

Spokane Plan Commission

May 9, 2018

Meeting Minutes

Meeting called to order at 2:03 pm

Attendance:

- Commission Members Present: Dennis Dellwo - President; Todd Beyreuther - Vice-President; Michael Baker; John Dietzman; Diana Painter; Greg Francis; Sylvia St. Clair; Carole Shook; Christopher Batten; Patricia Kienholz; Lori Kinnear - City Council Liaison.
- Commission Members Absent: Community Assembly Liaison (TBD).
- Quorum met.
- Staff Members Present: Heather Trautman; Jacqui Halvorson.

Public Comment Period:

- No public comment.

Commission Briefing Session:

1. Approve April 25, 2018 meeting minutes.

Commissioner Dellwo entertained a motion to approve the April 25 minutes.

Commissioner Kienholz asked for an amendment on page 4, that we strike the following from the sentence, “.....as there are enough options available to the developer already in the downtown area.” Commissioner Painter requested corrections to the sentence, “Commissioner Painter indicated that she and Helvetica won an award for outreach in Olympia. Megan Duvall will attend the ceremony on May 15th”, read, “Commissioner Painter indicated that she and Helveticka won an award for historic preservation in Spokane. Megan Duvall and Diana Painter will attend the ceremony in Olympia on May 15th.”

Commissioner Kienholz made a motion to approve the minutes as amended; Commissioner Francis seconded. Minutes approved as amended 10/0.

2. City Council Report: Councilmember Kinnear

- a. Councilmember Kinnear indicated that the two ordinances she sponsored both passed at the City Council meeting on Monday: The ordinance for Parks, which recodifies what the park jurisdiction is, and identifying park ranger duties passed 7/0; and the one for Public Lands, relating to protection of public lands and properties within the City of Spokane, regulating various activities that are harmful to area public lands and the river. This includes defacement or injury of vegetation and trees, fires, disposal of litter and unauthorized camping; passed 6/1.
- b. The Ponderosa Association made some requests regarding the proposed Infill ordinance in the transitional areas where infill could cause damage to existing ponderosa pines and other City trees, and this will be brought to planner Nathan Gwinn’s attention to provide some protection for them.
- c. Councilmember Kinnear has been receiving a lot of comments regarding the Garden PUD. There is a lot of interest in this neighborhood about this project.

3. Community Assembly Liaison Report: Commissioner Francis gave a status report. (CA Liaison position is currently vacant and in recruiting process - hoping to fill within two months.)

- a. Commissioner Francis note that the Community Assembly unanimously selected for Patricia Hansen to be nominated as the CA Liaison. She has a lot of neighborhood and city experience.
- b. The CA had a presentation on the Comprehensive Plan amendment process; and a quick overview of this year’s comp plan amendment.

- c. Nathan Gwinn gave a presentation on the proposed Infill Ordinance.

4. President Report: Commissioner Dellwo:

No report.

5. Transportation Sub-Committee Report: Commissioner Dietzman

- a. The PCTS did not meet this month.
- b. SRTC has invited the Plan Commission to attend an education event and workshop on roundabouts May 25th, and an evening event for the public.
- c. The next PCTS meeting will be June 5th.

6. Secretary Report: Heather Trautman.

- a. The E-Newsletter went out regarding roundabouts last Friday.
- b. The Short Course on Local Planning workshop is being hosted by the City of Millwood Wednesday May 23rd. I encourage you to attend.
- c. There is additional information on the Downtown Plan Update. Would any PC members want to serve on the steering committee? Commissioners Baker and Kienholz have volunteered. Kevin Freibott will reach out to you regarding this group. Kevin will also provide updates to the PC.
 - a. There will also be a community engagement kick-off May 21st - a family-friendly event near the fountain; a soft launch to sports complex; representation regarding Riverfront Park new elements; Riverside Avenue engagement process; and how all of these elements are connected.
- d. Heather briefly discussed the Plan Commission Work Plan that will be in discussion with City Council, at the Urban Experience meeting, etc. The goal is to finalize the Work Plan.

Workshops:

1. Infill Dimensional and Transitional Standards - Nathan Gwinn

- Nathan gave a PowerPoint presentation on Infill Code Revisions, and a brief overview of the infill information he has provided to date.
- Today he will show the various areas of the city that could be affected by the new code.
- He provided open house feedback, and discussed how street parking, lot width, wall height and roof form would be affected.
- Other topics included set-back concerns in Manito/Cannon Hill Neighborhoods; historic districts and neighborhood character; roof pitch; roof height; mass and appearance of height; what is allowed in residential zones; Is height, form, or density more important? Should the DRB make the decision as to what kind of roof form is appropriate? Include gables on pitched roofs.
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- Nathan introduced Option 2 that came up during the workshops, which was not included in today's packet, but is open for consideration. There was more positive response to Option 2 than Option 1 during the workshops.
- Nathan asked if the Plan Commission would like to include Option 2 in the current amendment process, or in a future hearing draft?
- Nathan is looking for some opportunities to make changes prior to bringing it back to public hearing.
- Commissioner Dietzman would like to hear from an architect regarding the cost of a flat vs pitched roof, and the difference in the cost of maintenance: A three-story building with the same number of units - flat or pitched - what is the difference in cost?
 - Commissioner Batten noted that the driving factor is maximizing the number of units.
 - Commissioner Beyreuther believes the developer of these three story structures wants to know the dimensions of the top plate; they also want to know the other rules in place for a specific zone.
- We can proceed to present Option 2 for the hearing, and solicit feedback from some of the cost questions that were raised today.

- Heather indicated that it's OK to move forward with the hearing draft options, including Option 2; for the public to testify and staff to gather information about.
- Option 2 was presented at the open house.
- Move forward with two options and invite testimony from the public.
- Heather indicated we can go back with additional information to the public to those who have attended public events.
- There has been a lot of outreach to the neighborhoods.

2. Findings of Fact: Building Height in the DT-100 - Kevin Freibott

Kevin gave a *Building Height in the DT-100 Findings of Fact* handout to the Plan Commissioners.

Commission President Dellwo indicated that during the Plan Commission Leadership meeting that occurred prior to this meeting, that he sensed there was a question as to how the final decision was decided on this item, and James Richman (City Attorney) was consulted to determine, whether the Commission could bring it back up for further discussion and consideration for other options if they chose to do so. If we decide to go forward with this, we would have to vote, and a majority agree, for this to come forward again.

Kevin has provided the Findings of Fact and we can approve them or not as they are written and send them to City Council.

Commissioner **Dellwo** asked the Commissioners if they would like to reconsider their decision, or accept the way it was passed at the May 9th Plan Commission meeting.

Commissioner **Batten** asked what the point was to reconsider the motion, and what are we reconsidering?

Commissioner **Beyreuther** responded to the question as he was president pro-tem at the May 9th PC meeting in question, and said that when they left the meeting they felt confident that they had gone through a process, voted unanimously on that solution, and gave a recommendation. The question is, is our role as a body not only to give a recommendation but a thorough analysis to the City Council? Are we confident now that the solution that we presented has enough information for the Council to move forward; and if there are other questions and reactions to that recommendation, is there still an opportunity to revisit and discuss those questions? He indicated that, personally, he is not confident that the solution they voted on is the best one; nor is it a thorough recommendation for the Council to make a decision on.

Commissioner **Batten** asked if there were other outside influences or discussions that occurred that have caused this concern, because it was clear to him that we passed it with an 8/1 vote.

Commissioner **Painter** noted that there was a discussion on the DTC-100 at the Joint CC/PC Quarterly meeting on May 3, and it came out that everyone sort of went along with what was proposed by the majority but that there were other ideas out there to be heard.

Commissioner **Dietzman** noted that he also feels he voted on the wrong basis; that he mis-heard the final motion as it pertained to the 18,750-sf floor plate and 50-foot separation; he prefers more separation.

Commissioner **Batten** asked, should we scrap this and start over?

Commissioner **Baker** stated that he feels this motion is of such importance that if the entire Commission is not feeling 100 percent informed, and we have a very clear proposal to City Council, that we need to go back and start over again; this has huge ramifications in the future for both the Park and downtown and downtown development.

Commissioners **Batten** and **Kienholz** feel they were given adequate information and are satisfied with the existing vote, and don't believe we need to reconsider.

Commissioner **Francis** is torn because he walked into hearing with mid-sized tower in mind, but voted for a higher tower. His preference would be to have a slightly smaller tower, but the momentum of the Plan Commission felt the other way. The majority of the public comments that day were in favor of the larger tower, and he is willing to let the Council decide to make changes if they want to. He doesn't think there's a need to reconsider but would hope there would be.

Commissioner **Beyreuther** noted that this is an important issue, he came into the hearing having done his homework, and more questions were raised during the deliberations. He said if he did additional analysis and research after today, he would bring more to the table, such as performance based analysis, if there was another opportunity.

Commissioner **Batten** noted there were two overwhelming public benefits in doing this process: desire to getting rid of surface parking lots -accomplished; and a density issue downtown and 24 hour presence downtown. His preference would be for residential living only and not for a hotel. He doesn't want to revisit this and somehow have it come back as a notion for office space, since that overrides the public benefit of considering this change.

Commissioner **Dellwo** asked if there wa a motion to reconsider? If not, then to review the Findings of Fact.

Heather noted that for any recommendation from the Plan Commission to City Council, they can: 1) approve the proposal; 2) modify a recommendation from the PC or; 3) can refer it back to the PC for further consideration.

Motion to reconsider the proposed ordinance and City Council recommendation and adding public outreach: Moved by Commissioner Kienholz: Seconded by Commissioner Beyreuther; (both were present and voted in favor at the May 9th hearing).

Discussion?

Commissioner **Beyreuther** raised the following consideration: In the discussion two weeks ago, there was a comment about being more surgical about understanding activities and protection of spaces in the Park. In his research after that meeting, he found more performance-based research on solar impact on spaces, so there is a mechanism to make an analysis (San Francisco). Are we pushing this from a planning to a DRB issue? This is a specific case in our city that impacts less than a dozen properties. Here there is a precedent that you could include the Plan Commission or Park Board in that design review process.

Commissioner **Batten**: Pointed out that several of the PC members served on the Working Group and that we did participate at length in this discussion.

Commissioner **Dellwo** indicated we won't be going back and starting this process over; we will schedule another hearing with the same information and bring additional information in a month.

Heather indicated that the work of the planning team would be directed by the Plan Commission, and would include a schedule and all stakeholders, in that we are having a process around this reconsideration that may include workshops.

Commissioner **Francis** stated that he thinks this issue is important enough because it will change our skyline for a long time, and doesn't feel confident enough that he would be OK with City Council addressing it at this point, but would not mind revisiting it with more information.

Commissioner **Painter** would like to revisit it if there is new information. Being new to the Commission, the proposed ordinance seemed abstract at the time. If we had more specifics on what implications of these building forms on those lots, given the shadow situation, etc. I would also like to revisit it.

Commissioner **Kienholz** would like more specifics on form, etc.

Commissioner **Dietzman** indicated that there was something new that came up during deliberations, and that was the elimination of the 15-foot setback, which opened up more floor plate area; but still having a wide separation between buildings. He noted he was a bit confused with the calculations at the time and would like another opportunity to revisit it. He would like something included that would require a Design Review Board review.

Commissioner **Beyreuther** noted that the PC is an advisory board that is encouraged to do independent research on items that are presented to the PC. He was concerned that our decision did not get to a 'win' for all parties involved.

Councilmember **Kinnear** indicated that when we had our Joint Study Session, and Councilmember Mumm asked what your thought process was for the decision you made about the DTC-100 amendment, the answer we got was very disturbing because you voted to move it forward with the maximum floor plate, and yet when we were talking to you, you had reservations about that vote. With that knowledge, it left us confused and disturbed that you thought one way and voted another. So with the understanding that the Plan Commission does not need to be unanimous, if some of you disagreed with that motion, you could have had a dissenting opinion, but that wasn't the case.

Commissioner **Kienholz** said she is expecting a reconvening of the DTC-100 Working Group to review the new information.

Commissioner **Francis** noted that if the City Council is of the opinion that the Plan Commission is not informed or uniform on this motion, we need to go back and revisit this, with some substantial information brought forth that we have or somebody else has. He would like to see more expertise brought in to inform - the DRB, etc. This needs more than a hearing. Commissioner Baker agrees.

Heather noted that the Commissioners have a motion for reconsideration and specifically workshops, with engagements as part of that; and some additional research and technical review. Ultimately, a public hearing is required to make a recommendation to the City Council. There is no defined time period for this, but the goal is to not to have a lengthy process.

Commissioner **Dellwo** indicated that the DTC-100 item on the agenda was for consideration of the Findings of Fact; you have a motion before you - you can either 1) act on the motion; 2) have a discussion at the following meeting providing direction, clarification to the staff; 3) or table this and discuss in two weeks and put back on the agenda for a more robust discussion.

Motioned to table this until the next meeting: Michael; Chris seconded: passed 9/1.

PUBLIC HEARING CALLED TO ORDER: 4:00PM

1. Code Amendment for Electric Fencing in the Light Industrial Zone Melissa Owen

Melissa gave a PowerPoint presentation for a Code Amendment for Electric Fencing in Light Industrial Zones. In 2015 Electric Guard Dog submitted a private application to amend the City's fence code. The purpose of the hearing is for the Plan Commission to make a recommendation to City Council on the expansion of the use of electric fences into Light Industrial zones. This is expected to go to City Council hearing sometime after June of this year. For additional information please go to the project page on the City's web site - type-in "electric fences."

Melissa spoke about the project background, project purpose, process timeline, outreach, affected zones, City Council's 2016 concerns, the proposed amendment, public comments received, Comprehensive Plan policies and next steps. She noted that after sending an invitation, Melissa had no requests for a meeting on this topic from the Neighborhood Councils.

This proposal will address Council concerns from 2016, the amendment includes greater flexibility in the hours of operations of electric fence uses; and because fences don't typically trigger code compliance, the amendment balances the vision for development among adjacent zones and land uses of different character.

Next steps include public testimony, closing the hearing when you feel confident, deliberations, findings and conclusions, and your recommendation to City Council, which wouldn't be adopted prior to the May 23rd Plan Commission meeting, and will likely show on that agenda as a business item.

Public Testimony

Michael Pate - represents Electric Guard Dog: Brought the request forward in 2015 and again more recently. He noted that he was here to offer his expertise on electric fences; and to thank City staff,

Melissa Owen and Boris Borisov for their assistance. We have something here we can work with. Two comments: 3A Electrification: Is it acceptable to use two 6-volt batteries rather than the not-to-exceed single 12-volt battery. So “battery(s)” instead of “battery”. Also, in Section 9, Hours of Operation: Public access. We are OK with cutting off public access, other than when a truck driver is accessing a site for delivery, which we have specific codes for the drivers.

Public Testimony closed.

The President asked for a motion.

Commissioner Beyreuther moved to recommend to the Spokane City Council the proposed amendments to the Industrial Zone Fence Code.

Amendments:

A motion to amend the language in 17C.130.310 Section E3a to “battery(s)” instead of “battery”.

Commissioner Dietzman seconded. Motion Passed.

Amend Section 17C.130.310 E9a to strike “security”, to, “when personnel are on site, to de-activate the electric fence”. Greg/Sylvia Motion passed 9/1.

President: We are adopting finding of facts that complies with GMA, the Comprehensive Plan and other regulations. Any questions?

Clerk called the role: Unanimous. 10/0

Motion to move forward: A recommendation to approve the proposal options as stated here.

2. 6-Year Transportation Program Update Brandon Blankenagle

Brandon gave a PowerPoint presentation on the proposed 6-Year Transportation Program Update. He handed out the *Reconciliation Sheet* to the Commissioners, and the *Updated Projects to the 6-Year Program* (descriptions and costs), along with the *Consistency Matrix*. He reviewed these in detail for several projects, then provided a summary of the matrix.

Brandon is seeking the Plan Commissions approval and recommendation to the City Council of the 6-Year Transportation Program.

It is scheduled to go to a City Council hearing in June, and must be approved prior to July 1 according to State law in order to receive grants for the next round.

No public comment.

Request for a motion: Commissioner Dietzman made a motion to accept the staff findings and conclusions, and that we agree that the 2019-2024 6-Year Street Program is in full compliance with the Comprehensive Plan as required by RCW 36.70a and RCW 35.771.010; and recommends adoption by the Spokane City Council. Commissioner Francis seconded. Clerk called role: Recommendation approved 10/0.

1) Member Items of Interest/Requests for Future Agenda

- Commissioner Batten: Between now and the next meeting, let’s come back with a plan on how we are moving forward on the Building Height amendment including a timeline and schedule. Heather will coordinate.
- Schedule time to discuss *findings* around meetings, and how to adopt findings generically. James Richman will offer guidance.

Adjourned: 4:50