

Staff Report to the Planning Commission

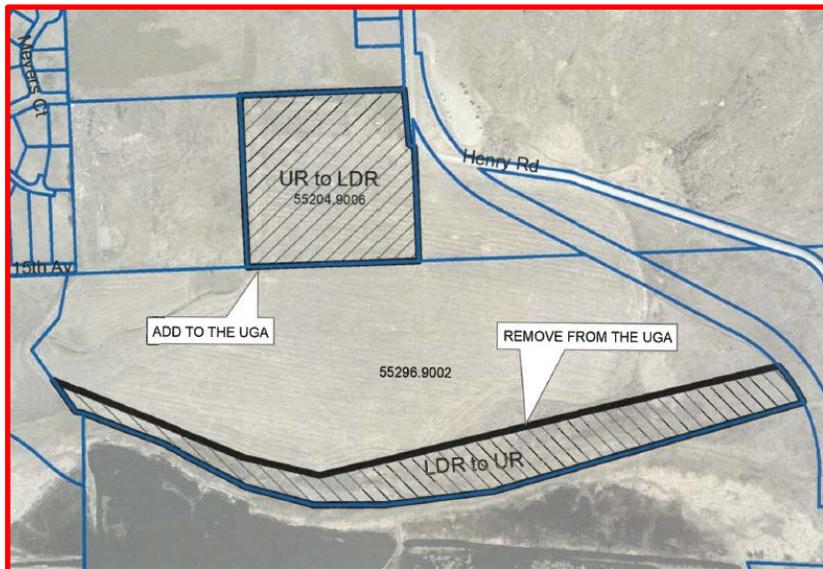
Public Hearing for October 15, 2020

File # 20-CPA-06

Spokane County Department of Building and Planning

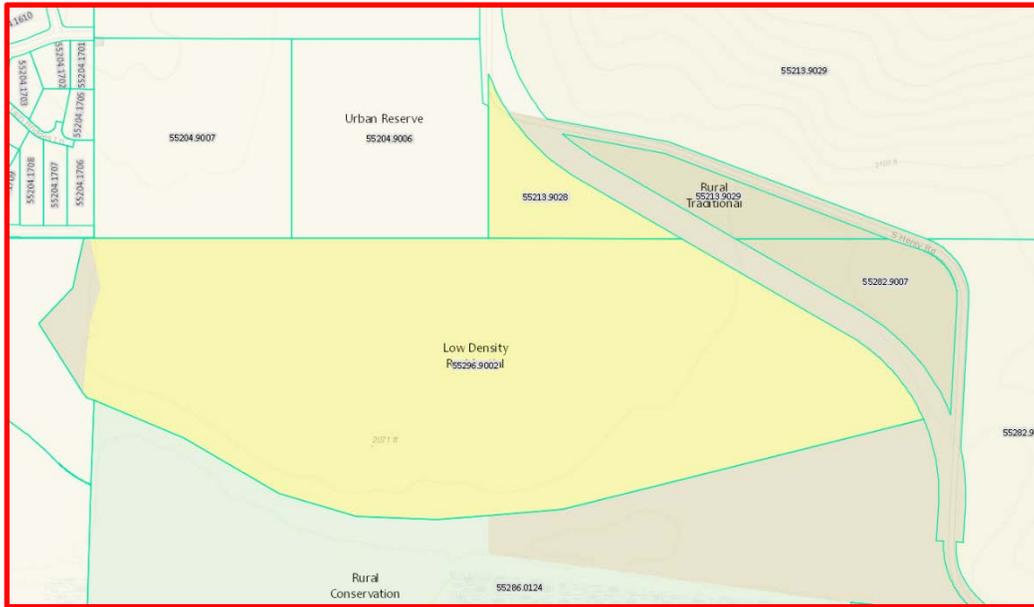
Proposal

The proposal is a concurrent Comprehensive Plan and Zoning Code amendment to modify the Urban Growth Area (UGA) boundary with the removal of 10 acres of land in the UGA and the addition of 10 acres of land in the UGA on an adjacent parcel. The result is a no net gain of UGA. The parcel to be removed is proposed to be reclassified from Low Density Residential (LDR) to Urban Reserve (UR). The parcel to be added to the UGA is proposed to be reclassified from Urban Reserve (UR) to Low Density Residential (LDR) as illustrated below.

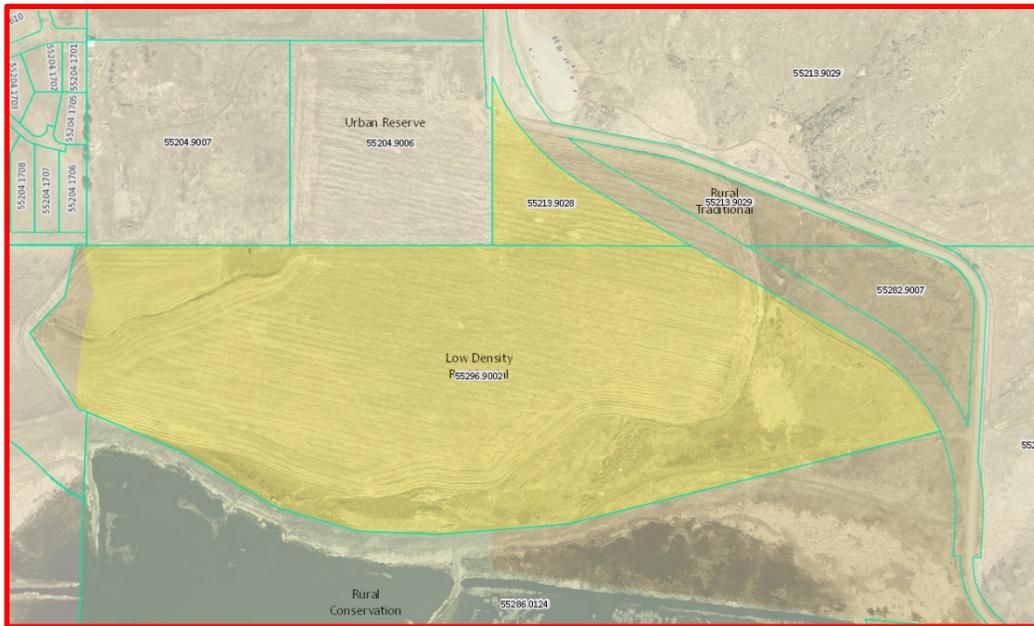


Owner: Central Valley School District
Benjamin Small, Superintendent
19307 East Cataldo Avenue
Spokane Valley, WA 99016

Site Info: Located in southeast Spokane Valley, west of and adjacent to South Henry Rd within portions of Section 20, 29 and 28, T26N, R43 EWM. Parcel numbers 55296.9002 and 55204.9006. The size of the reclassification area is 20 acres.



Current Comprehensive Plan and Zoning Map Categories – 20-CPA-06



Current Imagery – 20-CPA-06

Land Uses and Land Use Designations

Land Use

The site is relatively flat with some steep slopes on the south boundary of parcel 55296.9002. There are no structures on the site and it currently used for agriculture.

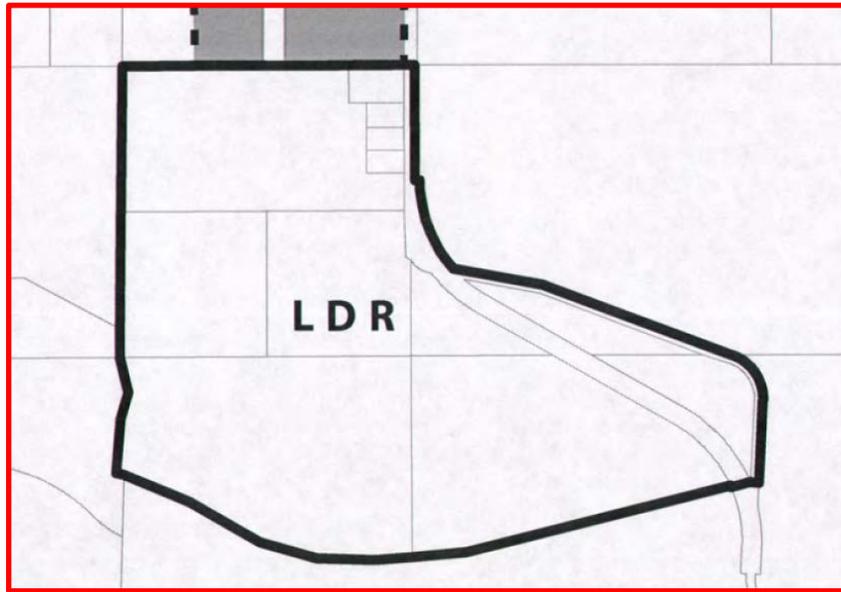
Land Use Designation

Parcel 55204.9006 lies outside the Urban Growth Area and has an Urban Reserve (UR) Comprehensive Plan and Zoning classification. Parcel 55296.9002 lies within a standalone Urban Growth Area and has a Low Density Residential (LDR) Comprehensive Plan and Zoning classification. Parcel 55296.9002 was recently included in the Urban Growth Areas (UGA) with adoption of Spokane County's 2017-2037 Comprehensive Plan Update (BoCC Resolution # 2020-0129). Adjacent land use designations include Urban Reserve (UR), Rural Traditional (RT) and Rural Conservation (RCV).

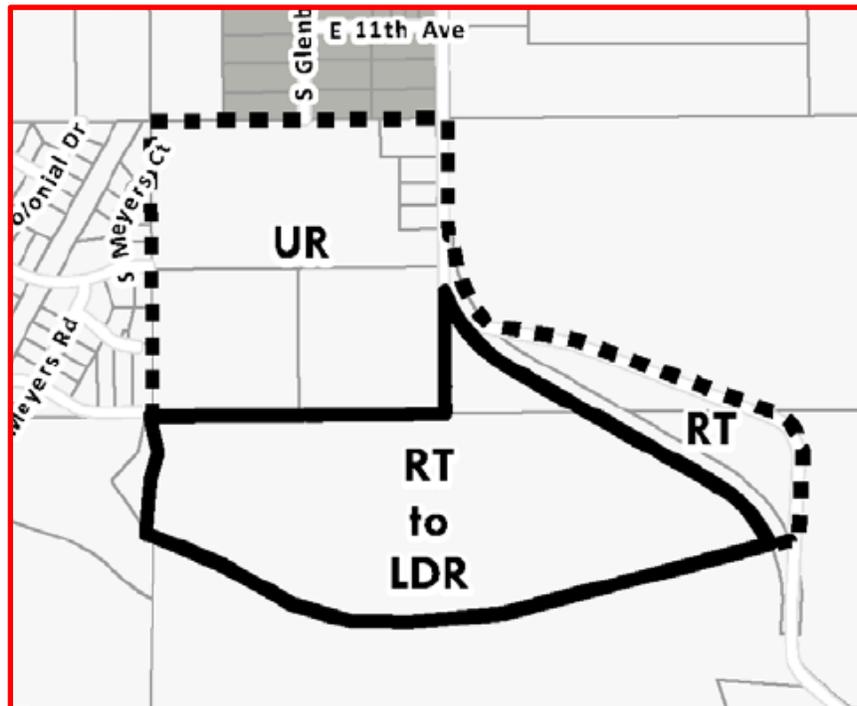
Background – Past Actions

In compliance to the Growth Management Act under RCW 36.70A.130, Spokane County adopted an update to the Comprehensive Plan and Development Regulations on June 23rd, 2020 (BCC Resolution 2020-0129). The update included addressing the requirements of a Settlement Agreement (BCC Resolution 2016-0464) related to an appeal of the Urban Growth Area Update adopted on July 18th, 2013 (BCC Resolution 2013-0689). The subject site and adjacent parcels were included in an expansion area to the 2013 UGA Update. The UGA appeal subsequently invalidated the expansion area, however, the Settlement Agreement allowed the County to retain a portion of designated UGA expansion and subsequently modify the area based on the following term:

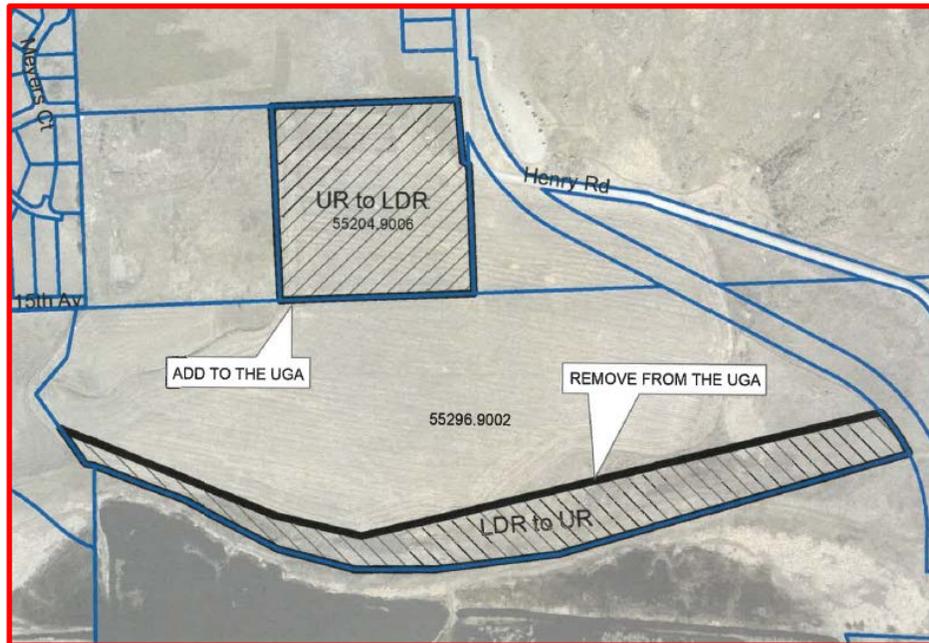
- 10.2 The County may amend the urban growth area to include property subsequently acquired by Central Valley School District in the expansion area known as “Southeast Valley” map number 7, identified in Exhibit “B” and “C,” provided the amendment results in no-net-gain of total UGA acreage, is adjacent to parcel 55296.9002, is acquired solely for school use, and is within the original Southeast Valley expansion study area adopted in the 2013 Comprehensive Plan.



2013 Urban Growth Area Update – Expansion Area
(Invalidated by Appeal)



2017-2037 Comprehensive Plan Update Expansion Area per Settlement Agreement
Adopted by BoCC Resolution 2020-0129
(Solid Black Line Shows UGA Expansion Area)



Proposed Revision to Comprehensive Plan and Zoning Map Categories

Critical Areas Review

Critical Aquifer Recharge Area:	High Susceptibility
Fish and Wildlife Habitat:	None
Floodplain:	None
Streams:	DNR stream type F
Cultural Resources:	None known

Critical aquifer recharge areas are areas that provide a critical recharging effect on aquifers used for potable water. Spokane County has provisions within the Critical Areas Ordinance and other County ordinances to protect aquifers from the potential impacts of new development including stormwater treatment and restrictions on the storage and use of potential contaminants.

A DNR fish habitat stream type is located on the east portion of parcel 55296.9002 and will require a buffer for new development per Spokane County’s Critical Areas Ordinance.

Facility and Services Review

Services/Facilities Review

The subject site receives public sewer from Spokane County and water from Consolidated Water District #2. Fire protection is provided by Spokane County Fire Protection District # 8. Policing is provided by Spokane County Sheriff. School services are provided by Central Valley School District. Per the Spokane Arterial Road Plan, S. Henry Road is identified as a Rural Minor Collector, and it fronts and provides access to parcel 55204.9006. The site is within the Public Transit Benefit Area.

Impact Analysis

The area included in the proposed reclassification was studied extensively within the County's 2017 – 2037 Comprehensive Plan Update for inclusion in the UGA. The study included a detailed analysis of all facilities and services including a regional transportation analysis conducted by Spokane County Regional Transportation Council (SRTC). Since the proposal has no net gain of area added to the UGA, the previous environmental studies on the site are adequate and are included by reference herein (Spokane County 2017-2037 Periodic Update of the Comprehensive Plan, Environmental Impact Statement Addendum, issued October 30, 2019).

Population and Land Capacity

The proposed amendment will not increase the population capacity within the Urban Growth Area (UGA) since there is a no net gain of urban land classification.

Public Participation/Agency Review

Notice of the public hearing on the proposal was published in the legal notice section of the Spokesman Review on September 30, 2020. In addition, notice of the hearing was mailed to property owners within 400 feet of the proposal and a sign was posted on the subject property at least 15-days prior to the public hearing. A formal notice was sent to state agencies on September 9, 2020 as required by the Washington State Department of Commerce. The public hearing will be held virtually via the Zoom program on October 15, 2020 at 9:00 am. The public hearing notice, including instructions on how to participate, is included at the end of this report.

Spokane Regional Transportation Council Review

The Spokane Regional Transportation Council (SRTC) is the region's federally mandated metropolitan planning organization (MPO) and serves as Spokane County's Regional Transportation Planning Organization (RTPO). RTPOs play a central role in the development and certification of comprehensive plans and UGA updates. Chapter RCW 47.80, Regional Transportation Planning Organizations, provides the RTPO with regional transportation oversight as follows:

Each regional transportation planning organization, with cooperation from component cities, towns, and counties, shall establish guidelines and principles by July 1, 1995, that provide specific direction for the development and evaluation of the transportation elements of comprehensive plans, where such plans exist, and to assure that state, regional, and local goals for the development of transportation systems are met.

SRTC provides a concurrent review of comprehensive plan amendment proposals and must certify that the plan is consistent with the regional transportation plan and adopted regional levels of service

State Environmental Policy Act

An environmental checklist was prepared by the applicant. A Determination of Nonsignificance (DNS) was issued by the Building and Planning Department on September 30, 2020 with a comment and appeal period ending on October 14th, 2020. The DNS was circulated to agencies of jurisdiction and a notice of the DNS was published in the Spokesman Review on September 30, 2020. The environmental review incorporates and relies on a previous environmental study conducted for Spokane County's 2017-2037 Comprehensive Plan Update (Spokane County 2017-2037 Periodic Update of the Comprehensive Plan, Environmental Impact Statement Addendum, issued October 30, 2019).

Zoning Code Criteria for Amendments

The proposal contemplates amendments to the Comprehensive Plan and Zoning Code. Chapter 14.402 of the Zoning Code provides criteria to be considered for proposed amendments as shown below. The proposal is consistent with criteria 6.

14.402.040 Criteria for Amendment

The County may amend the Zoning Code when one of the following is found to apply.

1. The amendment is consistent with or implements the Comprehensive Plan and is not detrimental to the public welfare.
2. A change in economic, technological, or land use conditions has occurred to warrant modification of the Zoning Code.
3. An amendment is necessary to correct an error in the Zoning Code.
4. An amendment is necessary to clarify the meaning or intent of the Zoning Code.
5. An amendment is necessary to provide for a use(s) that was not previously addressed by the Zoning Code.
6. An amendment is deemed necessary by the Commission and/or Board as being in the public interest.

Comprehensive Plan Guiding Documents

The Spokane County Comprehensive Plan, Zoning Code, and Revised Code of Washington provide the framework for consideration of Comprehensive Plan Amendments. The Planning Commission should consider relevant goals and policies for consideration of the proposed amendment. Following are some of the Goals and Policies from the Comprehensive Plan that may be relevant to the proposal.

Goals

- UL.1a Provide a healthful, safe and sustainable urban environment that offers a variety of opportunities for affordable housing and employment.
- UL. 1b Create a future rich in cultural and ethnic diversity that embraces family and community values and recognizes the interests of the whole community
- UL.7 Guide efficient development patterns by locating residential development in areas where facilities and services can be provided in a cost-effective and timely fashion.

Policies

- UL.7.1 Identify and designate land areas for residential use, including categories for low-, medium- and high-density areas.
- UL.7.3 New urban development must be located within the Urban Growth Area (UGA) boundary.
- UL.7.11 Establish zoning and subdivision regulations that require residential developments to provide the following improvements:
 - a) Paved streets (and alleys if appropriate), curbs and sidewalks, paths and internal walkways, when appropriate;
 - b) Adequate parking consistent with local transit levels;
 - c) Street lighting;
 - d) Storm water control;
 - e) Public water supply;
 - f) Public sewers.
- UL.7.12 New development within the UGA shall be connected to public sewer, consistent with requirements for concurrency. Developer-financed extensions of public sewer may be allowed within any area of the UGA provided capacity and infrastructure needs are adequately addressed.

Goal

- UL.18 Maintain an Urban Growth Area (UGA) that provides a distinct boundary between urban and rural land uses and provides adequate land to accommodate anticipated growth.

Policies

- UL.18.1 Review and evaluate Urban Growth Area boundaries, as required by the Countywide Planning Policies (topic 1, policy 16) and the Revised Code of Washington.
- UL.18.2 The determination of UGA boundaries shall include consideration of environmental features, topography, jurisdictional boundaries and special purpose districts. When the boundary follows a utility line, consideration should be given to including adjacent parcels on both sides of the line to allow efficient use of the utility and provide fairness to property owners.
- UL.18.3 Urban Growth Area boundaries shall follow parcel boundaries to avoid splitting an existing parcel of record, except when the inclusion of the entire parcel creates an irregular or illogical boundary.
- UL.18.4 Consistent with availability of facilities and services, development to urban densities will be encouraged in and up to the Urban Growth Area boundaries.