



STAFF REPORT TO THE PLANNING COMMISSION

ANNUAL COMPREHENSIVE PLAN AMENDMENT 20-CPA-07

BUILDING AND PLANNING DEPARTMENT

Proposal: The applicant requests for a comprehensive plan amendment to remove approximately 180 acres outside the Urban Growth Area (UGA) from the Spokane County ORV Park and apportion the addition of approximately 180 acres to parcels adjacent to Flint Road in the UGA.

Agent: Jack Kestell, 300 East 3rd Ave. Spokane, WA. 99201

Owners: Jeff & Paula Oswald, 812 S Flint Rd., Spokane, WA. 99224
Kenneth & Dani Ewing, 701 S. Flint Rd., Spokane, WA. 99224
John & Juanita Oswald, 708 S. Flint Rd., Spokane, WA. 99224
Spokane County, 404 N Havana, Spokane, WA. 99202

Site Info: Transfer Property - Spokane County ORV Park is within the Airway Heights Joint Planning Area (JPA), west of West Sprague Avenue and adjacent to the City of Airway Heights boundary line to the east. It lies in Southwest $\frac{1}{4}$ of Section 14, T25N, R41E, and Northeast $\frac{1}{4}$ of Section 23, T25N, R41E, W.M. Spokane County, Washington. Parcel No. 15144.9007, 15144.9008, 15231.9035

Receiving Property - Locate outside the Urban Growth Area (UGA), west of Flint Road and north of 12th Avenue and Deer Heights Road within Section 19, Township 25, Range 42 and Section 18, Township 25, Range 42, EWM., Spokane County, Washington. Parcel No. 25191.9001, 25191.9002, 25191.9003, 25184.9033, 25194.9015

Refer to Appendix I to view the maps for this proposal.

Land Uses and Land Use Designations:

Land Use & Existing Conditions

Transfer Property - The site is flat with dirt tracks and structures to support off road vehicle racing. Land use adjacent to the parcel are as follows: vacant land to the north, single-family development (Sunset Crossing) to the south, a mining operation and Airway Heights Correctional Facility to the east, and vacant land to the west.

Receiving Property - The site is flat with deciduous and evergreen trees, shrub, grass, and crops (winter wheat). It is currently used for agriculture. Land use adjacent to the parcel are as follows: rural single-family dwelling on acreage to the north, vacant (proposed North 40 site) to the south, rural single family dwellings on acreage to the east, and single-family development (Sekani Addition) and a mining operation to the west.

Land Use Designation

Parcel No. 15144.9007, 15144.9008, 15231.9035 lies within the Airway Heights Joint Planning Area (JPA) and has a Rural Traditional (RT) Comprehensive Plan and Zoning designation. Parcel No. 25191.9001, 25191.9002, 25191.9003, 25194.9015, 25194.9062 is outside the Urban Growth Area (UGA) and has a Rural Traditional (RT) Comprehensive Plan and Zoning designation. Adjacent land use designation for the "Transfer Parcel" include: City of Airway Heights (single-family development) to the south, Rural Traditional (RT) to the west, City of Airway Heights (mining and Airway Heights Correctional Facilities) to the east and Rural Traditional (RT) to the north. Adjacent land use designation for the "Receiving Parcel" include: Rural Traditional (RT) to the north, Rural Traditional (RT) to the east, City of Spokane to the south, and Mineral Lands (M) and City of Airway Heights boundary line to the west.

Critical Areas Review:

Critical Aquifer Recharge Area:	Moderate
Fish and Wildlife Habitat:	None
Floodplain:	None
Streams:	None
Cultural Resources:	None

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.

Facilities and Services Review

The site is not within a designated sewer or water district. Fire protection is provided by Spokane County Fire Protection District No. 10. Policing is provided by the Spokane County Sheriff's Office. School services are provided by Cheney School District No. 360. West Sprague Avenue is identified as a Rural Minor Collector. Flint Road is identified as a Rural Minor Collector. 12th Avenue is identified as an Urban Local Access Road. The site is within the Public Transit Benefit Area. The Public Transportation Benefit Area (PTBA) is a special taxing district established by Washington State for the purpose of providing public transportation.

Background

In compliance to the Growth Management Act under RCW 36.70A.130, Spokane County adopted an update to the Comprehensive Plan and Development Regulations, under Resolution 2020-0129, on June 23rd, 2021. The update included addressing the requirements of a Settlement Agreement, under Resolution 2016-0464, related to an appeal of the Urban Growth Area Update, under Resolution 2013-0689, adopted on July 18th, 2013. The Settlement Agreement allows for the modification of the Urban Growth Area (UGA) based on the following term:

10.1 The County may amend its urban growth area as long as there is no net increase in acreage and the impacts on transportation and capital facilities are identified and probable funding sources for any needed improvements have been identified in the simultaneously adopted transportation and capital facilities plan elements.

With the demand for housing in the West Plains, the applicant presented a motion before the Board of County Commissioners (BOCC) to advance the Kestell ORV Land Swap (Airway Heights UGA swap) from the 2021 Comprehensive Plan cycle into the 2020 Comprehensive Plan cycle subject to the applicants submitting all the necessary documentation to support the appropriate review and approval process as required. The BOCC voted and unanimously approved the motion on October 6, 2020.

The applicant described the proposal in their SEPA checklist as follows:

"The proposal involves "swapping", or relocating, 180 acres of City of Airway Heights Joint Planning Area (JPA), as allowed per Spokane County Resolution 2016-0464. The property currently located within the JPA ("Transfer Property") is owned by Spokane County. The property to be redesignated as JPA ("Receiving Property") is owned by the applicants. All property involved in this land swap is zoned Rural Traditional, which allows for one residential parcel per ten acres. Upon approval, the applicant expects to seek annexation into the City of Airway Heights, at which time the city will assign a new zoning designation. Impacts of that process is neither included nor evaluated within this Checklist."

The land action is a map amendment to modify the UGA boundary only and results in “no net increase” as required by Term 10.1 of the Settlement Agreement. There is no recommendation for a corresponding change of zoning to accommodate urban uses as there is no development plan.

Upon creation of a development plan, the property owner will work with the City of Airway Heights to ensure the appropriate process of rezoning, connection to urban services, and annexation. Thus, the City of Airway Heights will then provide the analysis to capital facilities and transportation impacts. A Development Agreement with conditions will be drafted and agreed upon to safeguard the process.

Public Participation/Agency Review

Notice of the public hearing on the proposal was published in the legal notice section of the Spokesman Review on June 2nd, 2021. In addition, notice of the hearing was mailed to the property within 1000 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 January 26th, 2021 and May 10th, 2021 as required by Washington State Department of Commerce. The public hearing will be held virtually via Zoom program on June 17, 2021 at 9:00 a.m.

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 are involved in the development and certification of comprehensive plans and UGA updates. Chapter RCW 47.80, Regional Transportation Planning Organizations, provides them 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 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 and circulated to agencies on January 26th, 2021. Comments were received from Washington State Department of Commerce, City of Airway Heights, City of Spokane, Fairchild Airforce Base, Spokane International Airport, and Spokane County Public Works Department. A Determination of Nonsignificance (DNS) was issued by the Department of Building and Planning on June 2nd, 2021 with a comment and appeal period ending on June 16th, 2021. The DNS was circulated to agencies of jurisdiction and a notice of the DNS was published in the Spokesman Review on June 2nd, 2021.

Zoning Code Criteria for Amendments:

Spokane County Zoning Code Chapter 14.402 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

Urban Growth Area
Goal

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

Comment: The "Receiving Parcel" borders the City of Airway Heights.

Policies

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.

Comment: The "Receiving Parcel" borders the City of Airway Heights.

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.

Comment: The proposal does not create an irregular or illogical boundary. The "Receiving Parcel" borders the City of Airway Heights.

UL. 18.5 Amendments to the urban growth area that increase the total acreage of the UGA shall be consistent with limitations and conditions of a Settlement Agreement between Spokane County and certain appellants of a land use action, as adopted under Board of County Commissioners Resolution #2016-0464 and attached as Appendix J.

Comment: The urban growth area (UGA) modification will result in "no net increase." The City of Airway Heights will oversee the rezoning, connection to urban services, and annexation, thus capital facilities and transportation impacts will be addressed as required in Term 10.1 of the Settlement Agreement

Air Transportation

Goal

T.3g Protect airports in Spokane County from encroachment by incompatible land uses.

Comment: Though the "Receiving Parcel" is within the APZ-5 and MIA3/4, the future land uses comply with the Airport Overlay Zones and JLUS. The applicant made efforts to comply with regulations. Refer to maps.

Policies

T.3g.3 Decisions on zone reclassifications and land use development shall consider noise hazards of aircraft operations and accident potentials.

Comment: The applicants made efforts to conform with Airport Overlay and JLUS regulations. Refer to maps.

T.3g.5 Discourage new residential development near airports where significant noise impacts and safety hazards exist or are likely in the future.

Comment: Proposal to build future residential development is outside the 65-70 DNL contours. Refer to maps

Protection of Fairchild Airforce Base Goal

T.3j Protect the long-term viability of Fairchild Airforce Base and assure flight safety in the vicinity of the Base while protecting the public's health and safety.

Comment: The applicant is compliant to the long-term viability of Fairchild Airforce Base. Boundary lines on the proposal were amended from the original submission of application to accommodate Spokane International Airport and Fairchild Airforce Base.

Policies

T.3j.2 Compatible Land Use and Densities Policies
Encourage the protection of Fairchild AFB from land uses and/or activities that could adversely impact present and/or future base operations.

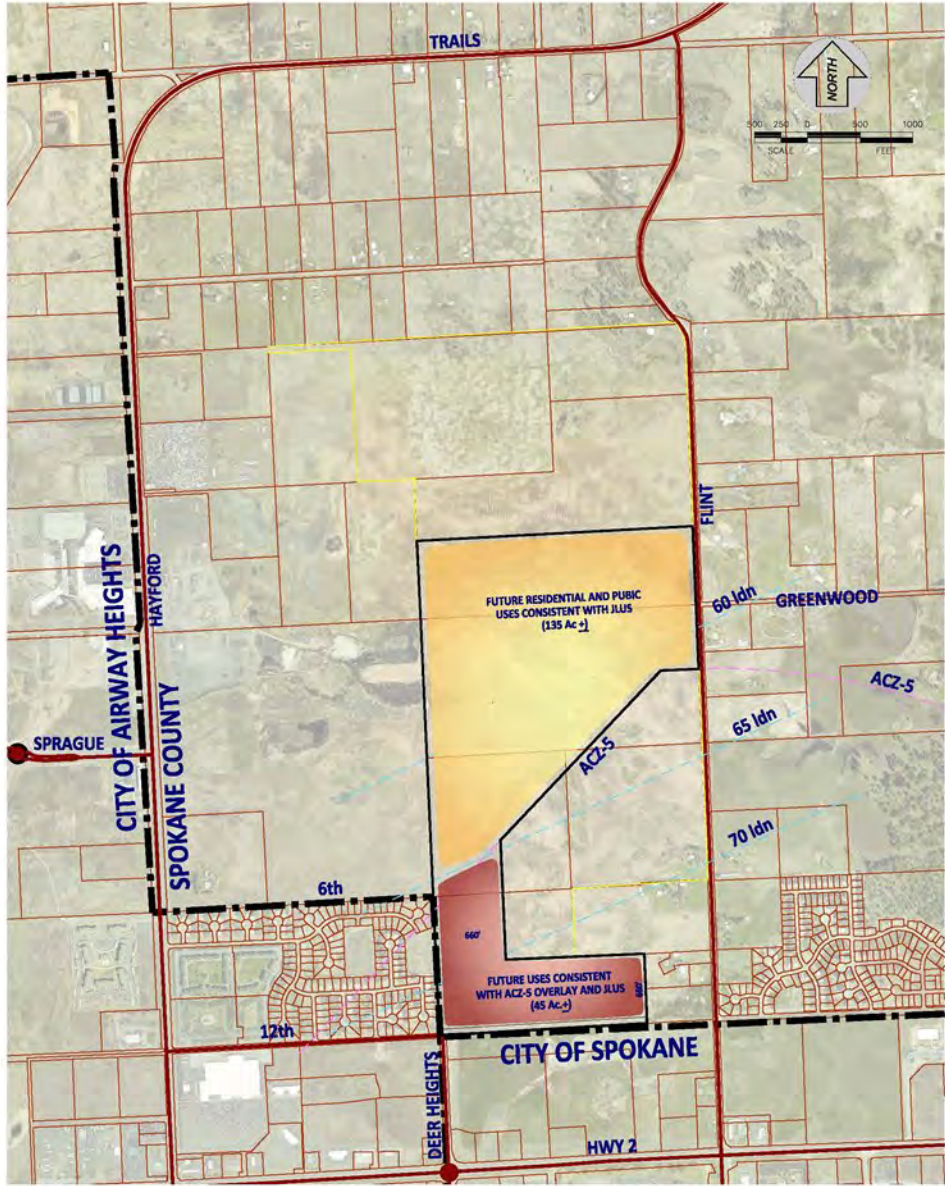
T.3j.4 Restrict Residential Land Uses
Future Comprehensive Plan amendments and zone reclassification within MIA3/4 that would increase residential densities, geographically expand residential zones, establish a new residential designation, change an existing commercial or industrial zones shall not be considered.

T.3j.7 Land Use Regulations
Regulate land use within Military Influence Area 3/4 to protect public health and safety, ensure a compatible mix of land uses, and support ongoing Fairchild AFB operations, consistent with the Fairchild Joint Land Use Study recommendations.

Comment: The applicant is compliant to the long-term viability of Fairchild Airforce Base. Boundary lines on the proposal were amended from the original submission to accommodate Spokane International Airport and Fairchild.

Appendix I

Maps

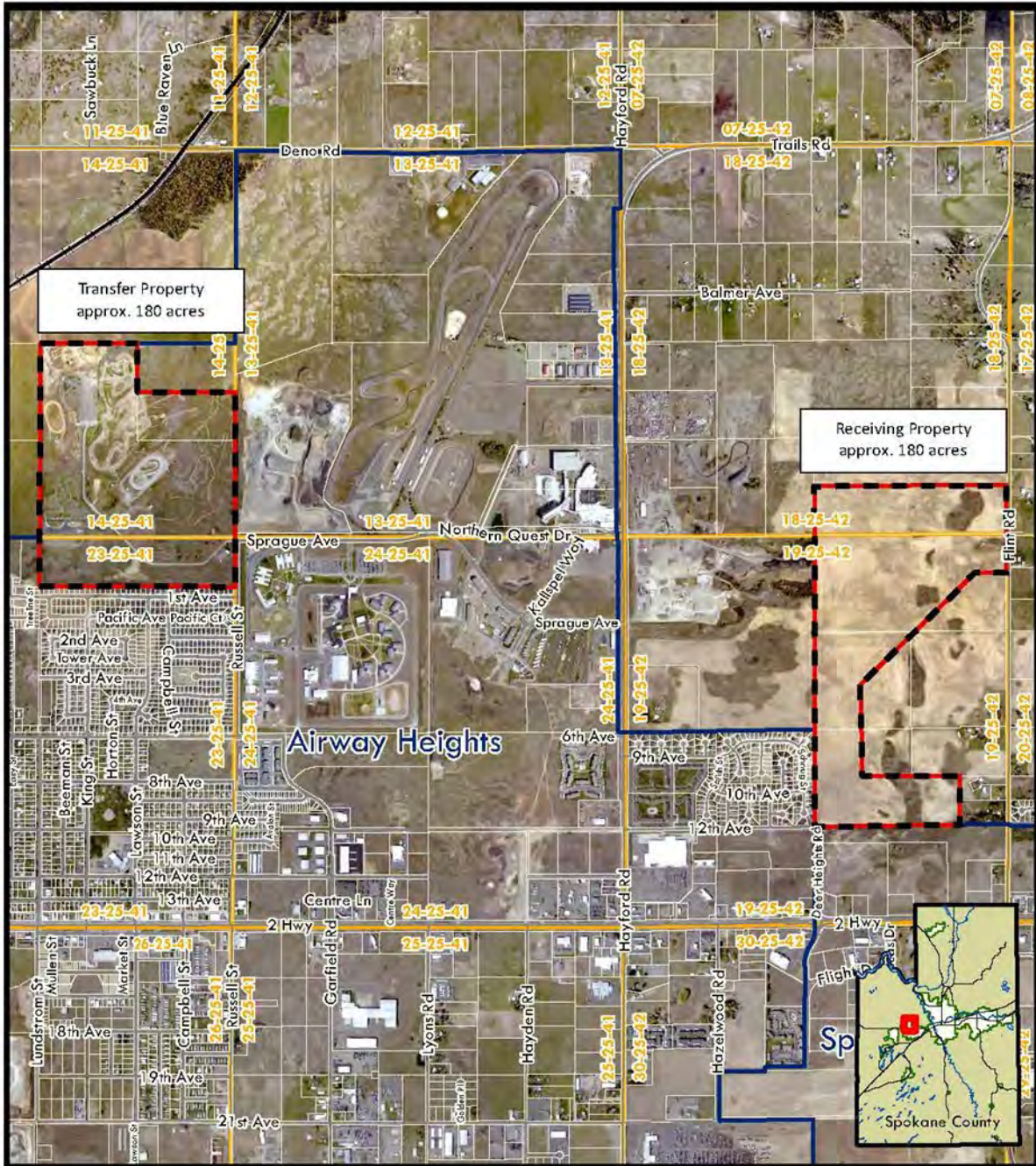


20-CPA-07 FUTURE USE PLAN

May 10, 2021

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Legend
 Proposed Comp Plan Amendment

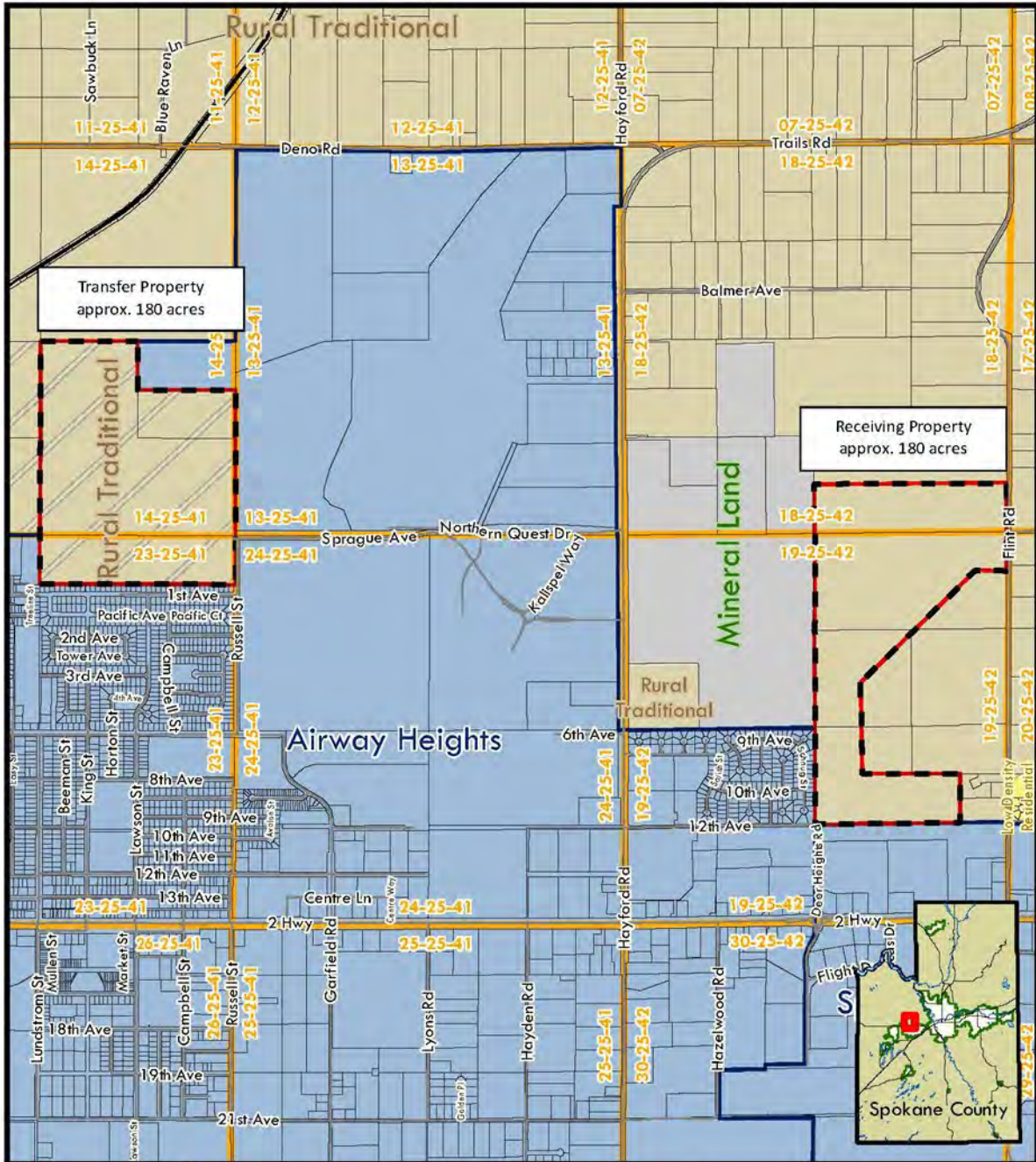
20-CPA-07
Aerial Map
 2020 Imagery

0 890 1,780 2,670 3,560 N

Feet
 1 inch = 1,750 feet
 State Plane WA North

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Map produced: May 2021
 Spokane County GIS



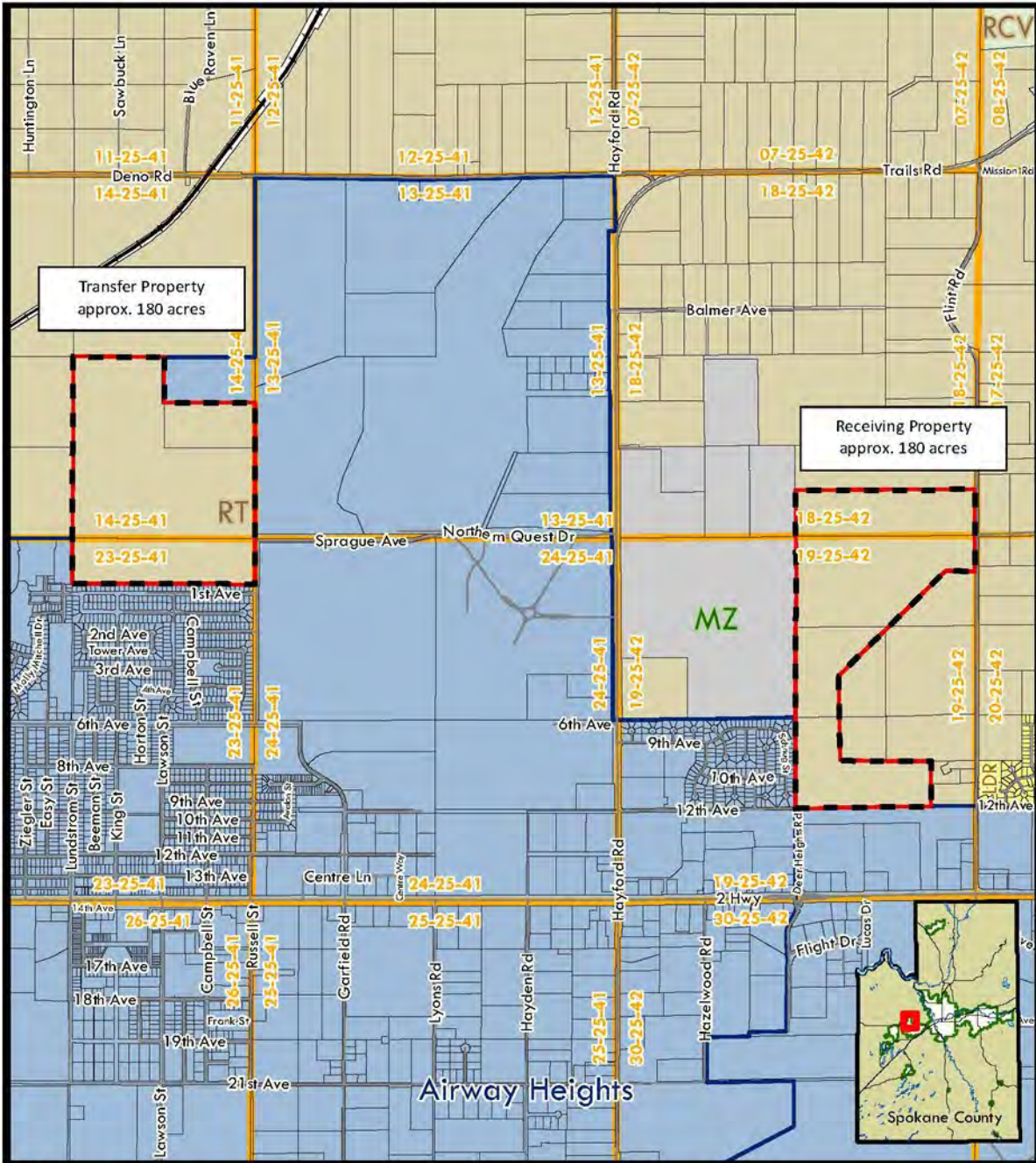
	Proposed Comp Plan Amendment
	UGA
	Resource Lands
	LTA
	STA
	FZ
	MZ
	Rural
	Residential
	RT
	R-5
	RC
	UR
	RAC
	LDAR
	LDAC
	R-5
	MDR
	HDR
	Commercial
	NC
	CC
	LI
	HI
	Mixed Use
	MU
	CAC
	UAC
	Industrial
	LI
	HI

20-CPA-07
Comprehensive
Plan Map

0 435 870 1,740 2,610 3,480
 Feet
 1 inch = 1,750 feet
 State Plane WA North

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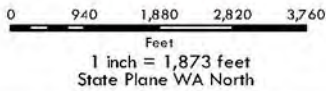
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Proposed Comp Plan Amendment

Residential	NC	Industrial	UR
LDR-P	CC	LI	RAC
LDR	RC	HI	Resource Lands
MDR	Mixed Use	Rural	LTA
HDR	MU	RT	STA
Commercial	R-5	FZ	
LDAC	RCV	MZ	

20-CPA-07
Zoning Map



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