

SGNC Meeting Minutes August 13, 2008

Call to Order:

Officers present: Ginger Patano, Ray Tansy, Gail Johnson & Pat Hickey

Treasurer's Report by Ray Tansy:

Bank account now at Inland NW Bank at 57th & Regal. Please feel free to drop in & make a donation to Southgate NC. They were very nice & didn't charge us.

Balance in Bank - \$354.00

Pledge - \$50 still waiting to be received

Outstanding bill from someone who's willing to wait until there is money in the treasury to pay the bill.

SGNC Award by ginger Patano:

Neighborhood Alliance gave a second place \$200 award to SGNC for 'Neighborhood of the Year' in recognition of the advocacy work, perseverance & dedication to our neighborhood.

Previous Month's Meeting Minutes Approval:

June's meeting Minutes were approved. Visit Southgate Neighborhood Council's website at <http://southgate.spokaneneighborhoods.org/documents> for meeting minutes & agendas.

Community Assembly Report by Teresa Kafentzis (read by Ginger Patano):

Teresa was invited to make a report to the Community Assembly about what transpired after the City Council hearing on the Comprehensive Plan Amendments. She presented an overview of the past several months of the process. Below is an outline of what she presented:

- Neighborhood planning didn't happen in Southgate.
- Lack of funding & the city's inability to participate in neighborhood planning should not be an excuse to let developers plan the Neighborhood.
- The process was not transparent ("spur of the moment" revision of the satellite store size from 40,000 to 60,000 during the hearing was one example that could be perceived that the developers & City Council member proposing had insider conversations).
- The Neighborhood was not an equal in the planning process.
- The City Council didn't honor the negotiation process; they should have voted to approve or not approve. If they had concerns, the entire package should have been sent back to be renegotiated.

Teresa requested the following from the Community Assembly:

- That the Community Assembly appoint a committee & give it authority to research & make recommendations on how to create an open, fair & transparent process where decision-making is truly open & shared. Response: No formal agreement; informal support voiced by various members. CA-NPAC does give input to the City Council but their authority is not acknowledged or honored.
- That the Community Assembly officially acknowledge that the 'urban design workshop' was not recognized as neighborhood planning & therefore, the City should absorb the \$5,000 charge to Southgate Neighborhood Council. Response: No formal agreement; informal support voiced by various members.
- That the Community Assembly condemn the actions of the City Council in overturning the recommendations of the Plan Commission & passing these ordinances without true

neighborhood planning. Response: No formal agreement; informal support voiced by various members.

- That the Community Assembly request that City Planning Services research & analyze the cost to perform an 'average' neighborhood plan & develop a menu of services from which neighborhoods can select & customize their process. Response: CA-NPAC requested this in addition to planning templates several months ago & Leroy Eadie agreed. There has been no follow-up from Planning Services to this request.

Many of the Neighborhood Council representatives in attendance at the meeting voiced concern that this could happen in their neighborhoods. One member reminded others that they should pay attention so when it is election time, it could signal a time to elect different people to office.

District 2 Meeting Report by Ginger Patano:

Southgate Neighborhood is one of 11 neighborhoods in District 2 boundaries. There is \$550,000 allocated for neighborhood planning which will be split among 3 districts. Other neighborhoods are extremely supportive of Southgate being #1 on the list to plan. They made 2 groups within our district – one that has already begun the process - the other hasn't started to plan. East Central is the other neighborhood at the top of the list & we'll be submitting our plans for approval together. There will be 1 full time employee in the planning department who will be our resource. More discussion will occur on how neighborhoods choose to use their allocations, what process will be used, etc. We should prioritize essential elements in the document & work on them first. Joint planning with the County is essential to our success due to the geographical location of our neighborhood.

RV Parking in Driveways Straw Poll by Teresa Kafentzis (read by Ginger Patano):

City staff is asking for input from the neighborhoods about whether they want this ordinance which already exists to be changed. Unfortunately City staff went to the Community Assembly with this request, instead of visiting each of the Neighborhood Councils individually. This law currently on the books is being ignored. Our Code Enforcement is only responsive - they only investigate after there's been a complaint. The City wants to know whether Neighborhoods think they should continue to have this law on the books or modify it & permit this behavior.

SMC 17C.230.145(C)3 currently states that:

“Utility trailers, motorized recreational vehicles & non-motorized accessory recreational vehicles cannot be stored in the first 20 feet long line or the side street line.”

We're asked to respond to these questions:

- Should this continue to be in the Code?
- Should officers enforce?
- First get a warning & opportunity to comply?
- Is this a safety or health issue?
- Is this “Spokane culture” & therefore should we change the Code?

The City Code Enforcement Department is currently getting about 20 complaints a month. Marsha Todd stated that she feels Code Enforcement should enforce this requirement & enforce the existing law. These vehicles are just like having junk cars in the neighborhood. They block the views of neighbors from being able to see what's going on in everyone's yards. Maybe they should be restricted just from being kept in the streets, but not on public property.

Jamie Hutchinson felt that we would be making lifestyle decisions for people who have saved their whole life just to be able to keep a fishing boat on their property. Todd Whipple stated that this is

also a public safety issue – without this law being on the books the public would have no recourse. Pat Tennican stated that he's appalled by the fact that the City is asking Neighborhoods to discuss this issue when we have so many more important things that we need the City to respond to – infrastructure, the environment, following the Comprehensive Plan & other laws that are already on the books. James Pelland stated that most neighborhoods have CCRs that are enforced & have rules about what you can do there.

A straw poll was taken asking: “Should the Code should be changed & the law removed or should it remain & if it remains, should it be enforced by the City?” 1 person vote for removal & everyone else voted yes the law should stay on the books & be enforced by the City.

Comprehensive Plan Ordinance Appeal Update by Kitty Klitzke, Futurewise:

Southgate's Growth Management Hearings Board (GMHB) appeal is an appeal of the City Council's decision to change this zoning by amending the Comprehensive Plan & allow a District Center at this location. We know this was an illegal decision because the Comprehensive Plan says that the siting of a District Center shall be done through the neighborhood planning process.

Southgate through its legal council made up of representatives of Futurewise, an organization formed to watchdog proper implementation of the GMA, the Center for Justice, a non-profit organization formed to protect the interests of

& the Neighborhood Alliance of Spokane County, an affiliation of Spokane County neighborhood organizations, filed this appeal asking for an expedited schedule. The reason we wanted an expedited review is because all prior decisions are deemed valid & the developers can continue going forward with building this project. This then becomes a vesting issue. The developer lobbyist PAC is one of the most powerful in the state of Washington. They have already spent over \$2M on Dino Rossi's campaign to lock up the gubernatorial race & they have fought every piece of legislation to change the vesting laws. The GMHB reserved their decision on the expedited schedule. This is due to the fact that the City is dragging its feet on producing the record. The GMHB is one of the only appellate processes in the State of Washington that will allow 'just plain folks' to present their case before them. The members of the GMHB sent the message to all in attendance during this hearing that they want the parties to put together a schedule that works for everyone. A promise was made by the City that the public record would be ready no later than next week. The developers' attorneys did quite a bit of chest thumping & there was a shrill tone to the meeting with the developers' attorneys claiming that Southgate doesn't have standing to be a party to this lawsuit.

The next step for Southgate is to argue our case before the GMHB. We're hoping it will happen in December rather than January. If we lose, the next step is to appeal that decision to a court of law. If we win - anything that is not already built or started will have to stop & the zoning will revert back. The board will order the City to make some sort of an adjustment. The question was asked: what are implications of a lawsuit against the city for breaking the law? We don't have those kinds of rights now in the state of Washington.

Kitty has been approached by a donor who is watching closely & is very interested in our appeal of this Ordinance. This person is a former developer in Spokane & supportive of the Neighborhood's vision. This person is willing to pay for the cost of a design professional to help articulate the Neighborhood's vision, so that the general public can see visually what we're advocating for is not 3 big boxes with more fast food chains. We agreed to get together some potential visuals for a professional rendering & look into bringing someone to Spokane who's actually done new urbanism designs to interface with professors at WSU (Bob Scarfo) & EWU (Dick Winchell). Chris Bagley suggested consideration of a skate park within the new District Center.

The Development Agreement is a separate process from the appeal process & being done on a separate track. The real issue is that we don't have enough contact w/our elected officials. These developers have been lobbying the City Council for a long time to vote in their favor & have way more availability to them than the average citizen does.

Other Pending Developments to Watch:

Pat Tennican mentioned two other current development proposals we should be watching:

1. The Foursquare Church which has 8.5 acres south of the new water park is asking for an adjustment of the UGB for low density residential (6-8 units/acre). Are they going to build something there besides a church if it gets rezoned? The County Plan Commission hearing was held July 21 & the next hearing is Aug. 28th & won't allow public input. This is the south half of the property that included the water park. The public was told that the church would build its facility there. It's unfortunate these proposals aren't coming to this organization. The Land Use Committee needs to take steps for the County to include them in the notification process if we identify ourselves as an interested area.
2. The Swartout 10-story tower, mixed-use proposal behind Regal Lumber. The County only allows 50 feet in height with a 10' adjustment for underground parking giving them a 60' maximum height possible. This should be monitored & reported on.

Traffic Impact Fees Report by Teresa Kafentzis (read by Ginger Patano):

Joe Shogun has been calling all the Neighborhood Councils wanting to know if they support & understand the proposed traffic impact ordinance. Teresa told him that Southgate Neighborhood supports them because the fees are used in the place that they are collected to be used for. The Neighborhood Councils through the Community Assembly have already sent numerous letters to the City Council advising them that they support this legislation.

Address from Mayor Mary Verner:

She came to speak to us about the Comprehensive Plan Amendments, but must first say a word about the Impact Fee Ordinance that is slated for the Council's agenda on September 15. We must have a good transportation infrastructure system. The ordinance is designed to address the additional capacity demand & is a good way to pay for the transportation that is caused by increased development. The ordinance doesn't address maintenance or any other transportation issues. She suspects they're going to defer a decision because they're going to hear opinions all across the board. You can ask the City for a presentation to provide you with all of the information you need to make an informed decision.

She came to apologize for letting Southgate Neighborhood down over the Comprehensive Plan Amendment. She wanted to come & personally make herself accountable to Southgate for the outcome. She feels like she failed everybody by trying to provide the resources to help everybody make a good decision. You got really close to a decision. Then it got rushed to the City Council for a decision & there were some zingers that wound up in the ordinance that was passed. She learned a valuable lesson but apologizes for learning it at Southgate's expense. When the ordinance went forward it was a shell – a 'fill in the blanks.' By the time it came out & was filled in, it made her decision whether to veto very difficult. All of you had just invested a significant amount of time, money, blood, sweat & tears to achieve middle ground & unfortunately that didn't happen. Had she exercised a veto, all of that ground would have been lost. There would have been no closure whatsoever on polarized positions.

The lesson that she learned was that she has to be there during their deliberations - carefully watching how the paragraphs are structured. She has line item veto, but the entire paragraph that would have

to have been vetoed contained all the conditions & agreements everyone agreed to. The City is going to work on the charter language to fix the mayor's line item veto process that is authorized. She wanted the members of Southgate to know that she agonized over this all week to try & bring resolution. Somebody was going to appeal either way it turned out, but she wanted to come & tell the Neighborhood that she apologizes to those who are disappointed in the outcome. She still wants to serve this neighborhood, listen to Southgate, & figure out how to work through this issue & all the other things that come up. She hopes we can all agree to be a little disappointed but agree to work together to come together & resolve issues. She is confident that the City Attorney would never recommend the city take an action that was illegal. This was not a blatant action but a difference of opinion as to what the Comprehensive Plan calls for & she won't advocate for one action over another.

Pat Tennican stated that the developer's attorney helped to structure the document that they came up. There was no call for any other input from the neighborhood. There had already been polling in the neighborhood & out of 650 people polled -- only 2 were in favor of this development. People felt that the decision was made before the City Council ever even heard the testimony. The Plan Commission spent at least 6 hours to make sure that everybody had their opportunity to testify. Then Council President Shogun allowed 20 minutes of testimony from the entire Neighborhood. It was a subversion of the democratic process.

Susan Brudnicki stated that the Mayor was quoted in the Spokesman-Review as having said that: "She hoped to use the process Southgate engaged in as a model for other neighborhoods to plan with." She asked the Mayor to please not ever force another neighborhood to have to engage in this process again. This is NOT how neighborhood planning is done. The process was designed to fail because the developers never had any intention of compromising or negotiating in good faith. The Neighborhood was told it had to participate with a gun held to its head. Southgate invested hundreds of hours in this process. The only winners were the developers' attorneys & agents who got paid handsomely for their time.

Dated this 13th day of August, 2008.

Respectfully Submitted,

Gail Johnson, Secretary
Southgate Neighborhood Council