

**CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND  
RECOMMENDATIONS ON THE COMPREHENSIVE PLAN LAND USE MAP  
AMENDMENT FILE NO. Z1500084COMP**

**A Recommendation of the City Plan Commission to the City Council in the matter of a proposed Comprehensive Plan Amendment application by Jay Bonnett, on behalf of Morningside Investments, LLC to amend the land use plan designation from “Residential 4 – 10” on 45.5 acres to “Residential 15 – 30” on 41.63 acres, and “Residential 10 – 20” on 3.87 acres. The implementing zoning designations requested are RMF and RTF, respectively.**

**FINDINGS OF FACT:**

- A. The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).
- B. The City of Spokane adopted a Comprehensive Plan in May of 2001, in compliance with the requirements of the GMA, and has provided for periodic updates and annual amendments, as allowed under GMA.
- C. Under GMA, comprehensive plans generally may be amended no more frequently than once per year. All amendment proposals must be considered concurrently, in order to be evaluated for their cumulative effect. Also, the amendment period should be timed to coordinate with budget deliberations.
- D. Comprehensive Plan amendment application Z1500084 (reference **Exhibit A-1**) was submitted by October 31, 2015 deadline for Plan Commission review during the 2015/2016 amendment cycle.
- E. The proposed amendment is to the Land Use Plan Map of the City’s Comprehensive Plan to change the land use designation on 45.5 acres of 49.48 acres within the Windhaven First Addition PUD (the “Subject Property”). The applicant proposes amending 41.63 acres of “Residential 4 – 10” to “Residential 15 - 30”, and 3.87 acres of “Residential 4 – 10” to “Residential 10 – 20”.
- F. The subject property includes all parcels and tracts within the Windhaven First Addition PUD, except Lots 1 - 8, Block 4, Lots 1 - 13, Block 5, and Lots 1 – 5, Block 6. The Windhaven First Addition PUD was final platted in 2006, with private roads and utilities constructed, but no further development has taken place since the time of final plat.
- G. The subject property is located near the northwest corner of the Indian Trail Neighborhood Center.
- H. The core of the Indian Trail Neighborhood Center consists of approximately 37 acres with an adjacent 61.55 acres of property zoned for multifamily residential use, and 24.56 acres zoned for office use (which also allows high density residential use). Combined, the core of the neighborhood center and the surrounding property zoned for multifamily use comprises approximately 123 acres. If this application is approved, the subject property would create

the potential for an additional 45.5 acres of higher density housing in the vicinity of the neighborhood center.

- I. At the conclusion of an abbreviated neighborhood center planning process, in 2007, the City Council adopted Ordinance C34154, amending the City's Comprehensive Plan Land Use Plan Map and Official Zoning Map per the "North Indian Trail Neighborhood Center Land Use Plan Map Proposal." The Subject Property was zoned RSF as part of that abbreviated neighborhood center planning process.
- J. The subject property is accessed via W. Barnes Road, a local street, with secondary access from W. Shawnee Avenue, also a local street. Both local streets feed onto N. Indian Trail Road, which is classified as a minor arterial.
- K. The requested implementing zoning designation is Residential Multifamily on the area designated as "Residential 15-30", and Residential Two-Family on the area designated as "Residential 10-20".
- L. Staff requested comments from agencies and departments on December 9, 2015. Comments received are summarized in **Exhibit S-2**.
- M. A Traffic Impact Analysis (TIA) was requested by City of Spokane Streets Department staff on December 10, 2015. A draft of the TIA was submitted to the City dated May 2016, with the final report issued on July 11, 2016 (reference **Exhibit A-5**).
- N. A public comment period was originally set to run from May 10, 2016, to July 11, 2016 to provide a 60-day comment period. Due to the date of submittal of the final TIA by the applicant, the public comment periods was extended to July 25, 2016. Comments received from the public through July 25, 2016 are summarized in Exhibit P-1. The entire text of public comments is on file.
- O. The Indian Trail Neighborhood Council received a presentation from the applicant's traffic engineer on May 28, 2016, and a presentation by the applicant at their June 16, 2016 meeting.
- P. The Community Assembly received a presentation regarding the proposed 2015/2016 Comprehensive Plan amendment applications at their June 2, 2016 meeting.
- Q. The Spokane Plan Commission held substantive workshops to study the requested amendment on June 8, 2016, and June 22, 2016.
- R. A Mitigated Determination of Non-Significance (MDNS) was issued on August 23, 2016 by City of Spokane Planning; Lisa Key, Planning Director, SEPA Responsible Official. (reference **Exhibit S-1**). The North Indian Trail Neighborhood Council appealed the MDNS to the Hearing Examiner. Per the City's code, the appeal process runs concurrently with the Plan Commission hearing process.
- S. On August 26, 2016, the Washington State Department of Commerce and appropriate state agencies were given the 60-day notice before adoption of any proposed changes to the Comprehensive Plan.

- T. Notice of the Public Hearing and Mitigated Determination of Non-significance for the proposed Comprehensive Plan Land Use Map amendment, was published in the Spokesman Review on August 30, and September 6, 2016 and the Official City Gazette on August 31, September 7, and September 14, 2016.
- U. Notice of Public Hearing and SEPA Determination was posted on the subject property and mailed to all property owners and tax payers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a 400 foot radius of any portion of the boundary of the subject property on August 30, 2016.
- V. The staff report provided an analysis of all the decision criteria for approval a Comprehensive Plan amendment as prescribed by SMC 17.G.020, Comprehensive Plan Amendment Procedure.
- W. The Plan Commission held a public hearing on the requested amendment on September 14, 2016 with continuation on September 21, 2016.
- X. As a result of the City's efforts, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given that opportunity to comment.

## CONCLUSIONS:

Based upon the application materials, technical studies, staff analysis, SEPA review, agency and public comments received, and public testimony presented regarding the requested Comprehensive Plan Amendment application File No. Z1500084, the Plan Commission makes the following conclusions with respect to the review criteria, as detailed in SMC 17G.020.030, and the decision criteria, as detailed in SMC 17G.020.060(M):

1. The proposed amendment to the comprehensive plan **IS** consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
2. The proposed change **IS NOT** consistent with the goals and purposes of the state Growth Management Act.
3. Infrastructure implications of the proposed comprehensive plan amendment **ARE NOT** reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.
4. Mitigations for the proposed amendment **DO NOT** result in a potential funding shortfall that suggests the need to scale back on land use objectives and/or service level standards.
5. The proposed amendment **IS NOT** internally consistent with development regulations, capital facilities program, shoreline master program, the downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa.

6. The proposed amendment to the comprehensive plan **IS** consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.
7. The 2015/2016 proposed Comprehensive Plan amendments **HAVE** been reviewed concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.
8. Adverse environmental impacts associated with this proposed amendment **HAVE** been identified. If adverse environmental impacts have been identified, adequate mitigation measures **HAVE** been identified as requirements for incorporation into a decision on the proposed amendment.
9. A SEPA review **HAS** been completed on the requested amendment.
10. The proposed amendment **DOES NOT** adversely affect the City's ability to provide the full range of urban public facilities and services citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
11. The proposed land use designation **IS NOT** in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
12. The proposed map amendment and site **ARE NOT** suitable for the proposed designation.
13. The map amendment **DOES NOT** implement applicable comprehensive plan policies better than the current map designation.
14. The proposed amendment **IS NOT** consistent with the Comprehensive Plan policies.
15. The applicant **HAS NOT** presented enough evidence to justify the need for the proposed change to the Comprehensive Plan.
16. The proposed change to the Comprehensive Plan **IS** more effectively or appropriately addressed through another aspect of the planning department's work program, (such as neighborhood planning, writing new regulations, etc.).
17. The Plan Commission **DID** receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

### **RECOMMENDATION:**

In the matter of Z1500084COMP, a request by J.R. Bonnett Engineering on behalf of Morningside Investments, LLC to change the land use plan designation on 45.5 acres of 49.48 acres within the Windhaven First Addition PUD, to include changing 41.63 acres from "Residential 4 – 10" to "Residential 15 - 30", with a corresponding change of the implementing

zoning to Residential Multifamily; and, changing 3.87 acres of "Residential 4 – 10" to "Residential 10 – 20", with a corresponding change of the implementing zoning to Residential Two-Family, as based upon the above listed findings and conclusions, by a vote of 4 to 3 with 1 abstention, the Plan Commissions recommends to City Council the **DENIAL** of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan.

A handwritten signature in black ink, appearing to read "Dennis Dellwo", written over a horizontal line.

**Dennis Dellwo, President  
Spokane Plan Commission  
September 28, 2016**