BEFORE THE SPOKANE COUNTY PLANNING COMMISSION


WHEREAS, pursuant to the provisions of Section 36.32.120(6) RCW, the Board of County Commissioners of Spokane County, Washington, ("Board") has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, the Board created a Planning Commission ("Commission") (Resolution 23-0057) the duty of which is to assist in the preparation and execution of the comprehensive plan and development regulations, hold public meetings, workshops, and hearings, make findings of fact and conclusions as well as comments and recommendations which are forwarded to the Board for further consideration; and

WHEREAS, pursuant to the provisions of Chapters 36.70 RCW, the Board adopted a Comprehensive Plan for Spokane County on December 22, 1980, and adopted mandatory updates to conform with Chapter 36.70A RCW in November of 2001 (Board Resolutions 1-1059 and 1-1060); and

WHEREAS, pursuant to the provisions of Chapter 36.70 RCW, the Board adopted a Zoning Ordinance for the unincorporated areas of Spokane County and may amend the same under Chapter 36.70 and 36.70A RCW; and

WHEREAS, pursuant to the provisions of Chapters 36.70 and 36.70A RCW, the Board adopted a new Zoning Code to implement the goals and policies of the Comprehensive Plan on May 25, 2004, under Spokane County Resolution No. 04-0461; and

WHEREAS, the Growth Management Act under RCW 36.70A.130(2)(a) permits the County’s comprehensive plan to be updated not more frequently than once per year, except as otherwise provided by law; and

WHEREAS, the Spokane County Zoning Code Chapter 14.402.100 provides the process and procedures for amendments to the Spokane County Comprehensive Plan which includes provisions for early and continuous public participation as required by RCW 36.70A.140 and adequate public notice as required by RCW 36.70A.035; and
WHEREAS, pursuant to the requirements of RCW 36.70A.140, the Board has also adopted Public Participation Program Guidelines on February 24, 1998, under Resolution 98-0144 and adopted amendments to the policies under Resolution No. 98-0788, No. 06-0869, No. 22-470; and

WHEREAS, the Spokane County Comprehensive Plan and Zoning Code provides that amendments may be initiated by the Board at the request of the Planning Commission, the Planning Director, or citizen requests after a public hearing; and

WHEREAS, the Spokane County Planning Department ("Department"), as detailed in the staff reports, previewed the proposed Comprehensive Plan amendment initiation requests to agencies of jurisdiction to identify project deficiencies and to provide comments prior to the initiation process; and

WHEREAS, the Department presented the initiation requests to the Spokane County Steering Committee of Elected Officials, the Commission, and the Board. The purpose of presenting the initiation requests in that format is to make the proposals known to elected officials, identify any project shortfalls prior to initiation; and

WHEREAS, the Department received fourteen (14) Annual Comprehensive Plan Amendment and concurrent Zone Reclassification initiation requests (CPAIRs) from citizens prior to the December 20, 2022 deadline, and three (3) Director-requested comprehensive plan amendments; and

WHEREAS, the Commission conducted a preview workshop on March 2, 2023, for the 2023 Comprehensive Plan Amendment Initiation Requests; and

WHEREAS, the Commission held a public hearing on the initiation requests on March 30, 2023, and made a recommendation on which initiation requests should be initiated for further review. and forwarded the same to the Board; and

WHEREAS, on May 9th, 2023, after receipt and consideration of the Planning Commission’s recommendation on the same, the Board by way of Resolution 2023-0322, initiated for further review six (6) citizen-requested Comprehensive Plan Amendments—CPAIR-05-22, CPAIR-06-22, CPAIR-07-22, CPAIR-08-22, CPAIR-11-22, CPAIR-12-23—and two (2) Director-requested Comprehensive Plan Amendments—CPAIR-15-22, and CPAIR-17-22—for the 2023 Comprehensive Plan cycle; the remainder of the requests were either denied or moved to the 2026 comprehensive plan update process; and

WHEREAS, the Department assigned the six 2023 Comprehensive Plan Amendment Initiation Requests new file numbers to reflect the projects being initiated into the 2023 Comprehensive Plan Amendment Review Cycle. The new file numbers assigned by the Department are CPA-05-23, CPA-06-23, CPA-07-23, CPA-08-23, CPA-11-23, CPA-12-23, and CPA-15-23; and

WHEREAS, in addition to those amendments initiated above, CPA-02-22 was initiated in 2022 and originally included in the 2022 Comprehensive Plan cycle, but was continued by the Board from the 2022 comprehensive plan cycle for inclusion into the 2023 cycle for further review; and
WHEREAS, CPA-04-16 was an amendment from 2018 (Resolution 2018-0831) which was invalidated and remanded back to the County by the Growth Management Hearings Board to cure deficiencies (Growth Management Hearings Board Case No. 19-1-0002); the Department undertook the re-evaluation in the 2023 cycle to address those deficiencies identified by the Growth Management Hearings Board, and

WHEREAS, pursuant to RCW 36.70A.130(2)(a) and (b), which permits the Board to adopt amendments or revisions to its comprehensive plan outside of the annual amendment cycle to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court, the Board initiated CPA-17-23 to consider a correction to the Urban Growth Area and associated land-use to bring two plats vested at urban-level low-density residential uses (Falcon Ridge North and Woodridge View 4th Addition) into the Urban Growth Area, in exchange for the removal of an equal amount of acreage and evaluation of population density; and

WHEREAS, the Department, as detailed in the staff reports, circulated the proposed amendments to various agencies of jurisdiction and departments for review and comment on May 10, 2023; and

WHEREAS, the Spokane Regional Transportation Council (SRTC) reviewed applicable amendments in the 2023 Comprehensive Plan Amendment cycle for consistency with SRTC’s Regional Transportation Plan (Attachment “B”); and

WHEREAS, on August 1, 2023, the Department submitted a 60-day notice of intent to adopt to the Washington State Department of Commerce for CPA-05-23, CPA-06-23, CPA-07-23, CPA-08-23, CPA-11-23, CPA-12-23, and CPA-15-23; and

WHEREAS, on August 31, 2023, the Planning Commission considered for initiation a director-requested amendment to the Capital Facilities plan and Chapter 7 of the Comprehensive Plan (Capital Facilities), in order to address deficiencies identified in the Growth Management Hearings Board and Court of Appeals Case of Futurewise v. Spokane County (GMHB Case No. 20-1-0007) as well as to fulfill obligations under the Miotke Mediation Agreement (Resolution 2016-0464) and associated cases; and

WHEREAS, after the public hearing, the Planning Commission did recommend initiation of amendments to the Capital Facilities Plan and Chapter 7 of the Comprehensive Plan, and the Board did initiate the same by Resolution 2023-0556; and

WHEREAS, on September 14, 2023, a workshop was held before the Commission in which the Comprehensive Plan amendments were previewed; and

WHEREAS, SEPA evaluations were undertaken where applicable, and Determinations were issued by the Department on September 27, 2023, with a comment period ending on October 11, 2023, and an appeal period ending on October 18, 2023. None of the proposals from the 2023 Comprehensive Plan Amendment Review Cycle had its SEPA determination appealed; and

WHEREAS, the Commission held a properly noticed public hearing on October 12, 2023, to receive and consider public testimony and written comments concerning the amendments in the 2023 annual cycle; and
WHEREAS, written public comments received prior to the public hearing were transmitted to the Commission for their consideration, and posted to the Department’s Comprehensive Plan amendment web pages for public review; and

WHEREAS, the October 12, 2023, public hearing was conducted as scheduled and was in a hybrid format offering public participation both via Zoom and in person; and the following Planning Commissioners were present; Vice Chair Pete Rayner, Commissioners Clyde Haase, Melissa Wittstruck, Logal Camporeale, and Alan Nolan; Chairman Stephen Pohl and Commissioner Wayne Brokaw were excused; and

WHEREAS, the Spokane County Planning Commission heard presentations from the Department and in some instances the applicant, took and considered public testimony for each proposed amendment, considered the documents in the associated CPA files; and

WHEREAS, the Commission, when making their recommendations to the Board considered the following items: the application materials and exhibits, agency comments, SEPA checklists and determinations, public comments and written testimony, Planning Department file material, staff reports, applicant presentations, and Departmental presentation; and

WHEREAS, the Commission furthermore evaluated each proposal for congruence and compliance with the County Zoning Code, Capital Facilities Plan, Comprehensive Plan Goals and policies, State Environmental Policy Act, and the Growth Management Act; and

WHEREAS, all of the materials noted above and used by the Commission to make their recommendations are incorporated into the record by reference; and

WHEREAS, following discussion and deliberations, the following votes were cast:

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<th>2023 CPA Cycle – Spokane County Planning Commission Voting Roll</th>
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<td>2023 CFP/ Ch7</td>
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<td>CPA-04-16</td>
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WHEREAS, the Commission instructed staff to prepare draft Findings of Fact and Recommendations; and

NOW, THEREFORE, BE IT RESOLVED that the Commission does hereby make the following general Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendations to the Board for the attached Comprehensive Plan Amendments and the 2023 Capital Facilities Plan:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Commission has the legal authority to recommend approval or denial of the proposed amendments to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for early and continuous public participation in consideration of the proposed amendments, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendments included:
   a. Workshops before the Commission which had proper public notice.
   b. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023.
   c. Notice and materials were posted on the County website dedicated to long-range planning, including information and directions on how to provide public comment.
   d. A public hearing notice was transmitted to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.
   e. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.
   f. SEPA determinations were shared with agencies of jurisdiction, posted on the Departmental website, published in the Spokesman Review, and posted on the site of annual amendments.

4. The Commission finds review and processing of the 2023 Annual Comprehensive Plan amendments and zone reclassification proposals are consistent with the public participation notice requirements and Public Participation Program Guidelines adopted by the Board (Resolution 22-0486), and the proposals are also consistent with the Zoning Code - Section 14.402.100 for a comprehensive plan and zoning amendments, pursuant to RCW 36.70A.035(1)(a) - (e) and RCW 36.70A.140.
5. The Commission acknowledges SEPA Determinations issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-350, and 11.10.230(3) of the Spokane County Environmental Ordinance, and finds there were no appeals to the determinations.

6. The Department prepared a detailed staff report for the proposed amendment which is included as Attachment “A”.

7. The Commission considered the analysis contained within the staff report and incorporated that analysis as if restated here.

8. The Commission finds that the Department produced a Cumulative Impact Analysis that considers the aggregate impact of all the proposals and agrees that the conclusions within that analysis were well-vetted, vigorously reviewed, and none of the proposed amendments would cause the service level to fall below the established level of service for those services identified as indirect concurrency services.

9. The Commission found the proposals consistent with the goals and policies of the Spokane County Comprehensive Plan, the Countywide Planning Policies, the Growth Management Act, and the Spokane County Zoning Code.

10. The Commission notes that at the October 12, 2023, public hearing that comments were made by the general public in attendance and that those comments were considered by the Commission when rendering their recommendations.

BE IT FURTHER RESOLVED that the Commission does hereby make the following additional Findings of Fact in support of the above vote and decision regarding Comprehensive Plan Chapter 7, Capital Facilities:

1. The Commission adopts the preceding recitals as Findings of Facts and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact

2. The Commission finds that adequate public participation has occurred.

3. The Commission considered this proposal with regard to the GMHB case 20-1-0007 (Futurewise v. Spokane County; 23 Wn. App. 2d 690 (2022)), the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, the Miotke Mediation Agreement and the Miotke cases GMHB 05-1-0007, 13-1-0006c, and 14-1-0002) and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by recommending to the Board of County Commissioners approval of the proposed amendments.
4. The Commission finds adoption of the proposal is consistent with the text of the Comprehensive Plan and the applicable Goals and Policies cited in the Planning staff report.

5. Commissioner Haase made a motion to **RECOMMEND THAT THE BOCC APPROVE** which was seconded by Commissioner Camporeale; the vote was 4 in favor, one abstention, and none opposed to recommend that the BoCC APPROVE amendments to the Capital Facilities Plan and Chapter 7 of the Comprehensive Plan.

**BE IT FURTHER RESOLVED** by the Commission that the Commission does hereby make the following additional Findings of Fact in support of the above vote and decision concerning recommendation to the Board for Comprehensive Plan Amendment **16-CPA-04 (Remand):**

1. 16-CPA-04 is an amendment of 22.3 acres from low-density residential (LDR) to medium-density residential (MDR).

2. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

3. The Commission has the legal authority to recommend approval or denial of proposed amendments to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

4. Spokane County has provided for timely public participation in consideration of the remanded amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:
   b. Notice was posted on the county website dedicated to long-range planning, including information and directions on how to provide public comment.
   c. Public notice was mailed and/or emailed to government agencies, neighborhood organizations, business organizations, parties to the Settlement Agreement, and parties of the Growth Management Hearings Case 19-1-0002, and other interested groups and organizations.

5. The Commission acknowledges this proposal was previously recommend that the BoCC approved by the Board of County Commissioners and then appealed to the Growth Management Hearing Board (GMHB) which found the amendment inconsistent with the Growth Management Act, invalidated it, and remanded the matter to the County ordering the County to take further action to come into compliance with the Growth Management Act.

6. On Remand, the Department re-evaluated the invalidated amendment based on the challenges raised by the parties and the Growth Board’s findings in the Order Granting
Summary Judgement, EWGMHB Case No. 19-1-0002 (October 17, 2019), and thereafter staff prepared a detailed staff report for the remanded amendment evaluating whether the proposed amendment is now compliant with the GMHB order, and determining compliance, which is included in Attachment “A”. The Commission considered the analysis contained within the staff report and incorporated that analysis as if restated here.

7. The Commission notes that at the October 12, 2023, public hearing that comments were made by the general public in attendance. Those comments were considered by the Commission when rendering their recommendation.

8. The Commission finds that this proposal has a Mitigated Determination of Non-significance associated with its future development, which was revised by the Hearing Examiner on November 15, 2017, and re-issued with those revisions on December 05, 2017.

9. Part of the Commission’s analysis regarding the propriety of remanded amendment 16-CPA-04, and its compliance with the Growth Management Act, consisted of taking into consideration amendments made to the Capital Facilities Plan both prior to, and as proposed to be adopted concurrently with, the remanded 16-CPA-04 (see Resolutions 2020-0129, 2022-0859, and the proposed amendments to the CFP taken concurrently with this reconsideration).

10. As a part of the remand, staff also include 16-CPA-04 in the cumulative impact analysis. Analyzing 16-CPA-04’s impact on any capital facilities or services as if being considered anew in 2023 to ensure that any changed circumstances, capacities, or service levels were adequately addressed. The Department found, as analyzed further below, that adequate facilities existed, or would be ensured by development regulations, including those related to direct concurrency to ensure facilities were adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

11. After an analysis of the latest version of the proposed Capital Facilities Plan, the Commission finds that the County has a thorough, comprehensive, valid Capital Facilities Plan that cures the deficiency noted by the Growth Management Hearings Board regarding the same.

12. The Commission finds that this proposal has good access to major arterials meeting Comprehensive Plan Goal UL.2.16, specifically:

a. The Commission finds the site has good access to Waikiki Road, which is designated as an Urban Principal Arterial, the highest class or roadway in the County Arterial Road Classification Schedule.

b. Waikiki, in front of the site, is a fully developed three-lane road, with a center turn lane, bike lanes, and sidewalks on each side.
c. The site will also have an emergency vehicular access point on Five Mile Road, which is classified as Urban Collector Arterial, the third highest of five arterial roadway classifications. However, vehicular access to Five Mile Road shall be limited by a Development Agreement to emergency vehicle access only.

d. Further, the signed Mitigated Determination of Non-significance (MDNS) binds the developers of the site to build pedestrian access from the site’s dwelling units to the Waikiki bus stop, with either pathways or sidewalks, in the most direct route possible).

e. The Spokane County Public Works Department did not request any additional traffic mitigation measures but suggested that additional project-specific review and mitigation would likely occur at the time of a specific development proposal. Transportation is a direct-concurrency service which must undergo concurrency review at the time of project application.

f. It is noteworthy that the proposal also has a fixed public transit route, Route 124, along Waikiki Road which fronts the site, the Commission also noted that there is a park and ride that is fairly near the site, and also a bus stop on Whitworth near the site.

13. The Commission finds that this proposal is near commercial lands meeting Comprehensive Plan Goal UL.2.16, specifically:

a. There is a Mixed-Use zone located 0.77 miles to the southeast of the site at the intersection of Hawthorne and Whitworth Drive; a Mixed-Use zone located 0.62 miles to the northeast of the site at the intersection of Mill Rd. and Bellwood Drive; a Neighborhood Commercial zone is located 0.66 miles to the southeast at the intersection of Whitworth Drive and Waikiki Road, a Regional Commercial zone is located 0.85 miles from the site at the intersection of Hawthorne and Highway 395/Division Street, and the 1898 Public House, a restaurant that provides dining and beverages is located 0.71 miles to the north of the site.

i. Additionally the Commission noted that this proposed amendment is 1.1 miles from the Hawthorn/395 intersection which is a large shopping area; 0.8 miles to the little garden café and gas station; and 0.69 miles to the Fairwood shopping center.

b. Mixed-use, Neighborhood Commercial, and Regional Commercial zones are all “commercial lands” as contemplated by the Comprehensive Plan and development regulations.

c. The Planning Commission expressly finds each of these locations satisfy the “nearness” element of UL.2.16 with respect to commercial areas.
14. The Commission finds this proposal is near open space areas meeting Comprehensive Plan Goal UL.2.16, specifically:

   a. Holberg Conservation area is located 0.27 miles to the south of the site; Little Spokane Natural Area is located 0.86 miles to the west of the site; Homberg Park (County) is located 0.74 miles to the southeast; Brentwood/Northwood Park (County) is located 0.65 miles to the northeast; the Kalispel Golf and Country Club is located 0.27 miles to the north; Whitworth College, which has playfields and treed pedestrian sidewalks, is 0.10 miles to the east; Freddie's Natural Area is located 1.36 miles to the east; Camelot Park (County) is located 1.52 miles to the east; Washington State Fish and Wildlife land is 0.87 miles to the north; Sky Prairie Park (City) is located 1.5 miles to the southwest; Skyline Elementary, which contains playfields and equipment, is located 1.25 miles to the southwest.

   i. The Commission noted additional open spaces exist near the proposed site including:

      a. 1 mile to switchback trails for Waikiki springs.

      b. Across the street, or by road it is 0.5 to the Whitworth pine bowl, which is an outdoor football stadium.

   b. The Planning Commission expressly finds that each of the above qualify as open space areas as contemplated by the Comprehensive Plan and that each of the distances above satisfies the “nearness” element of UL.2.16 with respect to open spaces.

15. The Commission also noted that housing is needed, and the site is not necessarily conducive to standard low density residential, but the Commission expressly noted that this may provide excellent student-housing opportunities given the proximity to Whitworth.

   a. The Commission also expressly addressed the oral public comment provided asserting Whitworth provided a letter at the original public hearing on this matter that the University had student housing on-site and did not wish for its students to be housed off-site at a site such as the proposed amendment. The Commission found that students have their own agency and want to live where they want to live. The Commission also noted that many students share housing in the area, and that there are not a lot of apartment opportunities, and this project would provide that for students. The Commission also noted that this location is near a public library as well.

16. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.
17. The Commission finds that this proposal was evaluated in a Cumulative Analysis by the Department and determined not to be detrimental to established levels of service, including, but not limited to, the Levels of Service established for fire protection, police protection, parks and recreation, libraries, solid waste disposal and schools, including but not limited to expressly:

   a. Mead School District has provided a letter indicating that the District has the capacity and can serve the proposal. Schools are also now a direct concurrency service for Spokane County. Spokane County Code 13.650.102. Development must be re-analyzed at the time of application for school capacity/concurrency. Direct concurrency evaluation requires evaluating the proposal at the time of project permit application, and if the proposal would cause the service to fall below established minimums, mitigation measures must be undertaken, which can include a financial guarantee, prior to occupancy. Spokane County Code 13.650.102(2).

   b. Whitworth Water district indicates that although limited water is available at this time, a new municipal well is currently being developed and additional residential uses will be available in late 2023. Water is also a direct concurrency service in Spokane County under Spokane County Code 13.65.102(2), as such, the developer will be required to demonstrate adequate potable water supply as part of the development permitting process, and occupancy will not be permitted without this service.

18. The Commission considered this proposal with regard to the GMHB order, the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by recommending to the Board of County Commissioners that the County has satisfied the GMHB order; and moved to recommend the BoCC affirm the earlier amendment of CPA-16-04 as passed by Resolution 18-0831.

19. Commissioner Camporeale made a motion to **AFFIRM** which was seconded by Commissioner Haase; the vote was 5-0 in favor of recommending the Board Affirm the earlier approval of amendment 16-CPA-04.

    **BE IT FURTHER RESOLVED** that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendation to the Board for Comprehensive Plan Amendment **CPA-02-22** continued from the 2022 cycle:

    1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.
2. The Planning Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:
   a. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023.
   b. Notice was posted on the county website dedicated to long-range planning, including information and direction on how to provide public comment.
   c. Public notice was mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.
   d. Signs describing the proposed amendment, including maps thereof, and providing notice of hearings regarding the proposed amendment were posted at the boundary of properties subject to proposed amendments.
   e. Notice of Hearings, opportunity for public comment, and maps describing the proposed amendment were sent via US Mail to owners of and taxpayers for properties within 400’ (urban) of the boundaries of the properties subject to the proposed amendment area.
   f. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.

4. The Spokane Regional Transportation Council (SRTC) evaluated the 2023 Comprehensive Plan Amendment request and certified the proposals were consistent with SRTC’s Regional Transportation Plan.

5. The Department prepared a detailed staff report for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

6. The Commission notes that a detailed and extensive Mitigated Determination of Nonsignificance (MDNS) containing numerous conditions and requirements was issued by the Department on September 27, 2023, and not appealed.

7. The Commission acknowledges that this proposal was evaluated in a Cumulative Impacts Analysis by the Department and determined not to be detrimental to established levels of service.
8. The Commission acknowledges that the applicant has attempted to increase the proposed amendment’s compatibility with the neighboring light industrial uses by reducing the physical size of the proposal and creating a 300-foot, applicant-owned buffer Light Industrial land in between the proposal and neighboring light industrial uses.

9. The Commission acknowledges that the applicant has proposed a development agreement to limit the number of residential units on the site to 648 which would have to be entered into prior to the land-use map amendment.

10. The Commission notes that prior to and at the October 12, 2023, public hearing that comments were made by the general public in writing and in attendance and those comments were considered by the Commission when rendering their recommendation.

11. The Commission considered this proposal under the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and the staff report, the Commission finds that this proposed amendment is better continued for further evaluation.

12. Commissioner Nolan made a motion to CONTINUE for further consideration which was seconded by Commissioner Camporeale; the vote was 4-1 in favor of continuance.

BE IT FURTHER RESOLVED by the Commission that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendation to the Board for Comprehensive Plan Amendment CPA-05-23:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:
   a. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023.
   b. Notice was posted on the County website dedicated to long-range planning, including information and direction on how to provide public comment.
c. Public notice was mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.

d. Signs describing the proposed amendment, including maps thereof, and providing notice of hearings regarding the proposed amendment were posted at the boundary of property that is the subject of the proposed amendment.

e. Notice of Hearings, opportunity for public comment, and maps describing the proposed amendment were sent via US Mail to owners of and taxpayers for properties within 400’ (urban) of the boundaries of the properties subject to the proposed amendment area.

f. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.

4. The Commission acknowledges and concurs with the MDNS SEPA Determination issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-350, and 11.10.230(3) of the Spokane County Environmental Ordinance. The determination was issued on September 27, 2023, and not appealed.

5. The Spokane Regional Transportation Council (SRTC) evaluated the 2023 Comprehensive Plan Amendment request and asserted SRTC would work closely with staff to ensure the growth associated with the proposal is accurately reflected in the regional land use forecast as part of its Horizon update process.

6. The Department prepared a detailed staff report for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

7. The Commission finds that this proposal meets the criteria set forth in Spokane County Zoning Code 14.402.040(1) and (2) for amendment, as provided in the staff report and presentation by staff.

8. The Commission finds that this proposal is located near commercial lands as outlined in the staff report, meeting Comprehensive Plan Goal UL.2.16; specifically, this site is approximately one half-mile from the Division Street Commercial Corridor. The Commission expressly finds this satisfies UL.2.16’s element of “near” commercial areas.

9. The Commission finds that this proposal is located near open space areas as outlined in the staff report, meeting Comprehensive Plan Goal UL.2.16.

10. The Commission finds that this proposal has good access to a major arterial road meeting Comprehensive Plan Goal UL.2.16, as outlined in the staff report; specifically, this site is served by and adjacent to two urban Principal Arterials: Country Homes Boulevard and North Wall Street. Additionally, the site is served by STA Express Bus Route 124.
11. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.

12. The Commission finds that this proposal was evaluated in a Cumulative Impacts Analysis by the Department and determined not to be detrimental to established levels of service.

13. The Commission finds that the review and processing of this amendment was consistent with the public participation notice requirements and Public Participation Program Guidelines adopted by the Board (Resolution 22-0486), and the proposals are also consistent with the Zoning Code – Section 14.102.040 for a comprehensive plan and zoning amendment, pursuant to RCW 36.70A.035(1)(a) – (e) and RCW 36.70A.140.

14. The Commission notes that at the October 12, 2023, public hearing that comments were made by the general public in attendance. The primary concerns espoused by the public were the impact of the proposal on surrounding low-density residential homes, the increase in traffic at the intersection, and an inconsistency with neighborhood character. Those comments were considered by the Commission when rendering their recommendation, and the Commission found:

a. As analyzed above, no governmental taking will occur by approving this project.

b. With respect to the consistency of neighborhood character, Policy UL.2.17 guides the County to “[s]ite multifamily homes throughout the Urban Growth Area,” including [integrating them] into or next to neighborhood, community or urban activity centers, [and/or] into small, scattered parcels throughout existing residential areas.” Additionally, that Policy is the basis of development regulations that exist to ensure “new multi-family homes are built to the scale and design of the community or neighborhood, while contributing to an area-wide density that supports transit and allows for a range of housing choices.” UL.2.17. SCC provides for buffering between multi-family uses and single-family uses in section 14.606.300 Table 2 for setbacks and in section 14.806.060 Tables 1 and 3 for enhanced landscaping.

c. To the extent that this project is or may be considered inconsistent with any one provision of the comprehensive plan, the Planning Commission expressly finds that the benefits of this proposal, and the proposal’s consistency with the comprehensive plan, outweigh any perceived inconsistency.
15. The Commission finds a recommendation for approval of CPA-05-23 when considered under the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by adopting the recommendation on the proposed Comprehensive Plan amendment and concurrent zone reclassifications.

16. The Commission further finds the summary of proposed annual amendments, and a map illustrating the locations and land use changes requested along with the staff report for the amendment is accurately reflected in Attachment “A”.

17. Commissioner Nolan made a motion to RECOMMEND THAT THE BOCC APPROVE which was seconded by Commissioner Haase; the vote was 5-0 in favor of recommending approval of this amendment to the Board of County Commissioners.

BE IT FURTHER RESOLVED that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendation to the Board for Comprehensive Plan Amendment CPA-06-23:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:
   a. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023.
   b. Notice was posted on the county website dedicated to long-range planning, including information and directions on how to provide public comment.
   c. Public notice was mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.
   d. Signs describing the proposed amendment, including maps thereof, and providing notice of hearings regarding the proposed amendment were posted at the boundary of properties subject to proposed amendments.
e. Notice of Hearings, opportunity for public comment, and maps describing the proposed amendment were sent via US Mail to owners of and taxpayers for properties within 400’ (urban) of the boundaries of the properties subject to the proposed amendment area.

f. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.

4. The Commission acknowledges and concurs with the MDNS SEPA Determination issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-350, and 11.10.230(3) of the Spokane County Environmental Ordinance. The determination was issued on September 27, 2023, and was not appealed.

5. The Spokane Regional Transportation Council (SRTC) evaluated the 2023 Comprehensive Plan Amendment request and certified the proposals were consistent with SRTC’s Regional Transportation Plan.

6. The Department prepared a detailed staff reports for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

7. The Commission finds review and processing of this amendment to be consistent with the public participation notice requirements and Public Participation Program Guidelines adopted by the Board (Resolution 22-0486), and the proposals are also consistent with the Zoning Code – Section 14.102.040 for a comprehensive plan and zoning amendment, pursuant to RCW 36.70A.035(1)(a) – (e) and RCW 36.70A.140.

8. The Commission finds that this proposal meets the criteria for amendment set forth in Spokane County Zoning Code 14.402.040(1) and (2) as contained in the staff report and presentation.

9. The Commission finds that this proposal is located near commercial lands meeting Comprehensive Plan Goal UL.2.16, as provided in the staff report and presentation.

10. The Commission finds that this proposal is located near open space areas meeting Comprehensive Plan Goal UL.2.16, as provided in the staff report and presentation.

11. The Commission finds that this proposal has good access to a major arterial road meeting Comprehensive Plan Goal UL.2.16, as provided in the staff report and presentation.

12. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.
13. The Commission finds that this proposal was evaluated in a Cumulative Impacts Analysis by the Department and determined not to be detrimental to established levels of service.

14. The Commission notes that at the October 12, 2023, public hearing that no comments were made by the general public in attendance.

15. The Commission finds recommendation for approval of CPA-06-23 when considered under the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, county files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by adopting the recommendation on the proposed Comprehensive Plan amendment and concurrent zone reclassifications.

16. The Commission further finds the summary of proposed annual amendments, and a map illustrating the locations and land use changes requested along with the staff report for the amendment is accurately reflected in Attachment “A”.

17. Commissioner Nolan made a motion to RECOMMEND THAT THE BOCC APPROVE which was seconded by Commissioner Haase; the vote was 5-0 in favor of recommending approval of the amendment to the Board of County Commissioners.

BE IT FURTHER RESOLVED that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendation to the Board for Comprehensive Plan Amendment CPA-07-23:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Planning Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:

a. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023.

b. Notice was posted on the county website dedicated to long-range planning, including information and direction on how to provide public comment.
c. Public notice was mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.

d. Signs describing the proposed amendment, including maps thereof, and

Providing notice of hearings regarding the proposed amendments was posted at the boundary of properties subject to proposed amendments.

e. Notice of Hearings, opportunity for public comment, and maps describing the proposed amendment were sent via US Mail to owners of and taxpayers for properties within 400' (urban) of the boundaries of the properties subject to the proposed amendment area.

f. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.

4. The Commission acknowledges and concurs with the SEPA Determination issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-350, and 11.10.230(3) of the Spokane County Environmental Ordinance. This determination was issued by the Department on September 27, 2023, and not appealed.

5. The Spokane Regional Transportation Council (SRTC) evaluated the 2023 Comprehensive Plan Amendment request and certified the proposals were consistent with SRTC’s Regional Transportation Plan.

6. The Department of Building & Planning prepared a detailed staff report for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

7. The Commission finds that this proposal meets the criteria set forth in Spokane County Zoning Code 14.402.040(1) and (2) for amendment, as provided in the staff report and presentation by staff.

8. The Commission finds that this proposal is located near commercial lands meeting Comprehensive Plan Goal UL.2.16, as detailed in the staff report and presentation.

9. The Commission finds that this proposal is located near Open Space areas meeting Comprehensive Plan Goal UL.2.16, as detailed in the staff report and presentation.

10. The Commission finds that this proposal has good access to an arterial road meeting Comprehensive Plan Goal UL.2.16, as detailed in the staff report and presentation.

11. The Commission notes that at the October 12, 2023, public hearing that comments were made by the general public in attendance. Those comments were considered by the Commission when rendering their recommendation.
12. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.

13. The Commission finds that this proposal was evaluated in a Cumulative Impacts Analysis by the Department and determined not to be detrimental to established levels of service.

14. The Commission considered this proposal under the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by adopting the recommendation that the Board adopt this proposed Comprehensive Plan amendment and concurrent zone reclassifications.

15. The Commission further finds the summary of proposed annual amendments, and a map illustrating the locations and land use changes requested along with the staff report for the amendment is accurately reflected in Attachment “A”.

16. Commissioner Camporeale made a motion to RECOMMEND THAT THE BOCC APPROVE which was seconded by Commissioner Haase; the vote was 4-1 to recommend approval of the amendment to the Board of County Commissioners.

BE IT FURTHER RESOLVED by the Commission that the Commission, by majority vote, does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendation to the Board for Comprehensive Plan Amendment CPA-08-23:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:

   a. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023

   b. Notice was posted on the county website dedicated to long-range planning, including information and directions on how to provide public comment.
c. Public notice was mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.

d. Signs describing the proposed amendment, including maps thereof, and providing notice of hearings regarding the proposed amendments were posted at the boundary of properties subject to proposed amendments.

e. Notice of Hearings, opportunity for public comment, and maps describing the proposed amendment were sent via US Mail to owners of and taxpayers for properties within 400’ (urban) of the boundaries of the properties subject to the proposed amendment area.

f. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.

4. The Commission acknowledges the SEPA Determinations issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-350, and 11.10.230(3) of the Spokane County Environmental Ordinance. The Department issued an MDNS for this proposal on September 27, 2023, which was not appealed.

5. The Spokane Regional Transportation Council (SRTC) evaluated the 2023 Comprehensive Plan Amendment request and certified the proposals were consistent with SRTC’s Regional Transportation Plan.

6. The Department of Building & Planning prepared a detailed staff report for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

7. The Commission finds that this proposal meets the criteria set forth in Spokane County Zoning Code 14.402.040(1) and (2) for amendment, as provided in the staff report and presentation by staff.

8. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.

9. The Commission finds that this proposal was evaluated in a Cumulative Impacts analysis by the Department and determined not to be detrimental to established levels of service. The Commission further notes an additional analysis will be required at the time of project permitting which will require an additional concurrency analysis. The Commission notes that the Concurrency Regulations of Spokane County Code 13.650.102(2) ensure that adequate facilities and services will exist to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
10. The Commission notes that comments were received from the general public in attendance. Those comments were considered by the Commission when rendering their recommendation, more specifically:

a. Futurewise submitted a comment that this area be reevaluated based on a subarea plan or the 2026 periodic update to the comprehensive plan to better protect residential and light industrial uses from land use conflicts and better ensure that higher demands housing puts on public facilities and services are adequately addressed.

b. The Department noted that this area will be the focus of further study for the 2026 update. However, staff and the Commission noted the need for increasing housing supply and housing pressure in this area expressly given the current housing crisis. Department of Commerce notes that the state would need to add 1.1 million homes over the next 20 years to meet the current crisis. [https://www.commerce.wa.gov/news/washington-state-will-need-more-than-1-million-homes-in-next-20-years/](https://www.commerce.wa.gov/news/washington-state-will-need-more-than-1-million-homes-in-next-20-years/). The Commission discussed its encouragement that the Department further study this area for more widespread wholistic planning, but noted that the immediacy of the housing needs, the emerging residential patterns in this area—as discussed further below, the proximity to jobs in this area and the need to provide housing close to the same to reduce commutes, when considered with the cumulative impact analysis, concurrency analysis, MDNS provisions for mitigating impacts, and Spokane County Code 13.650 requiring further concurrency analysis at the project stage outweighs the benefit of waiting to recommend that the BoCC approve this amendment in 2026.

c. The Department and the applicant for the project also noted that this area is largely developed and developing residential, although land use and zoning maps have a large portion of the area as Light-Industrial. More specifically, the three parcels adjacent to the south of project parcel 24051.0409 are zoned low density residential. The parcels directly to the south of project parcel 24051.9080 are zoned light industrial, but have vested plats developed, and continuing to be developed as single-family residential. Slightly further south the housing pattern continues, with low-density residential, medium-density residential, and high-density residential. The parcels immediately to the east or urban residential within the city of Spokane and to the northeast are also residential. The area surrounding the proposal has not developed as light industrial, but instead remains as residential housing.
d. The Commission finds that the area is developed, and actively developing, as residential, thus the proposed use is more consistent with the surrounding uses than the existing designation of light industrial. Although the Commission notes that on paper there is the risk of land-use incompatibility between light industrial and residential, the Commission notes the reality of the area is that the proposed amendment would avoid more incompatibility than its rejection would. The Commission finds the proposed amendment compatible with the surrounding uses.

11. The Commission considered this proposal under the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by recommending that the Board adopt the proposed Comprehensive Plan amendment and concurrent zone reclassifications.

12. The Commission further finds the summary of proposed annual amendments, and a map illustrating the locations and land use changes requested along with the staff report for the amendment is accurately reflected in Attachment “A”.

13. Commissioner Nolan made a motion to RECOMMEND THAT THE BOCC APPROVE which was seconded by Commissioner Haase; the vote was 3-2 in favor of recommending the approval of this amendment to the Board of County Commissioners.

BE IT FURTHER RESOLVED by the Commission that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendation to the Board for Comprehensive Plan Amendment CPA-11-23:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:

   a. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023
b. Notice was posted on the county website dedicated to long-range planning, including information and directions on how to provide public comment.

c. Public notice was mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.

d. Signs describing the proposed amendment, including maps thereof, and providing notice of hearings regarding the proposed amendments were posted at the boundary of properties subject to proposed amendments.

e. Notice of Hearings, opportunity for public comment, and maps describing the proposed amendment were sent via US Mail to owners of and taxpayers for properties within 400' (urban) of the boundaries of the properties subject to the proposed amendment area.

f. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.

4. The Commission acknowledges and concurs with the MDNS SEPA Determinations issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-350, and 11.10.230(3) of the Spokane County Environmental Ordinance. The determination was issued on September 27, 2023, and was not appealed.

5. The Spokane Regional Transportation Council (SRTC) evaluated the 2023 Comprehensive Plan Amendment request and certified the proposals were consistent with SRTC’s Regional Transportation Plan.

6. The Department of Building & Planning prepared a detailed staff report for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

7. The Commission finds that this proposal meets the criteria set forth in Spokane County Zoning Code 14.402.040(1) and (2) for amendment, as provided in the staff report and presentation by staff.

8. The Commission finds that this proposal is located near commercial lands meeting Comprehensive Plan Goal UL.2.16; more specifically the area is approximately 1/3 mile east of the US-395 commercial corridor. The Commission expressly finds this distance and land use designation is “near commercial areas” for the purposes of UL.2.16 and the comprehensive plan.

9. The Commission finds that this proposal is located near open space areas meeting Comprehensive Plan Goal UL.2.16; more specifically, the area is just over one-half mile from Northwood Middle School playgrounds, Little Spokane River Park/natural area, Wandermere Golf Course, and Children of the Sun multimodal trailhead.
10. The Commission finds that this proposal has good access to an arterial road meeting Comprehensive Plan Goal UL.2.16; more specifically, this parcel is a part of singular ownership with parcels 36081.9082 and 36081.4603 which abut Hastings Road which is classified as an Urban Principal Arterial, a major arterial, which has sidewalks on both sides of the road, two lanes of traffic either direction, and a center turn lane.

11. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.

12. The Commission finds that this proposal was evaluated in a Cumulative Impacts Analysis by the Department and determined not to be detrimental to established levels of service, more specifically:

13. The Commission noted that as added assurance that service levels will not fall below established minimum standards, an additional evaluation will be conducted at the time of project permitting, and an additional concurrency analysis will be undertaken as required by Spokane County Code 13.650 for many direct-concurrency services, including but not limited to, water and road services. The Commission noted that building will not be permitted until those direct concurrency services can be provided and meet established levels of service. This, together with the Cumulative Impact Analysis and Mitigation in the MDNS issued, ensured that this proposal will have adequate facilities to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

14. The Commission finds this proposed amendment consistent with the public participation notice requirements and Public Participation Program Guidelines adopted by the Board (Resolution 22-0486), and the proposals are also consistent with the Zoning Code – Section 14.102.040 for a comprehensive plan and zoning amendment, pursuant to RCW 36.70A.035(1)(a)-(e) and RCW 36.70A.140.

15. The Commission notes that at the October 12, 2023, public hearing that no oral comments were made by the general public in attendance; but written comments were submitted and considered by the Commission.

16. The Commission finds a recommendation of approval for CPA-11-23 when considered under the Growth Management Act (RCW 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds the project is not in compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by adopting the recommendation on the proposed Comprehensive Plan amendment and concurrent zone reclassifications.
17. The Commission further finds the summary of proposed annual amendments, and a map illustrating the locations and land use changes requested along with the staff report for the amendment is accurately reflected in Attachment “A”.

18. Commissioner Camporeale made a motion to RECOMMEND THAT THE BOCC APPROVE which was seconded by Commissioner Wittstruck; the vote was 5-0 in favor of recommending approval of the amendment to the Board of County Commissioners.

BE IT FURTHER RESOLVED by the Commission that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendations to the Board for Comprehensive Plan Amendment CPA-12-23:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included:

   a. Public notice of hearing as required by Washington State Law and County ordinance, including a legal notice published in the Spokesman Review newspaper on September 27, 2023

   b. Notice was posted on the county website dedicated to long-range planning, including information and direction on how to provide public comment.

   c. Public notice was mailed to government agencies, neighborhood organizations, business organizations, and other interested groups and organizations.

   d. Signs describing the proposed amendment, including maps thereof, and providing notice of hearings regarding the proposed amendments were posted at the boundary of properties subject to proposed amendments.

   e. Notice of Hearings, opportunity for public comment, and maps describing the proposed amendment were sent via US Mail to owners of and taxpayers for properties within 400’ (urban) of the boundaries of the properties subject to the proposed amendment area.

   f. Public notice was sent to the Washington State Department of Commerce and other state agencies per RCW 36.70A.106.
4. The Commission acknowledges and concurs with the MDNS SEPA Determination issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-350, and 11.10.230(3) of the Spokane County Environmental Ordinance. The determination was issued on September 27, 2023, and was not appealed.

5. The Spokane Regional Transportation Council (SRTC) evaluated the 2023 Comprehensive Plan Amendment request and certified the proposals were consistent with SRTC’s Regional Transportation Plan.

6. The Department of Building & Planning prepared a detailed staff report for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

7. The Commission finds that this proposal meets the criteria set forth in Spokane County Zoning Code 14.402.040(1) and (2) for amendment, as provided in the staff report and presentation by staff.

8. The Commission finds that this proposal is located near commercial lands meeting Comprehensive Plan Goal UL.2.16, more specifically:

   a. The site is approximately 500 feet to the north from land-use designations of Mixed Use and Urban Activity centers. These areas are not yet developed, but they are designated commercial lands that are “near” this proposed amendment.

   b. The site is less than a mile walk to the shopping center at Hasting and Mill Road; approximately just a little over ½ miles from the Wandermere Mall, and the Fred Meyer shopping center which are to the east.

   c. The Commission expressly finds the distances listed herein are “near” for the purposes of UL.2.16.

9. The Commission finds that this proposal is located near open space areas meeting Comprehensive Plan Goal UL.2.16, more specifically:

   a. The site is approximately ¼ mile walk to the trailhead for Waikiki Springs a nice open space for walking, from Mead High School athletic fields; the Little Spokane River Park natural area, Wandermere Golf Course, and the Children of the Sun trailhead. The Commission expressly finds these distances are “near” for the purposes of UL.2.16 and the comprehensive plan.
10. The Commission finds that this proposal has good access to a major arterial road meeting Comprehensive Plan Goal UL.2.16, more specifically:

a. This site abuts North Mill Road which is categorized as a Minor Urban Arterial, it has a protected shoulder and pedestrian facilities such as sidewalks. Additionally, North Mill Road directly connects to Hastings Road, a major arterial, just under one mile south of the site and is only a half mile from US 395. Thus, the Commission expressly finds that this site has good access to major arterials.

11. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.

12. The Commission finds that this proposal was evaluated in a Cumulative Impacts Analysis by the Department and determined not to be detrimental to established levels of service.

13. The Commission finds review and processing of this amendment consistent with the public participation notice requirements and Public Participation Program Guidelines adopted by the Board (Resolution 22-0486), and the proposals are also consistent with the Zoning Code - Section 14.102.040 for a comprehensive plan and zoning amendment, pursuant to RCW 36.70A.035(1)(a)-(e) and RCW 36.70A.140.

14. The Commission notes that at the October 12, 2023, public hearing that comments were made by the general public in attendance. Those comments were considered by the Commission when rendering their recommendation, more specifically:

a. The public expressed concern that the proposal would not be consistent with the character of the neighborhood.

i. With respect to height concerns: Staff presented and the Commission found the designation of Medium Density Residential is limited to a height of 40 feet, Low Density Residential is limited to 35 feet, only a 5 foot difference. Thus, the Commission found the potential height increase would not cause this proposed development to be inconsistent with neighborhood character.

ii. With respect to density concerns: Staff presented and the Commission found UL.2.17 guides that multifamily homes should be sited throughout Urban Growth Areas including integrating them into or next to neighborhood, community or urban activity centers, and also that they be integrated into small, scattered parcels throughout existing residential areas. This proposal is consistent with UL.2.17.

iii. With respect to property value concerns: Staff presented and the Commission found that research does not support the theory that multi-family housing decreases nearby property values.
b. The public expressed concern that the increased density would affect Mead Schools:
   i. Staff presented and the Commission found that the Cumulative Impact Analysis did not find a projected impact to the level of service for schools that would cause service levels to fall below established minimum standards and Mead Schools in their correspondence did not express any concerns.

c. The public expressed concern that wildlife would be impacted by the future development:
   i. Staff presented and the Commission found no identifiable fish and wildlife habitat on GIS mapping overlays.

d. The public expressed concern that trees would be removed from the development.
   i. Staff presented and the Commission found that the change in zoning designation from Low Density Residential to Medium Density Residential would not increase the ability of the land owner to remove vegetation. In other words, residential land use designations do not have a direct impact on the owners’ ability to remove trees and vegetation. The owner could remove trees just as easily in the current designation and for Low Density Residential, as they could in Medium Density Residential.

e. The public expressed concerns that traffic volumes would increase.
   i. Staff presented and the Commission found that the applicant produced a trip generation letter for the proposal which was reviewed by WSDOT and the Spokane County Public Works department and both agencies commented that this proposal would not cause an anticipated level of service deficiency. Further, transportation is a direct-concurrency service that will be re-evaluated and concurrency required at the time of a project action.

15. The Commission finds a recommendation for approval of CPA-12-23 when considered under the Growth Management Act (RCW. 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by adopting the recommendation on the proposed Comprehensive Plan amendment and concurrent zone reclassifications.

16. The Commission further finds the summary of proposed annual amendments, and a map illustrating the locations and land use changes requested along with the staff report for the amendment is accurately reflected in Attachment “A”.
17. Commissioner Camporeale made a motion to RECOMMEND THAT THE BOCC APPROVE which was seconded by Commissioner Nolan; the vote was 4-0-1, to recommend the Board approve the amendment, with Commissioner Nolan abstaining from the vote, and none opposed.

BE IT FURTHER RESOLVED that the Commission does hereby make the Findings of Fact in support of the above vote to continue the review of CPA-15-23 for future consideration.

1. Commissioner Camporeale made a motion to RECOMMEND THE BOCC CONTINUE which was seconded by Commissioner Wittstruck; the vote was 5-0 to recommend continuing CPA-15-23 for consideration.

BE IT FURTHER RESOLVED that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendation to the Board for Comprehensive Plan Amendment CPA-17-23 which would bring two plats vested at urban levels of Low Density Residential which totaling approximately 90 acres that are currently outside of the Urban Growth Area, into the Urban Growth Area, amending their designation to Low Density Residential, and simultaneously removing 109 acres currently within the urban growth area being used as a cemetery and redesignate that land as Urban Reserve outside of the Urban Growth Area:

1. The Commission adopts the preceding recitals as Findings of Fact and incorporates the same by reference as though fully set forth herein to the extent they do not conflict with the below additional Findings of Fact.

2. The Commission has the legal authority to recommend approval or denial of the proposed amendment to the Spokane County Comprehensive Plan and Zoning Code, pursuant to Chapters 36.70 and 36.70A.

3. Spokane County has provided for timely public participation in consideration of the proposed amendment, consistent with RCW 36.70A.140, WAC 365-196-600 and the adopted Public Participation Program Guidelines (BoCC Resolutions 98-0114, 98-0788, 22-0470). Public participation for the proposed amendment included a project web page with supporting documents and analysis, briefings at open public meetings for the Spokane County Steering Committee of Elected Officials and the Spokane County Board of County Commissioners, circulation to interested parties, circulation to agencies and adjacent cities, as well as legal noticing requirements.

4. The Commission finds that RCW 36.70A.130(2)(a) and (b) permit amendments to be considered more frequently and outside of regular cycles than otherwise allowed by the Growth Management Act (GMA) where the same are undertaken to conform with the GMA to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court, as is the case with this proposal which is undertaken to comply with GMHB cases 05-1-0007, 13-1-0006c, and 14-1-0002.
5. The Commission acknowledges and concurs with the DNS SEPA Determination issued by the Department, finding the environmental review for the proposed amendments consistent with State Environmental Policy Act (SEPA) requirements, pursuant to RCW 36.70A.100, RCW 36.70A.130 (1), (2) and (3), WAC 197-11-340, and 11.10.230(3) of the Spokane County Environmental Ordinance. The determination was issued on September 27, 2023, and was not appealed.

6. The Department prepared a detailed staff report for the proposed amendment which is included in Attachment “A”. The Commission considered the analysis contained within the staff reports and incorporates that analysis as if restated here.

7. The Commission finds this proposal consistent with WAC 365-196-725, RCW 36.70A.370, and AG memo regarding takings concluding the amendment does not unconstitutionally infringe on private property rights.

8. The Commission finds that this proposal was evaluated in a Cumulative Impacts Analysis by the Department and determined not to be detrimental to established levels of service.

9. The Commission finds that the review and processing of this proposed amendment was consistent with the public participation notice requirements and Public Participation Program Guidelines adopted by the Board (Resolution 22-0486), and the proposals are also consistent with the Zoning Code - Section 14.102.040 for a comprehensive plan and zoning amendment, pursuant to RCW 36.70A.035(1)(a) - (e) and RCW 36.70A.140.

10. CPA-17-23 was proposed in response to the Settlement Agreement (BoCC Resolution #2016-0464), and to gain compliance with the Washington State Growth Management Act. The proposal was circulated to all parties of the Miotke Settlement Agreement. The Neighborhood Alliance, Futurewise, and the City of Spokane submitted comments on the proposal. The staff report for this proposal contained a full analysis and history of the underlying vested plats.

11. The Commission notes that at the October 12, 2023, public hearing that comments were made by the general public in attendance. Those comments were considered by the Commission when rendering their recommendation.

12. Staff and legal counsel noted, and the Commission finds, that this action is proposed solely because the two plats proposed to be brought into the Urban Growth Area vested at urban-level densities outside of the Urban Growth Area during the time that the Urban Growth Area was expanded, and that later recision of the Resolution expanding the Urban Growth Area—thereby returning the Urban Growth Area to its original, smaller size—did not work to bring the County back into compliance with the Growth Management Act where vested urban uses persisted, now outside of the Urban Growth Area.
a. Staff and counsel further expressed, and the Commission finds, that by way of mediated settlement agreement, all other parcels were brought into the urban growth area, but that these two parcels were thought to contain plats that had expired and not vested, and thus were not brought into the Urban Growth Area with the other parcels agreed to in mediation.

b. Staff and counsel expressed, and the Commission finds, that the County attempted in good faith to work with the Miotke mediation parties to bring these parcels back into the UGA, but the terms proposed by the Miotke parties was not attainable.

c. Thus, staff and counsel expressed, and the Commission finds, that the only option to become compliant with the Growth Management Act, outside of a mediated agreement, is to bring these two parcels that had vested outside of the urban growth area, into it.

d. Staff and counsel expressed, and the Commission finds, in order to avoid offending the Growth Management Act, the correction could not result in added population capacity or acreage. Thus, staff, as expressed in the staff report, found and proposed removing 209.5 acres within the unincorporated Urban Growth Area which currently contains cemeteries, not a defined urban use, in exchange for bringing in Falcon Ridge North and Woodridge View 4th Addition plats which equal roughly 90 acres. The Commission finds that this solution would result in no net increase to the Urban Growth Area, and instead would result in a net reduction in the total Urban Growth Area of approximately 108 acres.

e. Staff with Spokane County reviewed GIS layers and noted no public sewer had been extended to the proposed acreage for removal. Water has been extended to the site, but water is not an urban service prohibited from being extended outside of the Urban Growth Area under the GMA.

f. The City of Spokane provided oral comment noting the position the County was in and noted that the area may need to be brought into the Urban Growth Area in the future should the cemetery desire urban services such as sewer, and that the City does have some concerns about its policy directing the city to avoid serving water outside of the UGA. However, the City provided support of the current proposal notwithstanding the concerns (see Attachment “C”).

g. Additionally, staff undertook an analysis of the population impacts to ensure no next population capacity would occur by this swap. The Commission has reviewed and concurs with this analysis and finds no net increase in population capacity.
h. The Commission finds that this proposed solution brings urban areas within the UGA and removes a cemetery, which is not a use urban in nature and contains no urban services or urban level development, thus the Cemetery’s exclusion from the Urban Growth Area is more appropriate than the vested plats. Additionally, the reduction in the total Urban Growth Area, when coupled with the population allocation analysis suggests that this solution is appropriate under the circumstances.

13. The Commission finds a recommendation for approval of CPA-17-23 when considered under the Growth Management Act (RCW 36.70A), State Environmental Policy Act (RCW 43.21C), Spokane County Code, Spokane County Comprehensive Plan, and all other applicable regulations, and after considering all oral and written public testimony, County files, and staff report, the Commission finds compliance with the regulations and requirements applicable, and that the best interests of the public as well as the public health, safety, and welfare, will be met by adopting the recommendation on the proposed Comprehensive Plan amendment and concurrent zone reclassifications.

14. Specifically, the Commission finds that this proposed amendment meets the planning goals under RCW 36.70A.020.

   a. More specifically, the amendment corrects the issue that was substantially interfering with Goals (1), (2), (3), and (12).

      i. This urban development would be brought into the urban growth area. A cumulative impact analysis, as well as considering the proposed plats to be receiving urban level services, reveal that adequate public facilities and services exist and can be provided in an efficient manner. The proposed residential plats are adjacent to the City of Spokane and the UGA. Brining them into the UGA furthers and does not substantially interfere with Goal 1 of the GMA.

      ii. Bringing in the proposed plats while exchanging the cemetery land meets and does not substantially interfere with Goal 2 of the GMA. The plats are directly adjacent to the City of Spokane’s incorporated city limits and the Urban Growth Area. Urban growth should be encourage near urbanized areas. As parcels adjacent to incorporated city limits, these parcels do not promote urban sprawl. Bringing them into the urban growth area while simultaneously exchanging even more acreage out of the Urban Growth Area, resulting in a net decrease, is consistent with the GMA’s goals of reducing urban sprawl.
iii. The vested plats are adjacent to the City of Spokane’s incorporated city limits and contain residents likely to commute. The parcels’ proximity to urban areas should reduce per capita vehicle miles traveled, consistent with GMA Goal 3. Bringing the parcels into the UGA does not substantially interfere with Goal 3 either. The parcels are in a prime location for urban development given their proximity to urban services. Further, the cemetery being included or removed does not impact or substantially interfere with GMA Goal 3.

iv. With respect to Goal 12, the two most recent updates to the Capital Facilities Plan have considered the fact that these two plats receive urban level services. Additionally, staff undertook a cumulative impact analysis that contemplated serving these plats at urban levels, and found that facilities and services are adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below locally established minimum standards. Similarly, the cemetery only receives water as a service and the City of Spokane indicated that the cemetery’s removal from the urban growth area would not impact any services it currently receives. As a result, this proposed correction advances and does not substantially interfere with Goal 12 of the GMA.

15. Commissioner Nolan made a motion to RECOMMEND THAT THE BOCC APPROVE which was seconded by Commissioner Camporeale; the vote was 5-0 in favor of recommending approval of the correction and map amendments.

BE IT FURTHER RESOLVED by the Commission that the Commission does hereby make the following additional Findings of Fact in support of the above vote and hereinafter decisions concerning forwarding recommendations to the Board for the 2023 CPA Cycle Cumulative Analysis.

1. The Department conducted a Cumulative Impact Analysis of concurrent service impacts.

2. The Department used the established levels of service (LOS) for each concurrency service to evaluate if the service providers within the County had sufficient capacity to serve the proposals if recommend that the BoCC approved.

3. The Department identified no service deficiencies, and the Spokane County Planning Commission concurred with that analysis.

4. Commissioner Nolan made a motion to RECOMMEND THAT THE BOCC APPROVE the CIA which was seconded by Commissioner Camporeale, the vote was 5-0.
ADOPTED this 12th day of October 2023.

SPOKANE COUNTY PLANNING COMMISSION

Excused

Stephen Pohl, Chair

Pete Rayner, Vice Chair

Excused

Wayne Brokaw

Clyde Haase

Melissa Wittstruck

Alan Nolan

Logan Camporeale

ATTEST:

Scott Chesney, AICP, Planning Director
Spokane County Building and Planning
"PC Findings 2023 CPA Cycle 20231128" History

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