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Spokane County
Department of Building and Planning
1026 West Broadway Avenue
Spokane, WA 99260-0220

RE: 11-CPA-02

This letter is a response to Mr. Dwight Hume's letter dated 9/14/2011. The text in boxes came directly from that letter.

Thank you for considering this request. I see that we have numerous letters in opposition to this request and all but one living in the same subdivision, College Place located southwesterly of the subject proposal. Within those letters nearly a third of them are a form letter and all of them are

My comments:

1. There are numerous responses in opposition because numerous people are opposed to this rezoning. Of course most of the letters came from College Place Subdivision. That is because NO ONE in the Camelot subdivision was mailed a copy of the rezone notice. (They all live over 400 feet away.) And only 8 houses in the College Place subdivision were mailed a notice of the rezoning. Everyone else in College Place subdivision lives over 400 feet away.
2. There was no form letter. Several people copied a letter that was passed around by some of the people that were not mailed

a copy for the notice, but each letter is different. And in any event, even though the letters are very similar, they should not be discounted as each one was sent by an individual and every one of those individuals wants their comment to be considered.

subject proposal. Within those letters nearly a third of them are a form letter and all of them are points of confusion or gross assumptions about impacts. Categorically, their concerns are as

My response: This is not true. "All of them" is a gross exaggeration. There are some very valid, heartfelt concerns that are in no way "confused" or can be called "gross assumptions". They are honest comments by concerned individuals. To categorize them to all be confused and gross exaggerations is a bit over the top. To lump them all together in this manner shows a great disrespect for the whole process involved in making informed decisions on this request.

a) Traffic impacts – they do not realize that no new roads or driveways will be created

My comment: In some of the written comments, and in the individual testimonies at the hearing, most of the concern about traffic involved the increased vehicle traffic that would be drawn into the area. A lot was written and said about the traffic problems on highway 2 that can (and will) only get worse. Little was written or said about new roads. This is a gross and inaccurate exaggeration my Mr. Hume or he is confused about this issue.

- b) No new shopping centers are needed – they do not realize that this is not for a new shopping center. The request stays within the boundary of an approved Binding Site Plan that is partly built out. There is neither room, nor plans for a shopping center .

That no new shopping centers are needed is a very valid comment. The fact is that this request is for a rezone that will allow many new uses for the site, including large shopping centers.

The (pasted below) image on the Spokane County Comprehensive Plan document #UL-2 shows an image of a large shopping center. Because this rezone request is “speculative”, with no building permit or customer officially identified, we have no idea what the ultimate use will for this site. All we know is that the rezone will allow a “Regional shopping center and/or major commercial area” as defined by the official Spokane County Comprehensive Plan (see text below). Will they be willing to exclude shopping centers from ever being built on the site if it is rezoned?

Commercial Categories

Three distinct categories for urban commercial use include the following:

Regional Commercial - The Regional Commercial classification designates intensive commercial areas intended to draw customers from the County-at-large and outlying areas. Regional shopping centers and major commercial areas will be designated with this classification. Residences in conjunction with business and/or multifamily developments may be allowed, with performance



- c) Adult Entertainment will be allowed and impact us and the families using the YMCA— not only is it not planned, but it cannot be allowed due to the rigid setback standards for such use that cannot be met under these circumstances.

My comment: Many of us are justifiably concerned because Adult Entertainment is one of the uses that are listed as being possible if this property is rezoned to Regional Commercial. And again, because there is no building permit or formal plan listed for the site, a wide range of uses could happen, many of which are not appropriate give the close proximity of the YMCA and two large residential subdivisions.

- d) Incompatibility to surrounding residential uses – the Hearings examiner found that the previous request for B-3 zoning on exactly the same property and acreage did not have an impact upon the residential area due to extraordinary setbacks from those uses and the intervening high voltage power lines existing between this use and the houses plus the variable terrain. (See attached Finding #56, Page 9 ZN-15-01 attached hereto.

My comment: The hearing examiner made some errors in the 2002 rezoning. Those errors were listed and documented in my previous comment on this rezone request that was dated 9/20/2011. There is no setback between the rezoned property and College Place subdivision. The rezoned property directly borders lots 13, 8, 9 and 10 in block 1 of the College Place subdivision. There is no variable terrain. The rezoned property is on the same elevation. And I have documented that the power lines do not limit use of the adjoining property in College Place subdivision. Finding #56 is this rezone was in error.

e) Inadequate notice given – the notice process was followed and met per applicable notice requirements.

My comment: Only 8 residents in College Place subdivision and no residents in Camelot received a notice. That is because everyone else lives more than 400 feet away. I believe Mr. Hume followed this process to the letter of the law. The fact that more than 8 people wrote in expressing opposition shows that there is a lot of opposition to this rezoning request.

f) Wait for the recession to end and the project will lease out – the purpose of the zone change is not only to create equity in the market place of surrounding competing RC sites, but to accommodate a major new car dealership that has selected this site and is under franchise approval pending this revision. The MU zone simply doesn't allow outdoor display and sales. More importantly, no other RC zoned property can meet

My comment: Other RC zoned property does exist, including the former Newport Cinema property across the street on Highway 2. Mixed Use does not allow vehicle sales lots for very good reasons, as stated by the Spokane County Comprehensive Plan. High vehicle traffic uses are not compatible with the YMCA and the two neighboring residential subdivisions.

Having addressed their points of concern,

My comment: Mr. Hume did not address ALL concerns, the biggest being the incompatibility with the MU zoning that would surround this site if it were to be rezoned.

- 1) This is the same request in the same location and the same size, previously found acceptable for B-3 (RC) zoning per F&O of ZN-15-01;

My comment: Everything has changed due to the implementation of the Comprehensive Plan. You cannot now just roll back the clock on that. And, as I have pointed out, there were errors on that rezoning. Significant errors.

- 2) Since this was previously zoned B-3, then MU by cross-over policies, there has been an addition of approximately 300 acres of MU zoning on the Kaiser property less than 1600 ft. to the NE along SR-2. The elimination of this 24 acres of MU zoning does not compromise the Comprehensive Plan whatsoever; and,

My comment: This property was B-3 before the YMCA was envisioned (and later built) and before the Comprehensive Plan was implemented. It does compromise the comprehensive plan because it creates **MU sandwich**, with a RC zone being sandwiched inside MU areas. That is one of the incompatible use problems that the comprehensive plan was designed to eliminate.

3) As stated above, this well established auto dealership has determined that this is the best location of all RC sites on the north side and Spokane County will benefit greatly from the excise tax dollars derived from this use.

My comment: My understanding is that creating tax revenue is not an acceptable reason for a downward rezoning. And if this is a well established auto dealership as stated, then no NEW tax dollars will be derived. Tax dollars will be merely shifted from one location to an new location.

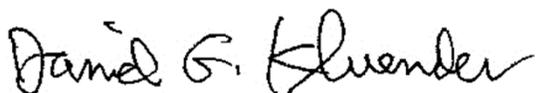
Having addressed their points of concern,

My comment: Not all of the concerns were addressed.

My closing statement: Please do not allow this rezoning. It goes against the grain of the comprehensive plan by sandwiching an RC zone within a MU zone that borders the YMCA and two large residential subdivisions. The comprehensive plan was implemented to avoid situations like this. Mr. Hume stated the hearing that Vandervert paid for all (his word) the traffic improvement changes at the Highway 2 / Nevada street intersection. Two key employees at the YMCA told me that the YMCA paid for this work.

I greatly appreciate being able to have my comments considered when you make your decisions.

Sincerely,



Daniel G. Kluender