1100060COMP 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 parcels, approximately 85,561 square feet in area and located at 1030 West

Courtland Avenue on parcel numbers: 35063.1701, 35063.2402, 35063.2304 - .2308.

- G.** If approved, the implementing zoning designation is requested to be RMF.
- H.** Staff requested comments from agencies and departments on November 17, 2010. Traffic Engineering submitted comments requesting a Trip Generation and Distribution Letter. The Spokane Tribe of Indians requested a Cultural Resource Report. The State of Washington Department of Archaeology & Historic preservation on July 13, 2011 referred to as the, "*Literature Review and Archaeological Resources Field Survey for the City of Spokane's Comprehensive Plan Amendment for Properties Located at 1030 West Courtland Avenue, Spokane County, Washington*" concurred with the report and recommendations and requested an inadvertent discovery plan be developed prior to construction and that the plan be developed by a professional archaeologist and be submitted to DAHP and the Tribe for review. 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 January 14, 2011 to March 16, 2011. Eighteen people submitted public comment, all opposed. Public Comments were individually reviewed at 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 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 observed that a neighborhood planning process had been completed in the area in 2007 and did not recommend changes to this parcel.
- R. On July 13, 2011, the Plan Commission conducted a public hearing. Five citizens testified in opposition of the land use designation change. Ryan Bollinger, a representative of the applicant, stated the height of the proposed development would not impact any views.
- S. The Plan Commission held the written record open for additional public comment until July 27, 2011. Six written comments were received, all in opposition to the proposal.
- 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 not consistent with those policies. Following this deliberation, the Plan Commission made a decision to recommend denial of the proposed amendment to the City Council.

CONCLUSIONS:

- A. The Plan Commission adopts the following 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 not consistent with the goals and purposes of the Washington state Growth Management Act.
2. Consistency: The Plan Commission concludes that this application is not consistent with and does not implement the Comprehensive Plan and its supporting documents identified by the applicant, specifically LU 1.3 "Single Family Residential Areas," LU 1.4 "Higher Density Residential Uses," LU 4.1 "Land Use and Transportation," LU 4.2 "Land Uses that Support Travel Options," LU 5.5 "Compatible Development," TR 3.1 "Transportation and Development Patterns," and TR 3.4 "Increased Residential Densities."

The Plan Commission believes that the following Comprehensive Plan Policies support the Plan Commission's recommendation to the City Council to deny the application: NE 7.2 "Land Form Protection," NE 11.1 "Nature Space Identification," Goal DP 1 "Pride and Identity," DP

1.1 "Public Land Use Sites," DP 1.2 "Landmark Structures, Buildings, and Sites," DP 1.3 "Urban Trees and Landscape Areas," DP 1.4 "New Development in Established Neighborhoods," DP 1.5 "Significant Views and Vistas," and DP 1.6 "Gateway Identification."

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 amendment will not result in a public benefit.
7. No Adverse Effect: These proposed changes could have an 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 not consistent with the Comprehensive Plan as it relates to all of its supporting documents.
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 Plan Commission concludes that this proposed amendment is not consistent with the appropriate location criteria identified in the Comprehensive Plan.

2. The map amendment or site is suitable for the proposed designation;
The Plan Commission concludes that this amendment is not suitable for the proposed designation.

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

The Plan Commission concludes that this amendment would not 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 not in conformance with the goals and policies of the City's 2001 Comprehensive Plan, specifically:

1. LU 1.3 "Single Family Residential Areas"
2. LU 1.4 "Higher Density Residential Uses"
3. LU 4.1 "Land Use and Transportation"
4. LU 4.2 "Land Uses that Support Travel Options"
5. LU 5.5 "Compatible Development"
6. TR 3.1 "Transportation and Development Patterns"
7. TR 3.4 "Increased Residential Densities"

The Plan Commission believes that the following Comprehensive Plan Policies support the Plan Commission's recommendation to the City Council to deny the application:

1. NE 7.2 "Land Form Protection"
2. NE 11.1 "Nature Space Identification"
3. Goal DP 1 "Pride and Identity"
4. DP 1.1 "Public Land Use Sites"
5. DP 1.2 "Landmark Structures, Buildings, and Sites"
6. DP 1.3 "Urban Trees and Landscape Areas"

7. DP 1.4 "New Development in Established Neighborhoods"
 8. DP 1.5 "Significant Views and Vistas"
 9. DP 1.6 "Gateway Identification"
- C. The proposed amendment has been reviewed by the City Plan Commission and found to be not in conformance with the Spokane Municipal Code Chapter 17G.020.

RECOMMENDATIONS:

- A. By a vote of 4 to 3, the Plan Commission recommends to the City Council the denial of an amendment to the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Residential 15-30" for parcels, approximately 85,561 square feet in area and located at 1030 West Courtland Avenue on parcel numbers: 35063.1701, 35063.2402, 35063.2304 -.2308.
- 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.



Karen Byrd, President

Spokane Plan Commission

September 14, 2011