



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

November 17, 2016

City Clerk File No.:
ORD C35449

COUNCIL ACTION MEMORANDUM

RE: COUNCIL ACTION MEMORANDUM REGARDING THE CITY COUNCIL'S REJECTION OF FINAL READING ORDINANCE C35449 (COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. Z1500084COMP) AND SETTING FORTH THE FINDINGS OF FACT AND CONCLUSIONS

During the Spokane City Council's 3:30 p.m. Administrative Session held Monday, November 14, 2016, Council President Stuckart referred to the final version of the above-referenced Council Action Memorandum with the line added (under "HH"), which reads: "In the event of a conflict between the Plan Commission and City Council findings and conclusions, the City Council's findings and conclusions shall prevail." He requested a motion to suspend the Council Rules, and the following action was taken:

Motion by Council Member Mumm, seconded by Council Member Fagan, to so move **(to suspend the Council Rules)**; **carried unanimously.**

Council President Stuckart then requested a motion to add Item No. 9 (to the November 14 Consent Agenda), which is the Council Action Memorandum regarding the City Council's rejection of Ordinance C35449 (Comprehensive Plan Amendment Application No. Z1500084COMP) and setting forth the Findings of Fact and Conclusions (which includes the additional language under "HH" referenced above). The following action was taken:

Motion by Council Member Mumm, seconded by Council Member Fagan, to so move **(to add Item No. 9)**; **carried unanimously.**

Subsequently, the City Council, upon unanimous voice vote (in the affirmative), approved the November 14, 2016, Current Consent Agenda items, which includes the approval of Consent Agenda Item No. 9—Council Action Memorandum regarding the City Council's rejection of Final Reading Ordinance C35449 (Comprehensive Plan Amendment Application No. Z1500084COMP) and setting forth the Findings of Fact and Conclusions memorializing the basis for the Council's decision to deny the application.

Terri L. Pfister, MMC
Spokane City Clerk

**Agenda Sheet for City Council Meeting of:**

11/14/2016

Date Rec'd

11/10/2016

Clerk's File #

ORD C35449

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**COUNCIL 625-6258
PRESIDENT BEN
STUCKART**Project #****Contact E-Mail**

BSTUCKART@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Special Considerations

Requisition #**Agenda Item Name**0320 - COUNCIL ACTION MEMO. RE: COMPREHENSIVE PLAN AMENDMENT
APPLICATION**Agenda Wording**

Subsequent to City Council's rejection of the comprehensive plan amendment application No. Z1500084COMP, Council passed a motion requesting that staff prepare a motion memorializing the bases for the Council's decision to deny the application.

Summary (Background)

Council denied the application after voting down the ordinance which accompanied the application itself. Subsequently, City Council requested that staff prepare a memorandum of findings of fact and conclusions to memorialize the bases for the Council's decision to deny Comprehensive Plan Amendment application No. Z1500084COMP, for subsequent approval by Council and authorization for the Council President to execute.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

MCCLATCHEY, BRIAN

Study Session**Division Director****Other****Finance**

KECK, KATHLEEN

Distribution List**Legal**

RICHMAN, JAMES

For the Mayor

SANDERS, THERESA

Additional Approvals**Purchasing**APPROVED BY
SPOKANE CITY COUNCIL:*November 14, 2016*
Sen. J. F. Foster

CITY CLERK



OFFICE OF THE CITY CLERK
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3342
509.625.6350

November 14, 2016

City Clerk File No.:
ORD C35449

COUNCIL ACTION MEMORANDUM

RE: Comprehensive Plan Amendment Application No. Z1500084COMP (Final Reading Ordinance C35449)

At its 6:00 p.m. Legislative Session held November 7, 2016, the Spokane City Council held a hearing to consider approval of the above-named application to amend the Comprehensive Plan and adoption of the accompanying ordinance. At the hearing, the City Council received a staff report, presentations by the proponents and opponents of the application, and lengthy public testimony. Subsequently, the following actions were taken:

Upon Unanimous Roll Call Vote, the City Council **rejected Final Reading Ordinance C35449** relating to application made by Morningside Investments LLC, planning file #Z1500084COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Residential 10-20" and "Residential 15-30" for approximately 45.5 acres described as: All Parcels and tracts within the Windhaven First Addition PUD, except Lots 1-8 Block 4, LOTS 1-13, Block 5, Lots 1-5 Block 6 Which is comprised of 260 Platted Lots; and amending the zoning map from "Residential Single Family" (RSF) to "Residential Two Family (RTF)" and "Residential Multi-Family (RMF)".

Motion by Council Member Mumm, seconded by Council Member Kinnear, **to deny** the application under Planning File #Z1500084COMP and the Land Use Map which was applied for by Morningside Investments; **carried unanimously**.

Motion by Council Member Mumm, seconded by Council Member Kinnear, **to direct** the Council attorney to draft findings (of fact) and conclusions for the denial to be voted on at the Council's next available meeting (to memorialize the bases for the Council's decision to deny the Comprehensive Plan Amendment application No. Z1500084COMP); **carried unanimously**.

Therefore, the City Council's Findings of Fact and Conclusions are set forth in this memorandum as follows:

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. Pursuant to the GMA, the City of Spokane adopted a Comprehensive Plan in May, 2001, and has provided for periodic updates and annual amendments, as allowed under GMA.
- C. The City’s comprehensive plan shall be an internally consistent document and all elements shall be consistent with the future land use map. RCW 36.70A.070.
- D. 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.
- E. SMC 17G.020.010(B) lists the guiding principles for processing applications seeking to amend the comprehensive plan, as follows:
 - 1. Keep the comprehensive plan alive and responsive to the community.
 - 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 - 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 - 4. Honor the community’s long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 - 5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
 - 6. The proposed changes must result in a net benefit to the general public.
- F. Comprehensive Plan amendment application Z1500084COMP (reference **Exhibit A-1**)¹ (hereinafter the “Application”) was submitted by October 31, 2015 deadline for review during the 2015/2016 amendment cycle.

¹ References to Exhibits in these findings and conclusions are to the Exhibits found in the Staff Report on Comprehensive Plan Land Use Amendment Application, 45.5 acres north of Barnes Road; Morningside Investments LLC; File Z150084COMP

- G. The Application seeks an amendment 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".
- H. 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.
- I. The subject property is located near the northwest corner of the Indian Trail Neighborhood Center.
- J. Policy LU 3.2 of the City's Comprehensive Plan provides the following regarding Neighborhood Centers:

Discussion:

Suggested centers are designated where the potential for center development exists. Final determination is subject to the neighborhood planning process.

Neighborhood Center

Neighborhood centers designated on the Land Use Plan map have a greater intensity of development than the surrounding residential areas. Businesses primarily cater to neighborhood residents, such as convenience businesses and services. . . .

Businesses in the neighborhood center are provided support by including housing over ground floor retail and office uses. The most dense housing should be focused in and around the neighborhood center. Density is high enough to enable frequent transit service to a neighborhood center and to sustain neighborhood businesses. Housing density should decrease as the distance from neighborhood center increases. . . .

The size and composition of neighborhood centers, including recreation areas, vary by neighborhood, depending upon location, access, neighborhood character, local desires, and market opportunities. . . . The size of the neighborhood center, including the higher density housing surrounding the center, should be approximately 15 to 25 square blocks. The density of housing should

be about 32 units per acre in the core of the neighborhood center and may be up to 22 units per acre at the perimeter.

- K. Policy LU 3.5 of the City's Comprehensive Plan provides the following with respect to the mix of uses in centers:

Neighborhood . . . Centers are designated on the land use plan maps in areas that are substantially developed. New uses in centers should complement existing on-site and surrounding uses, yet seek to achieve a proportion of uses that will stimulate pedestrian activity and create mutually reinforcing land use patterns. . . .

All centers are mixed-use areas. . . . The ultimate mix of land uses and appropriate densities should be clarified in a site-specific planning process in order to address site-related issues such as community context, topography, infrastructure capacities, transit service frequency, and arterial street accessibility. Special care should be taken to respect the context of the site and the character of surrounding existing neighborhoods.

- L. Section 3.3 (Visions and Values) of the Land Use chapter of the Comprehensive Plan indicates: "Growth will be managed to allow a mix of land uses that fit, support and enhance Spokane's neighborhoods, protect the environment, and sustain the downtown area and broaden the economic base of the community." Section 3.3 further provides that protecting the character of single-family neighborhoods is important to Spokane's future.
- M. Section 3.4 (Goals and Policies) of the Land Use chapter indicates that while future growth is anticipated in neighborhood centers, established single-family residential neighborhoods will remain largely unchanged and calls for restricting the development of higher density housing in predominantly single-family areas.
- N. Policy LU 1.3 of the City's Comprehensive Plan indicates that the city's residential neighborhoods are one of the city's most valuable assets and calls for protecting the character of single-family residential neighborhoods by focusing higher intensity land uses in designated centers.
- O. As indicated above, Policy LU 3.2 of the City's Comprehensive Plan provides guidance regarding the size of neighborhood centers and indicates that the size of a neighborhood center, including the higher density housing surrounding the center, should be approximately 15-25 square blocks. Policy LU 4.5 indicates that block lengths of 250 to 350 feet on average are preferable. According to this guidance, assuming block size of 350 x 350

feet, a neighborhood center, including the higher density housing surrounding the center, should range from approximately 42 to 70 acres.

- P. 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.
- Q. 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 "Neighborhood Subarea Plan"). The owner of the Subject Property was represented and engaged in this neighborhood center planning process. The Subject Property was zoned residential single-family ("RSF") as part of the Neighborhood Subarea Plan. Ordinance C34154 / the Neighborhood Subarea Plan is a neighborhood planning document adopted after 2001 within the meaning of SMC 17G.020030(E). The Application seeks to amend the land use and zoning designations for the Subject Property to accommodate higher density housing, which would be inconsistent with the existing neighborhood planning document.
- R. On or about December 19, 2011, the City Council adopted Resolution 2011-0100, accepting the Community Assembly Planning Action Committee's (CA-NPAC) recommendations for improvements to the neighborhood planning process. Those process improvements included the option of directing a neighborhood's allocation of planning dollars towards project engineering, such as engineering work for widening North Indian Trail Road. And prior to the Council's adoption of Resolution 2011-0100, the North Indian Trail Neighborhood Council adopted a resolution transferring the neighborhood's planning dollars to Engineering Services for preliminary engineering for improvements to North Indian Trail Road between Kathleen and Barnes Road.
- S. When the Neighborhood Subarea Plan was developed, there was no anticipation or vision of more multi-family housing than has developed and that the additional multifamily housing envisioned by the Application would (i) be totally out of scale with the neighborhood, (ii) would dominate the neighborhood, and (iii) would dramatically alter the character of the neighborhood. Rather than significant amounts of new high density multi-

family housing, the Neighborhood Subarea Plan established small pockets of multi-family zoning to accommodate small scale apartments that would not significantly alter the character of the neighborhood.

- T. As documented on page 20 of the staff report, there is approximately 32 acres (including approximately 11 acres in the center core) of undeveloped land with a zoning designation that would allow for multifamily development in and around the Indian Trail Neighborhood Center.
- U. 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**).
- V. The TIA included a lane capacity analysis on North Indian Trail Road, which indicates that additional through lanes will be needed in both the north and south directions on North Indian Trail Road between Kathleen Avenue and Lowell Avenue, to address the additional trips arising from the increased density that would be allowed if the Application is approved. The City's long range plans include widening North Indian Trail to a five-lane road section, with bike lanes, but the project is unfunded and is not in the City's six-year capital improvement plan.
- W. More specifically, North Indian Trail Road is designated as a bike route on the City's Comprehensive Plan, and the City's long range plans for North Indian Trail Road include widening the roadway to five lanes between Kathleen Avenue and Barnes Avenue and also include bike lanes in both directions. These long range plans, however, are not reflected in the funded section of the City's Six-Year Capital Improvement Plans.
- X. As reflected in the TIA, Indian Trail Road, which provides the primary means of ingress and egress to the neighborhood, has limited capacity. Concerns were expressed during public testimony that the additional traffic that would result from approval of the Application would (i) limit the City's ability to provide timely law enforcement, fire protection, and emergency medical services, and (ii) would make it more difficult for neighborhood residents to leave the area in the event of an emergency.
- Y. The TIA proposed to mitigate impacts associated with the Application through funding a partial widening of North Indian Trail Road that could be completed at the same time as an asphalt overlay project the City has scheduled for 2018. The widening project would provide two continuous southbound lanes from Barnes Road to Francis Avenue, and two continuous northbound lanes from Francis Avenue to Pacific Park Drive. A two-way left turn lane would be provided in the vicinity of Kathleen Avenue. Bike lanes would not be included,

but the road section north of Pacific Park Drive would be designed to accommodate future bike lanes.

- Z. This partial widening project is not reflected in the City's six-year capital improvement plan, as detailed in the City's 2017-2022 Six Year Comprehensive Street Program.
- AA. The Spokane Plan Commission held substantive workshops to study the requested amendment on June 8, 2016, and June 22, 2016.
- BB. 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 MDNS incorporated the traffic mitigations identified in the TIA. The North Indian Trail Neighborhood Council appealed the MDNS to the Hearing Examiner, but subsequently dismissed their appeal following the Plan Commission hearing.
- CC. Notice of the Public Hearing and MDNS for the proposed Comprehensive Plan Land Use Map amendment, was published in the Spokesman-Review on August 30, and September 6, 2016 and in the Official City Gazette on August 31, September 7, and September 14, 2016.
- DD. 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.
- EE. The staff report provides an analysis of all the decision criteria for approval a Comprehensive Plan amendment as prescribed by SMC 17.G.020, Comprehensive Plan Amendment Procedure.
- FF. The Plan Commission held a public hearing on the requested amendment on September 14, 2016 with continuation on September 21, 2016. Thereafter, on September 28, following deliberations, the Plan Commission voted 4-3, and one member abstaining, to recommend denial of the Application.
- GG. 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.
- HH. The City Plan Commission Findings of Fact, Conclusions, and Recommendations on the Comprehensive Plan Land Use Map Amendment File No. Z1500084COMP, dated September 28, 2016, are adopted and incorporated herein by reference. In the event of a conflict between the Plan Commission and City Council findings and conclusions, the City Council's findings and conclusions shall prevail.

CONCLUSIONS:

Based upon the application materials, technical studies, staff analysis, SEPA review, agency and public comments received, and public testimony presented to the Plan Commission and City Council regarding the requested Comprehensive Plan Amendment application File No. Z1500084COMP, the Spokane City Council 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. Approval of the proposed amendment would undermine the community's long-term investment in the comprehensive plan and neighborhood-specific subarea plans, and would dramatically alter the character of the North Indian Trail Neighborhood.
2. The proposed amendment would **not** result in a net benefit to the general public.
3. The proposed amendment to the comprehensive plan is **not inconsistent** 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.
4. The proposed change is **inconsistent** with the goals and purposes of the GMA.
5. 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.
6. Mitigations for the proposed amendment would **not** result in a potential funding shortfall that suggests the need to scale back on land use objectives and/or service level standards.
7. The proposed amendment is **inconsistent** with the City's capital facilities program and neighborhood planning documents adopted after 2001.
8. The proposed amendment is **inconsistent** with the land use and zoning maps adopted by Ordinance C34154 following a neighborhood planning process.
9. The proposed amendment is **inconsistent** with the comprehensive plan's visions for a neighborhood center, because it would place high density housing beyond the perimeter of the neighborhood center, and would significantly increase the size of the neighborhood center, including the

areas of higher density housing surrounding the center, beyond that envisioned in the comprehensive plan for neighborhood centers.

10. The proposed amendment is **inconsistent** with the comprehensive plan because it would dramatically alter the mix of land uses in and around the Indian Trail Neighborhood Center and the surrounding neighborhood without the neighborhood planning process envisioned by the comprehensive plan.
11. The proposed amendment is **inconsistent** the comprehensive plan because it would not protect the character of single family residential areas surrounding the neighborhood center.
12. The proposed amendment to the comprehensive plan would **not** be inconsistent 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.
13. 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.
14. Adverse environmental impacts associated with this proposed amendment were identified, and mitigation measures were also identified that could be imposed in order to help mitigate those impacts.
15. SEPA review was completed on the requested amendment.
16. Contrary to the Plan Commission's finding, the City Council finds that the proposed amendment would adversely affect the City's ability to provide the full range of urban public facilities and services citywide at planned levels of service, even if the mitigations identified in the MDNS were implemented due to the fact that Indian Trail Road, which provides the primary means of ingress and egress to the neighborhood, has limited capacity. The additional traffic that would result from approval of the Application would (i) limit the City's ability to provide timely law enforcement, fire protection, and emergency medical services, and (ii) would make it more difficult for neighborhood residents to leave the area in the event of an emergency.
17. The proponent has **not** demonstrated that the land use designations proposed in the Application conform with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.). The Indian Trail Neighborhood Center is large for a Neighborhood Center by Comprehensive Plan standards and already provides adequate opportunities for higher density housing in and

around the center. The size and composition of neighborhood centers vary by neighborhood, depending on a variety of factors including neighborhood character and local desires, and the ultimate mix of land uses and appropriate densities should be clarified in a site-specific neighborhood center planning process in order to address site-related issues such as community context, etc. Special care should be taken to respect the character of surrounding existing neighborhoods. The Comprehensive Plan anticipates an assortment of compatible housing types in neighborhoods and anticipates that higher density residences will be developed in the form of small scale apartments, townhouses, duplexes, and rental units that are accessory to single-family homes, as well as detached single-family homes. An approximately 45-acre multi-story apartment project is **inconsistent** with the Comprehensive Plan's vision for higher density housing in neighborhoods.

18. The proponent has **not** demonstrated that the proposed map amendment and site are suitable for the proposed designation. [See discussion under #17 above]
19. The proponent has **not** demonstrated that the proposed map amendment would implement applicable Comprehensive Plan policies better than the current map designation. [See discussion under #17 above]
20. The proposed amendment is **inconsistent** with the Comprehensive Plan policies.
21. The applicant has **not** presented enough evidence to justify the need for the proposed change to the Comprehensive Plan.
22. The proposed change to the Comprehensive Plan **would** be more effectively or appropriately addressed through another aspect of the planning department's work program, such as neighborhood planning or sub-area planning.

Ben Stuckart



City Council President

Terri L. Pfister, MMC



Spokane City Clerk



Agenda Sheet for City Council Meeting of:
10/31/2016

Date Rec'd	10/14/2016
Clerk's File #	ORD C35449
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PLANNING
Contact Name/Phone	L. KEY/T. BLACK 625-6185
Contact E-Mail	TBLACK@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0650 - Z1500084COMP - MORNINGSIDE

Agenda Wording

An ordinance relating to application made by Morningside investments LLC, planning file #Z1500084COMP AND amending the Land Use plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Residential 10-20" and "Residential 15-30" for

Summary (Background)

This Application for a Comprehensive Plan Land Use Map Amendment is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on September 14, 21, and 28, 2016 to consider this amendment and has recommended denial of the amendment. Plan Commission Findings and Conclusions are attached.

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	KEY, LISA	Study Session	
Division Director	MALLAHAN, JONATHAN	Other	PED 6/20/16 & 10/17/16
Finance	KECK, KATHLEEN	Distribution List	
Legal	RICHMAN, JAMES	Engineering Admin	
For the Mayor	CODDINGTON, BRIAN	tblack@spokanecity.org	
Additional Approvals		lkey@spokanecity.org	
Purchasing		jbonnet@jrbonnet.com	
		jrichman@spokanecity.org	
		jmallahan@spokanecity.org	

FIRST READING OF THE ABOVE ORDINANCE
WAS HELD ON

October 31, 2016

AND FURTHER ACTION WAS DEFERRED

Lou Jassunt
CITY CLERK



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

approximately 45.5 acres described as: All Parcels and tracts within the Windhaven First Addition PUD, except Lots 1-8 Block 4, LOTS 1-13,Block 5, Lots 1-5 Block 6 Which is comprised of 260 Platted Lots; and amending the zoning map from "Residential Single Family" (RSF) to "Residential Two Family (RTF)" and "Residential Multi-Family (RMF)".

Summary (Background)

Staff Report and SEPA Determination attached.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C35449

AN ORDINANCE RELATING TO APPLICATION MADE BY MORNINGSIDE INVESTMENTS LLC, PLANNING FILE #Z1500084COMP AND AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 4-10" TO "RESIDENTIAL 10-20" AND "RESIDENTIAL 15-30" FOR APPROXIMATELY 45.5 ACRES TOTAL DESCRIBED AS: ALL PARCELS AND TRACTS WITHIN THE WINDHAVEN FIRST ADDITION PUD, EXCEPT LOTS 1-8 BLOCK 4, LOTS 1-13, BLOCK 5, LOTS 1-5 BLOCK 6 WHICH IS COMPRISED OF 260 PLATTED LOTS; AND AMENDING THE ZONING MAP FROM "RESIDENTIAL SINGLE FAMILY" (RSF) TO "RESIDENTIAL TWO FAMILY (RTF)" AND "RESIDENTIAL MULTIFAMILY (RMF)".

WHEREAS, 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); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

WHEREAS, the Growth Management Act requires continuing review and evaluation of the Comprehensive Plan and contemplates an annual amendment process for incorporating necessary and appropriate revisions to the Comprehensive Plan; and

WHEREAS, land use amendment application Z1500084COMP (the "Application") was timely submitted to the City for consideration during the City's 2016 Comprehensive Plan amendment cycle; and

WHEREAS, the Application seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Residential 10-20" for 3.87 acres of the subject property and from "Residential 4-10" to "Residential 15-30" for 41.63 acres of the subject property. If approved, the implementing zoning designation requested is "Residential Two Family" (RTF) and "Residential Multifamily (RMF); and

WHEREAS, staff requested comments from agencies and departments on December 9, 2015, and a public comment period ran from May 10, 2016 to July 25, 2016; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on August 31, 2016; and

WHEREAS, the Spokane City Plan Commission held substantive workshops regarding the Application on June 8, 2016 and June 22, 2016; and

WHEREAS, on or about August 23, 2016, the responsible official issued a State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance was for the Application ("MDNS"). The public comment period for the SEPA determination ended on September 13, 2016; and

WHEREAS, on or about September 13, 2016, the North Indian Trail Neighborhood Council filed an appeal of the MDNS with the Hearing Examiner's Office. The appeal was subsequently withdrawn; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the September 14, 21, and 28, 2016 Plan Commission Public Hearing was published in the Spokesman-Review on August 30, 2016 and September 6, 2016; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on August 30, 2016; and

WHEREAS, staff report for Application Z1500084COMP reviewed the criteria relevant to consideration of the Application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on September 14, 21 and 28, 2016 for the Application Z1500084COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z1400064COMP is inconsistent with the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 4 to 3 to recommend denial of Application Z1500084COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of Application. Application Z1500084COMP is approved.
2. Amendment of Land Use Map. The Spokane Comprehensive Plan Land Use Map is amended from "Residential 4-10" to "Residential 10-20" for 3.87 acres and "Residential 4-10" to "Residential 15-30" for 41.63 acres as shown in Exhibit A.

3. Amendment of Zoning Map. The City of Spokane Zoning Map is amended from "RSF" to "RTF" and "RMF" for this same area as shown in Exhibit B.

PASSED BY THE CITY COUNCIL ON _____, 2016.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Exhibit A

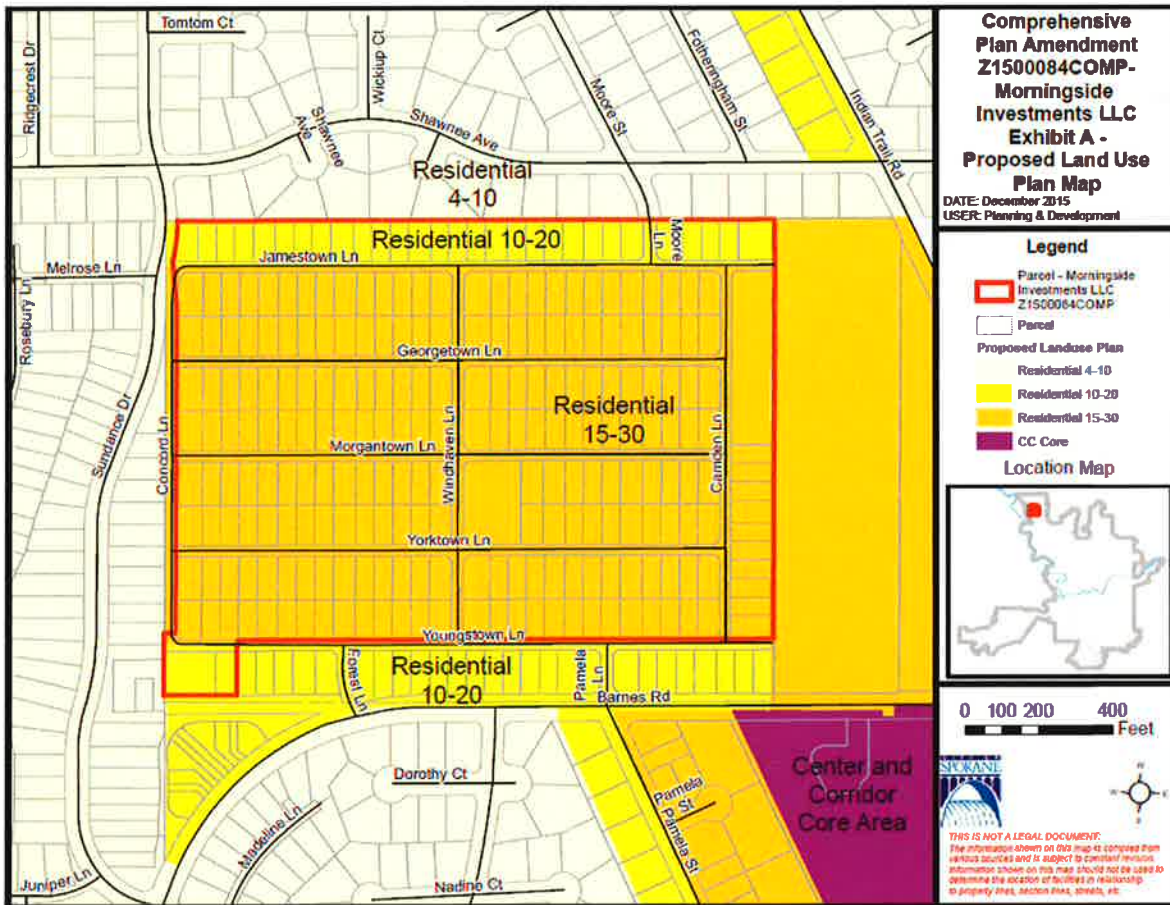
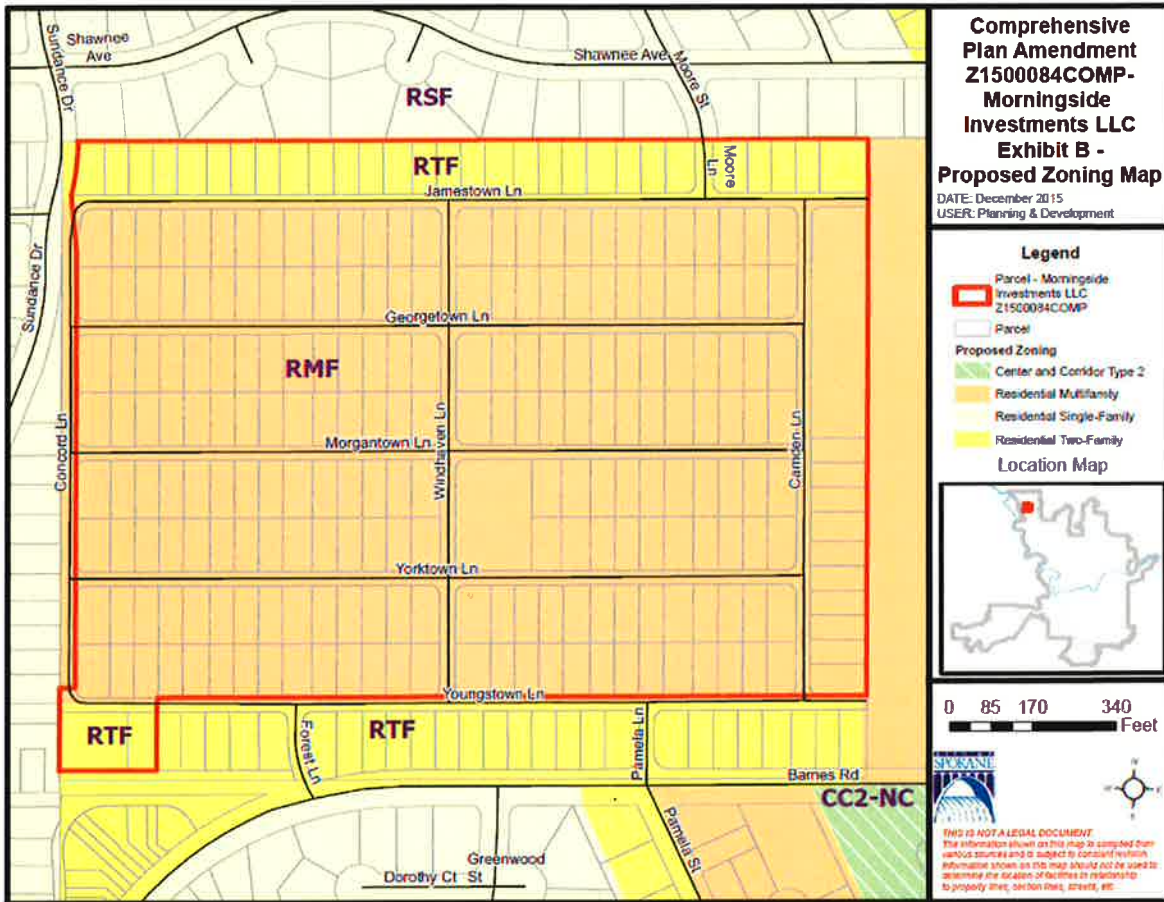


Exhibit B



**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 dark ink, appearing to read "Dennis Dellwo", is written over a horizontal line.

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

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
45.5 acres north of Barnes Road; Morningside Investments LLC; File Z150084COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

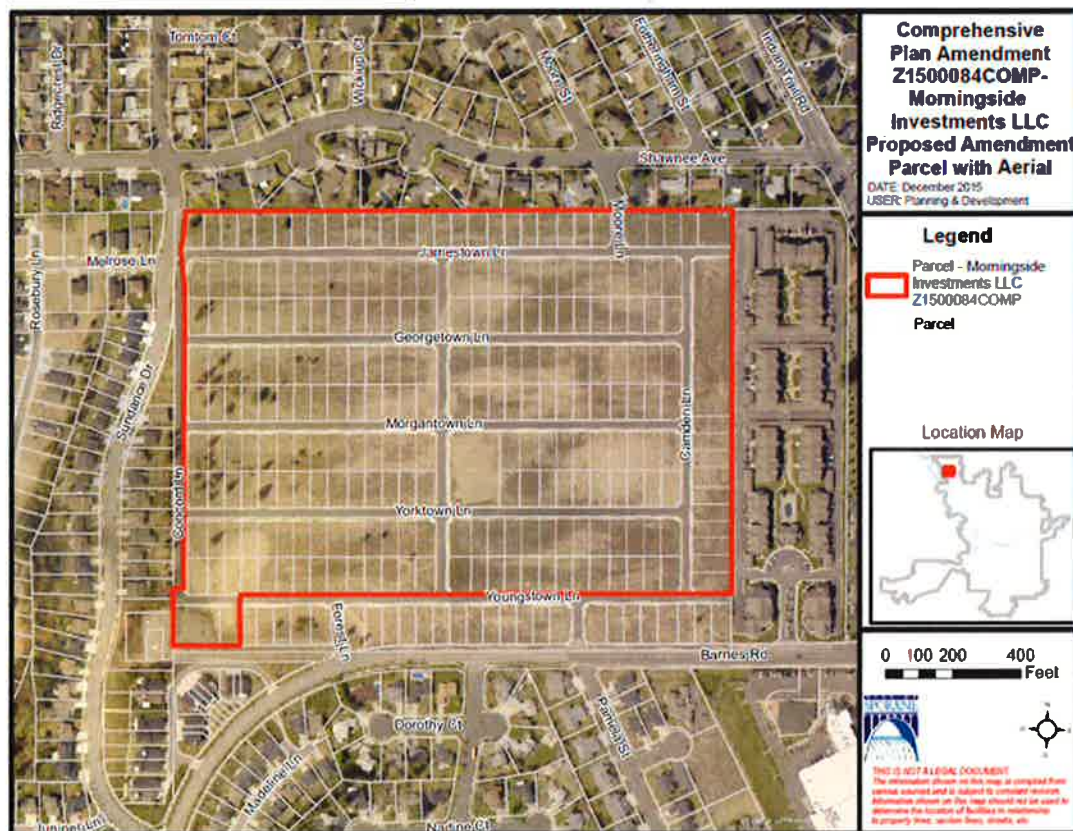
DESCRIPTION OF PROPOSAL: This proposal is to change the land use of a 45.5 acre area encompassed in the Windhaven First Addition PUD from "Residential, 4 to 10 units per acre" to "Residential 10-20 units per acre" and "Residential 15-30 units per acre". The proposed change to "Residential 10-20 units per acre" is for 3.87 acres. The balance of 41.63 acres is proposed to be changed to "Residential 15-30 units per acre". The applicant has proposed to limit development on the entirety of the undeveloped 49.5 acres of the Windhaven First Addition PUD (identified as "project site" in map below) to a maximum of 750 dwelling units. If the requested Comprehensive Plan amendment is approved, the zoning would be changed from RSF (Residential Single Family) to RTF (Residential Two Family) or RMF (Residential Multi Family). No specific development proposal is being considered at this time.

II. GENERAL INFORMATION

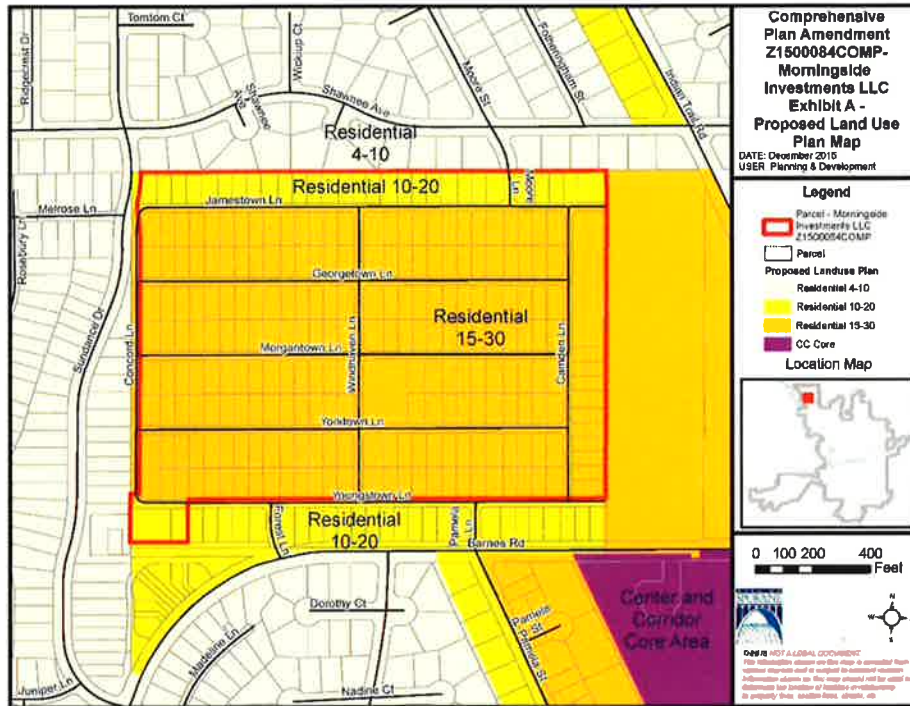
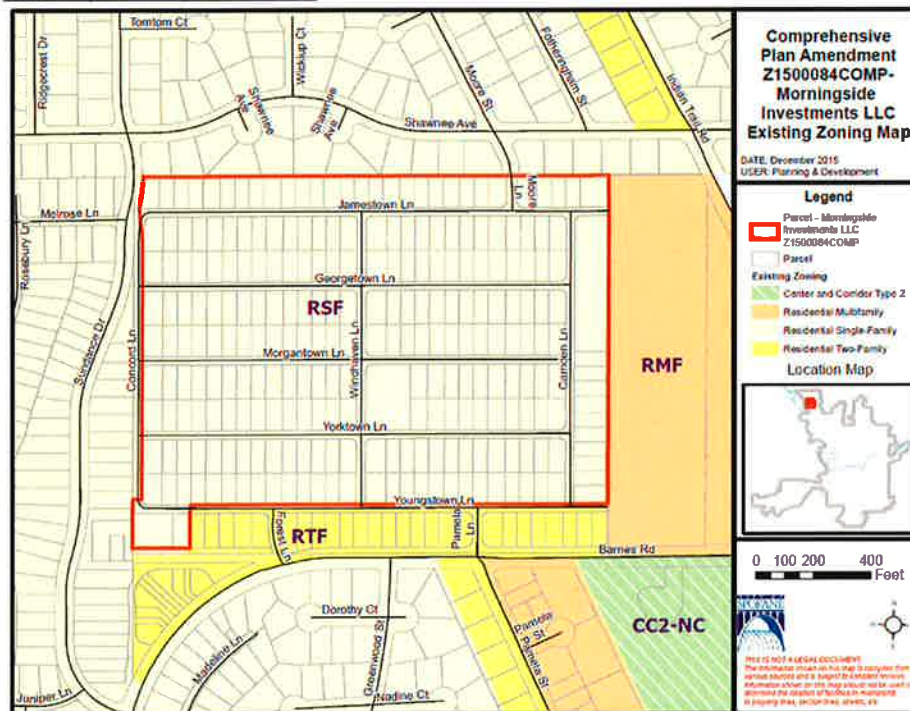
Agent:	Mr. Jay Bonnett, JR Bonnett Engineering
Applicant/Property Owner(s):	Morningside Investments LLC
Location of Proposal:	<p>This proposal is located north of W. Barnes Road and is generally bounded by W. Youngstown Lane, N. Concord Lane, W Jamestown Lane, and N Camden Lane.</p> <p>The location may also be described as: All parcels and tracts within the Windhaven First Addition PUD, except lots 1-8 Block 4, lots 1-13 Block 5, lots 1-5 Block 6. The area is comprised of 260 platted lots on approximately 45.5 acres.</p> <p>Located within SW ¼ 15-26-42; SE ¼ 16-26-42; NE ¼ 21-26-42; NW ¼ 22-26-42</p>
Legal Description:	Windhaven First Addition PUD, except lots 1-8 Block 4, lots 1-13 Block 5, lots 1-5 Block 6.
Existing Land Use Plan Designation:	"Residential, 4 to 10 units per acre"
Proposed Land Use Plan Designation:	"Residential 10-20 units per acre" and "Residential 15-30 units per acre"
Existing Zoning:	RSF (Residential Single Family)
Proposed Zoning:	RTF (Residential Two Family) and RMF (Residential Multi Family)

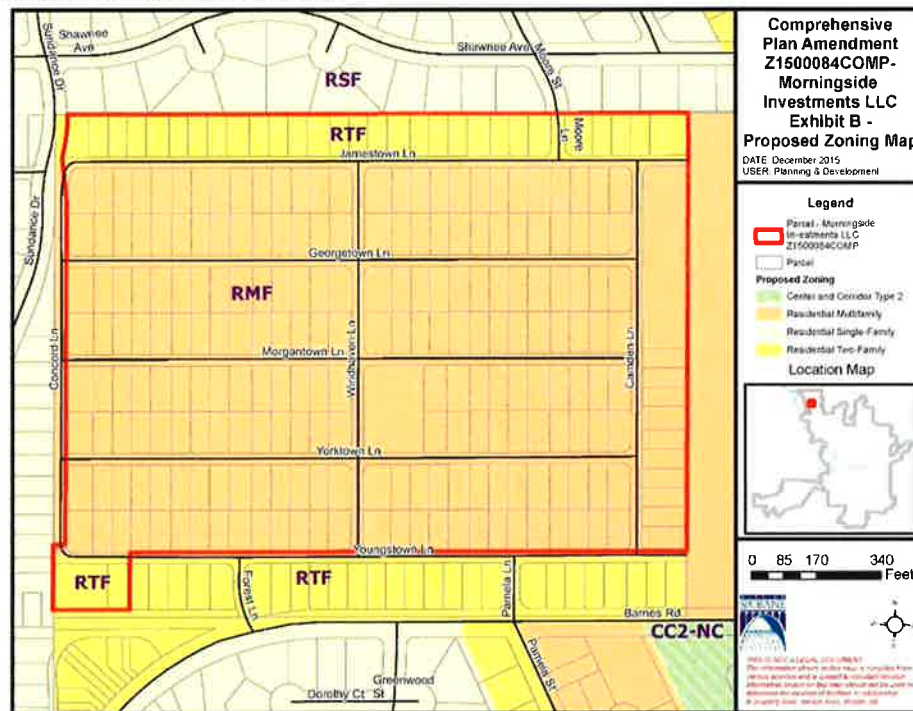
SEPA Status:	A SEPA threshold determination of Mitigated Determination of Non-Significance (MDNS) was made on August 23, 2016. The appeal period closed on September 13, 2016. The MDNS is attached as Exhibit S-1 .
Enabling Code Section:	SMC 17G.020, Comprehensive Plan Amendment Procedure.
Plan Commission Hearing Date:	The Plan Commission hearing date is scheduled for September 21, 2016 which potential continuation to the next meeting(s) of the Plan Commission.
Staff Contact:	Tirrell Black, Associate Planner; tblack@spokanecity.org

III. BACKGROUND INFORMATION



- A. Site Description:** The subject property is comprised of 286 single-family platted lots with a PUD Overlay. These lots are part of a preliminary plat known as Windhaven PP/PUD Z0097-51-PP/PUD. The preliminary plat approved 298 single family lots and one large multifamily lot which was approved for 212 multi-family apartments which are now constructed and known as the Lusitano Apartments.

D. Applicant Proposed Land Use Plan Map**E. Existing Zoning Plan Map**

F. Proposed Zoning Plan MapG. Zoning and Land Use Designation History. This area was annexed into the city of Spokane in 1966 by Ordinance C18611 known as the Blankenship-Dixon annexation.

In the staff report for Windhaven PP/PUD (Z0097-51-PP/PUD) this property is described, using the classification/zoning category at use at the time, as being zoned R1 which was a low density zoning category similar to what it is today with the RSF (Residential Single Family) designation. The final plat file number is Z0500112-FP/PUD and was filed with the Spokane County Auditor on September 27, 2006.

H. Recent North Indian Trail Neighborhood Planning and Comprehensive Plan Land Use Map Amendments. In 2007, the North Indian Trail Neighborhood and area property owners participated in an abbreviated neighborhood center planning process to plan for the "Neighborhood Center" designation which was applied to this general vicinity in the 2001 Comprehensive Plan adoption. This neighborhood planning process culminated in the City Council's adoption of 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." This ordinance is attached as **Exhibit S-1**

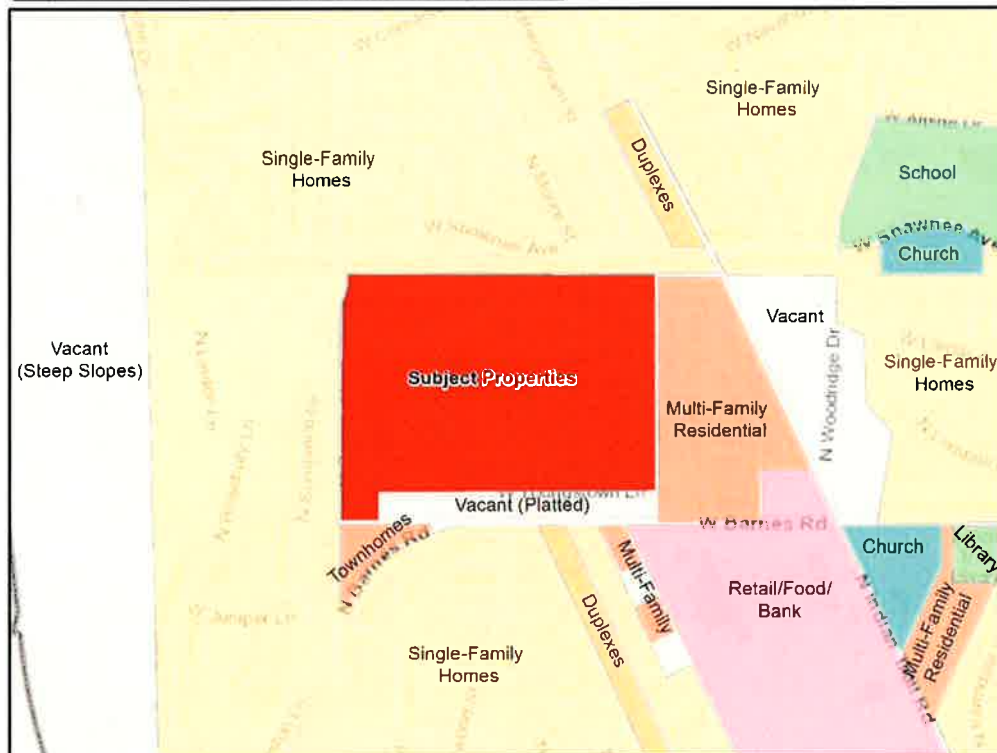
An additional change in the land use plan map, subsequent to the 2007 Ordinance C34154, was ORD C34931 which approved an application proposal to amend the Comprehensive Land Use Plan Map at the northeast corner of Indian Trail Road and Barnes Road for a Veterinarian Office. The change was from "R 4-10" category to both the "R 10-20" and "Office" category. A Development Agreement

was entered into in association with the ordinance and approved by OPR 2013-0905; Recitals E and F of OPR 2013-0905 reflect engagement of the neighborhood in the planning process, stating:

E. Whereas, the Owner has worked directly with the North Indian Trail Neighborhood Council (NITNC) and its representatives to inform them of the site plan and development schedule by offering regular progress reports in attendance at their regular scheduled monthly meetings;

F. Whereas, NITNC has agreed in principle to the Site Plan of Record and has been informed of the proposed Development Agreement;

I. Adjacent Land Uses and Street Designations:



Generalized Illustration of Surrounding Land Uses

To the north: single family residential use.

To the west: single-family residential use and a utility substation (for Williams Pipeline).

Immediately south (adjacent to the subject properties): a line of platted lots, zoned RTF but undeveloped.

To the south (across Barnes Road): residential use, predominately single-family but some multifamily to the west of Sundance Shopping Center.

To the southeast (across Barnes Road): Sundance Shopping Center.

To the east: multi-family residential use (Lusitano Apartments; owned by applicant).

North Indian Trail Road is served by STA Bus 23T which is the Maple/Ash route and provides limited service weekdays only according to the STA System Map effective September 2014.

North Indian Trail Road is designated as a Principal Arterial and Barnes Road is designated as a Collector Arterial. The "interior streets" to the Windhaven PUD which are Jamestown Lane, Georgetown Lane, Morgantown Lane, Yorktown Lane, Youngstown Lane, Concord Lane, Windhaven Lane and Camden Lane are categorized as private streets and were authorized as such in the decision on Windhaven preliminary plat and PUD (Z0097-51-PP/PUD).

J. Applicable Municipal Code Regulations: SMC 17G.020, Comprehensive Plan Amendment Procedures.

K. Application Process:

- Application was submitted on October 31, 2015 and Certified Complete on December 1, 2015;
- Agency Comment from Interested City Departments and Agencies was requested December 9, 2015 to be completed by February 8, 2016.
- City of Spokane Streets and WSDOT requested a Traffic Impact Study be prepared by the applicant.
- The applicant submitted a Draft Traffic Impact Study on May 9, 2016, a Sim Traffic Analysis requested by WSDOT dated May 23, 2016, and, a Safety/Collision Analysis for North Indian Trail (requested by the Neighborhood Council) submitted on June 8, 2016;
- Results of the Traffic Impact Analysis were presented at a public meeting by study author Bill White, Morrison Maierle, Inc. on behalf of the applicant on May 25, 2016;
- Notice of Application was posted, published, and mailed on May 10, 2016, which began a 60 day public comment period. The comment period, scheduled to end on July 11, 2016, was extended to July 25, 2016;
- The applicant made a presentation regarding the proposal to the North Indian Trail Neighborhood Council on June 16, 2015;
- The final, stamped Traffic Impact Analysis incorporating the additional analyses and recommending mitigations was submitted by the applicant on July 11, 2016 and posted on the city's website on July 12, 2016;
- A SEPA Mitigated Determination of Non Significance was issued on August 23, 2016;

- Notice of Plan Commission Public Hearing and SEPA Determination was posted and mailed by August 30, 2016;
- Notice of Public Hearing and SEPA Determination was published on August 30, 2016 and September 6, 2016;
- Comprehensive Plan Amendment Hearing Date is scheduled with the Plan Commission for September 14, 2016, with continuance likely to September 21, 2016, and with deliberations likely continued to September 28, 2016.

IV. AGENCY, INTERESTED DEPARTMENT, & PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for review on December 9, 2015. Agency and Interested City Department comments are included in this report as **Exhibit S-2**. The bulk of comment was conveyed to the applicant along with City Planning comments on February 16, 2016. Additional comments have been conveyed as received. Commenting City Departments included Streets, Integrated Capital Programs, Fire, Business & Development Services' Current Planning Department, and Business & Development Services' Engineering Department. Agency comments were received from Spokane County Public Works, Washington State Department of Transportation (WSDOT), Spokane School District 81, Spokane Transit Authority (STA), and Spokane Regional Transportation Council (SRTC). Additional comments were received later in the review period from School District 81, City of Spokane Business and Development Services' Current Planning Department, and WSDOT and are also included in **Exhibit S-2**.

During this comment period, the City of Spokane Streets Department and WSDOT asked the applicant to provide a Traffic Impact Analysis (TIA) for the amendment proposal. The results of the TIA, and the mitigations that are recommended as a result, are described in the following section, V. Technical Report(s).

The City has received extensive written public comment regarding this proposal. Comments have been received via email, letter, and through a survey taken by the North Indian Trail Neighborhood Council. The comments have been provided to the applicant, Plan Commission Members, and City Council Members. The comments received through July 25, 2016 are summarized in Exhibit P-1. The comment letters have been conveyed to the applicant, Plan Commissioners, and City Council in their entirety.

The City has received letters from the North Indian Trail Neighborhood Council, the Five Mile Neighborhood Council, the South Indian Trail Neighborhood Council, and the Audubon-Downriver Neighborhood Council opposing the amendment proposal. The Community Assembly also submitted a letter in support of the neighborhoods' opposition. Neighborhood Council and Community Assembly letters are attached in **Exhibit P-2**.

V. TECHNICAL REPORTS

During the Public Agency Review, the City of Spokane and WSDOT requested a Traffic Impact Analysis (TIA) evaluating transportation impacts that could result from the potential increases in density that would be allowed if the requested Comprehensive Plan amendment and zone change were approved. City staff and WSDOT worked closely with the applicant's traffic engineering consultant to ensure agreement on the background trips,

trip distribution and traffic count methodologies used in the study. The applicant submitted two drafts of the traffic study and one final version dated 7/11/16.

The TIA prepared by the applicant's engineer assumes development will be limited to 750 dwelling units on the entire Windhaven First Addition PUD (an area greater than that of the amendment proposal), and assumed primary access to the site via Forest Lane and Pamela Street, with secondary access via Jamestown Lane. The TIA states that only pedestrian access will be allowed via Moore Street onto Shawnee Avenue from the development, as Shawnee Avenue is a pedestrian/school route. There is no sidewalk on Shawnee Avenue between Moore and Indian Trail Road, which would be the walk route to school and to the nearest STA stop. Potential development impacts to this pedestrian route will be further evaluated at time of project application, if this proposal for a land use change is approved, and the project described in the TIA moves forward.

The TIA utilized current traffic counts, with the addition of projected new trips from the Barnes-Strong Road connection and trips from 12 vested developments that are not reflected in today's traffic counts (including the 286 single-family dwelling units approved for the Windhaven First Addition PUD). The background traffic counts (the current traffic counts plus the vested trips and new trips from Barnes-Strong Road) were then projected to increase by an additional annual rate of 0.5% through to the forecast year of 2021 baseline (which is assumed to be the completion and occupancy year for the applicant's envisioned development) to reflect non-project growth anticipated to occur in the area, above and beyond those trips already included for vested developments.

The TIA evaluated level of service (LOS) for the a.m. and p.m. peak hours for the forecast year, both with and without the additional trips that would be generated from the applicant's envisioned development. Trip generation for this proposal (as well as the vested projects) was established using the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The methodology for calculated LOS utilized the methodology established by the Highway Capacity Manual (TRB, 2010).

LOS was evaluated for the following intersections:

- Shawnee Avenue/Indian Trail Road
- Barnes Road/Indian Trail Road
- Strong Road/Indian Trail Road
- Indian Trail Road/Francis Avenue
- Alberta Street/Francis Avenue
- Ash Street/Francis Avenue
- Barnes Road/Forest Lane (Project Access)
- Barnes Road/Pamela Lane (Project Access)

The TIA also included a lane capacity analysis for North Indian Trail Road, as well as a Micro-simulation/Sim Traffic Analysis for the intersections of North Indian Trail/ Francis Avenue, Alberta Street/ Francis Avenue, Ash Street /Francis Avenue, and Maple Street/ Francis Avenue, in order to address uneven lane utilization and queue spillback between signalized intersections that was impacting the initial modelling for LOS at these study intersections.

Two areas of concern were identified in the TIA: lane capacity on North Indian Trail; and, intersection operations for the study intersections located on Francis Avenue.

The lane capacity analysis indicates, that if the application is approved, additional through lanes will be needed in both the north and south directions on North Indian Trail between Kathleen Avenue and Lowell Avenue to handle increases in traffic generated by potential future development on the subject property. The applicant's traffic consultant, in working with the city, has proposed a partial widening of Indian Trail Road that could be completed at the same time as the city's asphalt overlay scheduled for 2018. This widening project would provide two continuous southbound lanes from Barnes Road to Francis Avenue, and two continuous northbound lanes from Francis Avenue to Pacific Park Drive. A two-way left turn lane would be provided in the vicinity of Kathleen Avenue. The cost for the partial widening is estimated to be at least \$820,000.

It should be noted that the timing of the potential widening project is significant; it would need to occur in concert with the grind and overlay project, or it would otherwise need to be delayed until at least 2022, due to the City's three-year pavement cut moratorium policy.

The applicant has proposed to prepay the impact fees that the applicant estimates will be assessed on the apartment project that is anticipated if this application is approved (per Chapter 17D.075 SMC), which the City could apply towards the cost of the partial widening project. The city may also be able to utilize recently collected Northwest District impact fees towards the project.

Page 44 of the Traffic Impact Analysis states that the applicant has offered to prepay the capital cost of the partial widening project not covered by the impact fees to assure the timely completion of the proposed mitigation. The report goes on to indicate that the City has assured reimbursement for these capital funds through a latecomer's contribution and/or impact fee credits provided on future development proposals located within the Northwest service area. It should be noted that while these ideas can be explored as the application moves forward through the Plan Commission and City Council, at this time the City has not made any commitments regarding a latecomer agreement or any other reimbursement plan.

This proposed partial widening project has been included as a condition (i.e., mitigation) of the SEPA MDNS, with the specific terms and timing of the applicant's funding requirements to be detailed in a development agreement that will need to be incorporated as a condition of the Comprehensive Plan Land Use Map amendment and zone change, should they be approved by City Council. Full funding for the partial widening project will need to be in place as a condition precedent to a concurrency determination regarding any subsequent development applications on the subject property, if this application is approved by City Council. In addition, project permit applications will be subject to a concurrency determination prior to permit issuance per state law and Chapter 17D.010 SMC.

With regard to Francis Avenue intersection operations, the required signalized level of service is LOS E at intersections along principal or minor arterials, as outlined in administrative policy and procedure ADMIN 0370-08-01. This represents an average LOS for all movements at the intersection. Individual movements can be at LOS F as long as

the intersection average is LOS E or better. The LOS E standard applies to all signals along the Indian Trail and Francis corridors that are included in the study. The most current version of HCS (Highway Capacity Software) is required to be used for the analysis. However, the city may request the use of a different modeling software depending on the project proposal.

The traffic analysis shows that several intersections will be nearing the threshold between LOS E and F with the addition of the background trips and the Windhaven development traffic. Intersections of particular concern are Francis/Alberta during the AM and PM peaks and Francis/Maple during the PM peak. The Sim Traffic intersection analysis indicated that some intersections have issues with blocking and long queues. The intersection analysis shows that Indian Trail/Pacific Park-Strong will be operating at LOS E but capacity for this intersection can be expanded with developer frontage improvements. The intersections of Francis/Maple and Francis/Alberta are operating at LOS E and have some movements operating at LOS F and/or with long queues. Drivers on Francis often require multiple cycles to get through the signals. The intersections on Francis are essentially built-out, to the point where further expansions would be very costly and offer little in the way of additional capacity. The little remaining capacity will be needed to support other development already included in the comprehensive plan.

The impacts of the projected increases in traffic resulting from a rezone and subsequent development can be offset by implementing Travel Demand Management (TDM) strategies, which will shift existing and/or projected new trips from single occupant vehicle to transit. This method would preserve the remaining intersection capacity for other development. As mitigation, the applicant has proposed a monthly bus pass program that would be offered to apartment residents as a TDM offset.

TDM strategies are recognized in the city LOS policy (ADMIN 0370-01-01 Section 4.12), state law (WAC 365-196-840 (6)(a)(i)), and the SRTC Congestion Management Plan (Appendix D) as ways to mitigate for poor level of service. Commonly used TDM strategies include a bus pass program, vanpooling, providing bus stop amenities, establishing a park and ride, walking improvements and biking improvements. TDM as an approach to mitigation is also supported by the City of Spokane Comprehensive Policy TR 2.2, TDM Strategies, which states: "Use Transportation Demand Management strategies to reduce the demand for automobile travel."

The applicant's TIA identifies implementation of a TDM program providing a minimum of 80 bus passes on a monthly basis to residents of Windhaven, and/or the implementation of other TDM Strategies as may be identified in conjunction with STA, as a mitigation to be addressed through a development agreement, should the Comprehensive Plan Amendment request be approved.

The SEPA MDNS proposes implementation of TDM strategies, as agreed to by the City and STA, that would specifically mitigate the 89 new PM peak trips that are added to Francis Avenue (from Alberta eastward) as a result of the additional density from the rezone. Specific TDM strategies to be implemented by the applicant would need to be identified and incorporated into a development agreement that would need to be a condition of the Comprehensive Plan amendment and zone change, should they be approved by City Council. Should the Plan Commission recommend approval of the

requested Comprehensive Plan Amendment, this requirement should also be incorporated as a condition of such recommendation.

VI. COMPREHENSIVE PLAN AMENDMENT PROCESS GUIDING PRINCIPLES

SMC 17G.020.010 provides the following guiding principles for the annual comprehensive plan amendment process:

1. Keep the comprehensive plan alive and responsive to the community.
2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
6. The proposed changes must result in a net benefit to the general public.

VII. REVIEW CRITERIA

SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, in evaluating proposals to amend the comprehensive plan. The following is a list of those considerations followed by staff analysis relative each.

- A. Regulatory Changes.** Amendments to the Comprehensive Plan must be 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.

Staff Analysis: Staff has reviewed and processed the proposed amendment in accordance with the most current regulations of the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent state or federal or local legislative actions with which the proposal would be in conflict.

- B. GMA.** The change must be consistent with the goals and purposes of the state Growth Management Act.

Staff Analysis: The "Legislative findings" included in the Revised Code of Washington pertaining to GMA essentially call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the "Legislative findings" follows:

RCW 36.70A.010, Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.

The Growth Management Act details 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), including the following goals that are relevant to this application:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.*
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.*
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be 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.*

The Growth Management Hearings Board for Eastern Washington has indicated that these goals are to guide the development and adoption of comprehensive plans and development regulations. The goals are all created equal with no priority set forth by the legislature and with no goal independently creating a substantive requirement. City of Wenatchee v. Chelan County, EWGMHB Case No. 08-1-0015, FDO at 25 (March 6, 2009). The Board recognized that this lack of priority becomes problematic when jurisdictions are faced with competing goals, and indicated that, although the GMA does not permit the elevation of a single goal to the detriment of other equally important GMA goals, the GMA does permit local legislative bodies to give varying degrees of emphasis to the goals so as to allow them to make decisions based on local needs in order to harmonize and balance the goals. Id.

*GMA's goals guided the City's development of its comprehensive plan and development regulations. Application of the review criteria in Chapter 17G.020 SMC ensures that amendments to the comprehensive plan are also guided by and consistent with GMA's goals and purposes. The applicant has provided a discussion/analysis on this topic in their application materials which discusses all 13 goals and the proposal's relationship to each (reference **Exhibit A-1 and Exhibit A-3**).*

C. **Financing.** In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

Staff Analysis: The TIA indicates that increased traffic from the proposal would have impacts on North Indian Trail Road and specific intersections on Francis Avenue. The TIA proposes mitigations in order to address these transportation impacts that are likely to occur if this application is approved. The SEPA MDNS for the application incorporated the following mitigations in order to address those impacts:

- Mitigate capacity impacts to North Indian Trail Road via partial widening of Indian Trail Road that could be completed at the same time as the city's asphalt overlay scheduled for 2018. This widening project would provide two continuous southbound lanes from Barnes to Francis, and two continuous northbound lanes from Francis to Pacific Park. The cost for the partial widening is estimated to be at least \$820,000. The developer has proposed to pre-pay the impact fees that are estimated to be owed on the apartments, with the specific terms and timing of the applicant's funding requirements to be detailed in a development agreement that will need to be incorporated as a condition of the Comprehensive Plan amendment and zone change, should they be approved by City Council.*
- Mitigate potential loss of capacity to intersections on West Francis Avenue by implementing a TDM strategy as agreed to by the City and STA, that would specifically mitigate the 89 new PM peak trips that would be added to Francis Avenue (from Alberta eastward) as a result of the additional*

density contemplated by the application. Specific TDM strategies to be implemented by the developer will need to be identified and incorporated into a development agreement that will need to be a condition of the Comprehensive Plan amendment and zone change, should they be approved by City Council.

TDM mitigations regarding intersection operational issues reflect a cost to be borne by the applicant at the time of development or as an operating cost, should the application be approved, and therefore, would not be required to be reflected on the 6-year capital improvement plan, but rather, would be required as a condition of approval for any subsequent development applications.

The proposed widening of North Indian Trail is not reflected in the City's six-year capital improvement plan, as detailed in the City's 2017 – 2022 Six Year Comprehensive Street Program.). The North Indian Trail Widening Project is identified on the Impact Fee Projects lists contained in the Comprehensive Street Program¹, although this report also provides the context for the impact fee project list, stating:

*"The City will be seeking additional funds from local, State and Federal sources since Impact Fees, in accordance with RCW 82.02.050, cannot pay for 100% of project costs. Impact Fee related projects will be placed in the Program once funding has been obtained. The list of Impact Fee Projects below indicates generally what timeframe the projects are intended to be constructed within, funding dependent."*²

As indicated in the above excerpt, if the partial widening project is fully funded, the City Council could add it to the 6-year capital improvement program. Funding would need to be in place prior to the design of the overlay project (mid-2017), for the partial widening to be included in the grind and overlay project. If not completed in concert with the planned grind and overlay project, cost for the widening will be substantially higher than the estimated \$820,000. It should also be noted that, once the grind and overlay project is completed, this roadway section will be subject to the three-year pavement cut moratorium.

As it stands now, the partial widening project is not on the 6-year capital improvement plan. The MDNS acknowledges that the threshold determination does not address concurrency, and as per State law and SMC §17D.010.020, any subsequent development permit applications will require a concurrency determination.

The MDNS identifies a development agreement as a mechanism for addressing the terms of funding for the partial widening of North Indian Trail, as well as the previously identified TDM strategies. The development agreement could limit subsequent development on the subject property to that generating no more than 271 p.m. peak trips (the vested trip generation associated with the approved 286

¹ City of Spokane 2017 – 2022 Six Year Comprehensive Street Program, pg. 123.

² City of Spokane 2017 – 2022 Six Year Comprehensive Street Program, pg. 121.

single-family homes), until such time as the partial widening project for North Indian Trail is fully funded, and the project has officially been added to the City's six-year capital improvement plan.

- D. **Funding Shortfall.** If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

Staff Analysis: The applicant has offered to cover the entire cost of mitigating the transportation impacts identified in the TIA. Between the MDNS and a development agreement, it appears that development of the property can be conditioned to ensure that adequate transportation facilities are in place concurrent with development.

- E. **Internal Consistency.** The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, 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. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Staff Analysis:

1. Development Regulations. This is a non-project proposal. Any future development on this site will be required to be consistent with the Development Regulations in effect at the time an application is submitted.
2. Capital Facilities Program. See discussion under Criteria C and D above.
3. Neighborhood Planning Documents Adopted After 2001. This application, if approved, would amend the results of the 2007 North Indian Trail Neighborhood Center planning process discussed in Section (III)(H) above (See **Exhibit S-4**, Ordinance C34154). While the Comprehensive Plan and the SMC do not offer specific guidance on when it is appropriate to undertake additional planning in a designated center, Chapter 11 of the Comprehensive Plan relating to Neighborhoods calls for consistency between neighborhood planning documents and the Comprehensive Plan (see Policy N 8.4), and the Land Use Chapter anticipates an inclusive process for determining the significant features of a neighborhood center, as reflected in several policies, including:

- Policy LU 3.3, Planned Neighborhood Centers, provides:

"The exact location, boundaries, size, and mix of land uses in a potential neighborhood center should be determined through the neighborhood planning process.

- Policy LU 3.5, Mix of Uses in Centers, states in the discussion section:

"The ultimate mix of land uses and appropriate densities should be clarified in a site-specific planning process in order to address site-related issues such as community context, topography, infrastructure capacities, transit service frequency, and arterial street accessibility. Special care should be taken to respect the context of the site and the character of surrounding existing neighborhoods.

The North Indian Trail Neighborhood Council, the Five Mile Neighborhood Council, the South Indian Trail Neighborhood Council, and the Audubon-Downriver Neighborhood Council have all submitted letters stating their opposition to the application. Additionally, the Community Assembly has indicated its support for the neighborhoods' position on this application.

4. Miscellaneous Comprehensive Plan Goals and Policies. The applicant provided a discussion of the applicable Goals and Policies from the Comprehensive Plan which supports their request for the Land Use Plan Map Amendment (reference **Exhibit A-1**). Staff have compiled a group of relevant Comprehensive Plan Goals and Policies excerpted from the Comprehensive Plan, and contained in **Exhibit S-3** of this report.
5. Centers and Corridors Policies. The application seeks to amend the City's land use plan map and zoning map to allow for additional high density multi-family housing in proximity to the Indian Trail Neighborhood Center. In the materials submitted by the applicant in support of the proposal, the applicant contends that its proposal is consistent with the comprehensive plan, and particularly the plan's centers and corridors policies.

One of the principal goals of the comprehensive plan is the efficient use of land and resources (see Goal LU 3, Efficient Land Use). When the City adopted the comprehensive plan, it sought to achieve this goal by implementing a focused growth strategy known as "centers and corridors". The comprehensive plan identifies a variety of center types, including a "neighborhood center." The subject property is situated near the northwest corner of the North Indian Trail Neighborhood Center which is designated on the Land Use Plan Map LU1 as a "neighborhood center."

The comprehensive plan describes a Neighborhood Center (in LU 3.2, Centers and Corridors), as follows:

Neighborhood centers designated on the Land use Plan map have a greater intensity of development than the surrounding residential areas. Businesses primarily cater to neighborhood residents, such as convenience businesses and services. . . .

The most dense housing should be focused in and around the neighborhood center. Density is high enough to enable frequent transit service to a neighborhood center and to sustain neighborhood businesses. Housing density should decrease as the distance from the neighborhood center increases. . . .

The size and composition of neighborhood centers, including recreation areas, vary by neighborhood, depending upon location, access, neighborhood character, local desires, and market opportunities. . . . The size of the neighborhood center, including the higher density housing surrounding the center, should be approximately 15 to 25 square blocks.³ The density of housing should be about 32 units per acre in the core of the neighborhood center and may be up to 22 units per acre at the perimeter. (Emphasis provided.)

Several goals and policies in the comprehensive plan encourage new higher density residential uses to designated centers and corridors. In the introduction of Section 3.4 (Goals and Policies) of Chapter 3, Land Use, the comprehensive plan indicates that much of the City's future growth will occur within concentrated areas in neighborhood centers, district centers, employment center and corridors designated on the land use plan map, but indicates that established single-family residential neighborhoods will remain largely unchanged. Section 3.4 further provides that centers and corridors contain a mix of uses, including higher density housing. Higher density housing within and around the centers supports business in the center and allows for enhanced transit service between centers, along corridors and to the downtown area. Accordingly, Section 3.4 indicates that new higher density housing should be directed to centers and corridors.

Likewise, Policy LU 1.4, Higher Density Residential Uses, directs new higher density residential uses to centers and corridors designated on the land use map.

Higher density housing of various types is the critical component of a center. Without substantially increasing population in a center's immediate vicinity, there is insufficient market demand for goods and services at a level

³ See Section (VII)(K)(2)(a) herein below discussing size of the Indian Trail Neighborhood Center.

to sustain neighborhood-scale businesses. Higher density residential uses in centers range from multi-story condominiums and apartments in the middle to small-lot homes at the edge. Other possible housing types include townhouses, garden apartments, and housing over retail space.

To ensure that the market for higher density residential use is directed to centers, future higher density housing generally is limited in other area. The infill of Residential 15+ and Residential 15-30 residential designations located outside centers are confined to the boundaries of existing multi-family residential designations where the existing use of land is predominantly higher density residential. (Discussion excerpt LU 1.4 Higher Density Residential Uses)

Comprehensive Plan Policy LU 1.1, Neighborhoods, provides:

Many neighborhoods have a neighborhood center that is designated on the land use plan map. The neighborhood center, containing a mix of uses, is the most intensive activity area of the neighborhood. It includes higher density housing mixed with neighborhood-serving retail uses, transit stops, office space, and public or semi-public activities, such as parks, government buildings, and schools.

A variety of compatible housing types are allowed in a neighborhood. The housing assortment should include higher density residences developed in the form of small scale apartments, townhouses, duplexes, and rental units that are accessory to single-family homes, as well as detached single-family homes.

*Other chapters of the Comprehensive Plan, such as Chapter 4 Transportation, provide policy support for intensification of land uses in centers, a selection of policy related to this discussion are listed in **Exhibit S-3**. See also, 6.4 Goals and Policies from Chapter 6 of the Comprehensive Plan (Housing), and specifically H 2.1 (Distribution of Housing Options) which encourages a wide range of housing types and housing diversity to meet the needs of a diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.*

In support of their application, the applicants contend that their proposal is consistent with the foregoing policies, and also argue that land in and around the Indian Trail Neighborhood Center is underutilized for housing, and that land zoned to accommodate higher density housing has been developed in a relatively low-density pattern. See application and supporting materials.

Staff notes that based upon assessors' records, there is approximately 32 acres of undeveloped land with a zoning designation that would allow for multifamily development in and around the center. These parcels are in the zoning categories of RMF, Office and CC2-NC.⁴

In addition, applicants contend that there is need for additional multi-family housing in Spokane. Indeed, a July 5, 2016 article in the Spokesman Review provides support for their claim. That article indicates:

Spokane's apartment vacancy rate is at a near-historic low of 1.3 percent, according to the Washington Center for Real Estate Research's report released this spring. A 5 percent vacancy rate is typical for a robust, healthy rental market, but Spokane's rate was last above 5 percent in March 2012, past reports show. . . .

The roots of Spokane's rental shortage lie in the Great Recession, as well as demographic shifts that have increased the number of people looking for rentals.

<http://www.spokesman.com/stories/2016/jul/05/renters-in-the-spokane-area-face-a-tight-market-hi/>

As the foregoing policies and arguments indicate, there is support in the comprehensive plan for directing new multi-family housing to centers and for the idea that the most dense housing should be in and around designated centers. These policies, however, are tempered by other policies in the comprehensive plan that anticipate thoughtful planning around centers and corridors. For example, Policy LU 3.5, Mix of Uses in Centers, indicates:

The ultimate mix of land uses and appropriate densities should be clarified in a site-specific planning process in order to address site-related issues such as community context, topography, infrastructure capacities, transit service frequency, and arterial street accessibility. Special care should be taken to respect the context of the site and the character of surrounding existing neighborhoods.

See also Chapter 11, Policy N 8.4 (consistency of plans in neighborhood planning process), which anticipates consistency between neighborhood planning documents and the comprehensive plan.

⁴ Reference Spokane County Assessor's records for parcels 26222.0005, 26222.0704, 26225.0152, 26225.0150, 26225.0149, and 26224.0104.

The foregoing comprehensive plan goals and policies, as well as those discussed in other sections of this report, encourage new higher density housing options in neighborhood centers. The goals and policies also suggest, however, that neighborhood centers, as well as higher density housing in centers, should be planned pursuant to an inclusive process, and should be scaled according to several criteria, including access, neighborhood character, and local desires. See e.g., section (VII)(K)(2)(a) herein below, discussing size of the Indian Trail Neighborhood Center.

- F. **Regional Consistency.** All changes to the comprehensive plan must be 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.

Staff Analysis: No comments have been received from any agency, city department or neighboring jurisdiction which indicate that this proposal is not regionally consistent.

- G. **Cumulative Effect.** All amendments must be considered 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.

- i. **Land Use Impacts.** In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.
- ii. **Grouping.** Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

Staff Analysis: This application is being reviewed as part of the annual cycle of comprehensive plan amendments along with two other applications for Comprehensive Plan Amendments. The three applications under consideration are spread throughout the city and concern properties distant from and unconnected to any of the others under consideration. Each of the three applications lies in a different neighborhood and different City Council district. Each of the three is separated from the others by large swaths of pre-existing urban development. While all three applications concern proposed changes in land use and zoning, the conditions and exact modification(s) of land use and zoning are not likely to affect each other in any cumulative amount. As such, it appears that no cumulative effects are possible, nor do the potential for such effects need to be analyzed.

Potential impacts to the capital facilities program, neighborhood planning documents have been discussed previously in the report.

H. SEPA. SEPA review must be completed on all amendment proposals.

1. **Grouping.** When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.
2. **DS.** If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

Staff Analysis: The application has been reviewed in accordance with the State Environmental Policy Act (SEPA), which requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, a review of other information available to the Director of Planning Services, a Mitigated Determination of Non-Significance (MDNS) was issued on August 23, 2016; City of Spokane Planning, lead agency; Lisa D. Key, Planning Director, SEPA Responsible Official. The MDNS is attached as **Exhibit S-1**.

If the proposed Comprehensive Plan Amendment is recommended for approval, mitigations as identified in the MDNS will need to be incorporated as conditions of approval.

I. Adequate Public Facilities. The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Staff Analysis: All affected departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal. City of Spokane Integrated Capital Management Department, City of Spokane Streets Department and WSDOT offered comments suggesting study of the proposal was necessary to determine if the increased density resulting from the proposed land use change would have the potential to affect the City's ability to provide adequate public facilities to the property or surrounding area or consume public resources otherwise needed to support comprehensive plan implementation strategies. Their comments are attached as **Exhibits S-2**

Historically, there has been an interest in widening North Indian Trail Road. For example, the preliminary plat for McCarroll East (Decision on Remand from City Council File No 9400073PP/ZC/R) in 1996 discusses the need to improve North Indian Trail Road to four lanes (see Decision, General Conditions, #3) in order to provide the necessary infrastructure for anticipated increases in traffic. Indeed, many planning documents discuss the possibility of improvements to North Indian Trail Road through widening and improving the pedestrian and bicycle facilities.

The widening of North Indian Trail is not reflected in the City's six-year capital improvement plan, as detailed in the City's 2017 – 2022 Six Year Comprehensive Street Program, though it is identified on the Impact Fee Projects lists, as not fully funded and is contemplated in the unfunded portion of the Capital Facilities Plan as a future project.

As previously discussed, placing a limit on the density of development on the subject property, funding for the partial widening of North Indian Trail Road, implementation of TDM strategies to address congestion on West Francis Avenue, and concurrency requirements have been identified as potential mitigations/conditions of approval that are necessary to address the adequacy of public facilities.

It should be noted that the Bicycle Master Plan calls for additional bike lanes on North Indian Trail. Such improvements have not been entertained as part of the identified project mitigations, and funding is not in place to address such improvements. Topographic concerns and feasibility questions regarding the implementation of a bike lanes on North and West Indian Trail seem to suggest that a more practical solution may be a separated bike path on the west side of the street, to be shifted to N. Fotheringham Street via Excel Avenue at the southern end of Indian Trail. The applicant may wish to consider dedication of ROW adequate to support a 14 foot shared bike-pedestrian lane along property under their control in this corridor to address this requirement. Ultimately, the concurrency determination, and any specific site development impacts will need to be addressed at time of application for development, when actual site development is proposed, should this request be approved.

Additionally, while the applicant's TIA indicates that any future development on the subject property will only include pedestrian access onto Shawnee Avenue, that roadway is identified as a pedestrian/school route. There is no sidewalk on Shawnee Avenue between Moore and Indian Trail Road, which would also be the walk route to school and to the nearest STA stop.

In their deliberations, the Plan Commission will need to determine if this criterion has been met, or if it can adequately be addressed through conditions as discussed in Section VI(C), and/or as may be identified by the Plan Commission, as a condition of the Comprehensive Plan amendment and any subsequent development application, in accordance with the provisions of SMC §17D.010.020(C)(2)(c).

- J. UGA. Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

Staff Analysis: *The proposal does not involve amendment of the urban growth area boundary. Therefore, this criterion is not applicable to this proposal.*

K. Consistent Amendments.

1. **Policy Adjustments.** Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:
 - a. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
 - b. The capacity to provide adequate services is diminished or increased;
 - c. Land availability to meet demand is reduced;
 - d. Population or employment growth is significantly different than the plan's assumptions;
 - e. Plan objectives are not being met as specified;
 - f. The effect of the plan on land values and affordable housing is contrary to plan goals;
 - g. Transportation and/or other capital improvements are not being made as expected; and/or
 - h. A question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

Staff Analysis: This proposal is a request for a Comprehensive Plan Land Use Plan Map amendment, not a policy adjustment. This criterion is not applicable to this proposal.

2. **Map Changes.** Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

Staff Analysis: Policy LU 3.2 "Centers and Corridors", states: "Designate centers and corridors (neighborhood scale, community or district scale, and regional scale) on the land use plan map that encourage a mix of uses and activities around which growth is focused."

The discussion in this section is lengthy but suggests that higher density residential use in the center is an important component to

the success of a neighborhood center. The opening sentences in the policy discussion state: "Suggested centers are designated where potential for center development exists. Final determination is subject to the neighborhood planning process".

The comprehensive plan's discussion regarding the neighborhood center designation describes a conceptual neighborhood center size. "The size of the neighborhood center, including the higher density housing surrounding the center, should be approximately 15 to 25 square blocks. The density of housing should be about 32 units per acre in the core of the neighborhood center and may be up to 22 units per acre at the perimeter."

Policy LU 4.5 Block Length provides: "Block lengths of approximately 250 to 350 feet on average are preferable, recognizing that environmental conditions (e.g., topography or rock outcroppings) might constrain these shorter block lengths in some areas."

Assuming block sizes for the purpose of this discussion are 350 feet by 350 feet (the upper limit of LU 4.5's suggested block size), the center area including the higher density zoning surrounding the center, should range from roughly 42 acres to roughly 70 acres.

The currently zoned CC2-NC in the North Indian Trail Neighborhood is 37 acres, with 61.55 acres of adjacent multifamily, and 24.56 acres of office. The subject property would add an additional 42.99 acres of RMF, and 3.87 acres of RTF in the vicinity of the neighborhood center. The combined area of the existing CC2-NC, RMF, and Office Zoning in the vicinity of the neighborhood center totals in excess of 123 acres.⁵ The area proposed for rezoning to RMF by this application would bring the total area of the neighborhood center, including the higher density zoning, to over 165 acres, or roughly 236% of the recommended size for a 25-block neighborhood center. It should be noted, however, that the Comprehensive Plan Policies LU 3.2 and 3.5 indicate that the size and mix of land use in a center should be determined through a site-specific neighborhood planning process.

⁵ This represents an estimated 175% of the recommended size for a 25 block neighborhood center.

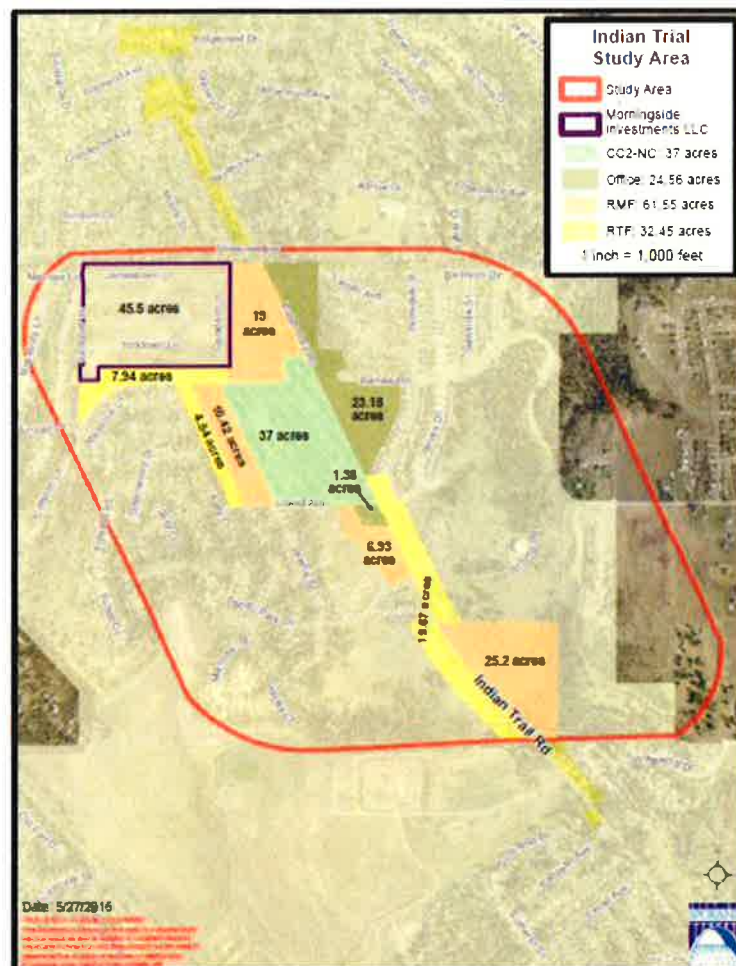


Illustration of Surrounding Zoning with Acreage Estimates

Additional discussion regarding Comprehensive Plan location criteria, including center and corridor location and planning criteria, and consistency with neighborhood plans were previously discussed in paragraphs E(3) and E(5) of this section.

- b. The map amendment or site is suitable for the proposed designation;

Staff Analysis: *As indicated previously, the subject property is presently zoned and developed for single-family residential use, and is located adjacent to the northwest corner of the Indian Trail Neighborhood Center. Section 3.4 (Goals and Policies) of the Comprehensive Plan Chapter 3 indicates that much of the City's future growth will occur within concentrated areas in centers, including neighborhood centers, but also indicates that established single-family residential neighborhoods will remain largely unchanged. As discussed previously, the Comprehensive Plan anticipates that centers and corridors will contain a mix of uses,*

including higher density housing. Higher density housing within and around the centers supports business in the center and allows for enhanced transit service between centers, along corridors and to the downtown area. Accordingly, Comprehensive Plan Chapter 3, Section 3.4 indicates that new higher density housing should be directed to centers and corridors.

Excerpts from the Discussion in policy LU 1.1 Neighborhoods:

Many neighborhoods have a neighborhood center that is designated on the land use plan map. The neighborhood center, containing a mix of uses, is the most intensive activity area of the neighborhood. It includes higher density housing mixed with neighborhood-serving retail uses, transit stops, office space, and public or semi-public activities, such as parks, government buildings, and schools.

A variety of compatible housing types are allowed in a neighborhood. The housing assortment should include higher density residences developed in the form of small scale apartments, townhouses, duplexes, and rental units that are accessory to single-family homes, as well as detached single-family homes.

The foregoing passages and Comprehensive Plan policies, as well as those discussed in previous sections, express support for accommodating high density housing in neighborhood centers, but indicate that neighborhood centers, as well as higher density housing in and around the center, should be scaled according to several criteria, including access, neighborhood character, and local desires.

- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

Staff Analysis: *As indicated above, a fundamental goal of the Comprehensive Plan is the efficient use of land and resources. The Comprehensive Plan seeks to implement this objective with a focused growth strategy known as “centers and corridors”. As discussed above, the subject property is situated near the northwest corner of the North Indian Trail Neighborhood Center which is designated on the Land Use Plan Map LU1 as a “neighborhood center”. The Comprehensive Plan expresses strong support for accommodating high density housing in and around neighborhood centers. The Plan also expresses support for neighborhood planning, and indicates that neighborhood centers, as well as higher density housing in the center, should be scaled according to several criteria, including access, neighborhood character, and local desires.*

3. Rezones, Land Use Plan Map Amendment. Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

Staff Analysis: If the land use plan map amendment is approved, the zoning designation of the parcels will change from RSF (Residential Single Family) to RTF (Residential Two Family) and RMF (Residential Multi Family). No policy language changes have been identified as necessary to support the proposed land use plan map amendment.

L. Inconsistent Amendments.

1. Review Cycle. Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

Staff Analysis: The City of Spokane uses a method of "consistent" and "inconsistent" annual review with "inconsistent" proposals being allowed to be reviewed every other year. This request is being considered under a consistent review cycle. Any inconsistencies with the Comprehensive Plan have emerged during analysis.

2. Adequate Documentation of Need for Change.
 - a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
 - b. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
 - c. The capacity to provide adequate services is diminished or increased;
 - d. Land availability to meet demand is reduced;
 - e. Population or employment growth is significantly different than the plan's assumptions;

- f. Transportation and/or other capital improvements are not being made as expected;
- g. Conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. Assumptions upon which the plan is based are found to be invalid; or
- i. Sufficient change or lack of change in circumstances dictates the need for such consideration.

Staff Analysis: This is not being reviewed as an inconsistent Comprehensive Plan Land Use Map Plan amendment request. As such, the criterion above does not appear to be applicable to this application.

3. Overall Consistency. If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

Staff Analysis: This is not being reviewed as an inconsistent Comprehensive Plan Land Use Map Plan amendment request. As such, the criterion above does not appear to be applicable to this application.

If the Plan Commission were to find that the proposal is an "inconsistent amendment", they would need to determine if they had enough information to reach a decision, based upon the criteria detailed in paragraphs 2 and 3, above. If not, they could recommend denial of the application (as per SMC 17G.020.060 (M)(2)).

VIII. DRAFT 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 zoned for multifamily residential use, and 24.56 acres zoned for office use (which also allow high density residential use). Combined, this makes up an approximately 123 acres. If this application is approved, the subject property would add an additional 41.63 acres of RMF, and 3.87 acres of RTF 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 public appeal period for the SEPA determination ends at 5pm on September 13, 2016.
- 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.

Additional findings of fact may be added by the Plan Commission during deliberations, based upon new information that may be introduced into the record through the course of the hearing proceedings.

IX. DRAFT 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 will need to address 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) in their deliberations:

1. The proposed amendment to the comprehensive plan **IS / IS NOT** 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 / IS NOT** consistent with the goals and purposes of the state Growth Management Act.
3. Infrastructure implications of the proposed comprehensive plan amendment **IS / IS NOT** reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.
4. Mitigations for the proposed amendment **DO/ DO NOT** result in a potential funding shortfall that suggests the need to scale back on land use objectives and/or service level standards, such a decision **HAS /HAS NOT** been made with public input as part the requested comprehensive plan amendment, along with corresponding changes proposed to the capital facilities program.
5. The proposed amendment **IS / 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 / IS NOT** 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 / HAVE NOT** 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 association with this proposed amendment **HAVE / HAVE NOT** been identified. If adverse environmental impacts have been identified, adequate mitigation measures **HAVE / HAVE NOT** been identified as requirements for incorporation into a decision on the proposed amendment.
9. A SEPA review **HAS / HAS NOT** been completed on the requested amendment.
10. The proposed amendment **DOES / 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 / 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 / ARE NOT** suitable for the proposed designation.
13. The map amendment **DOES / DOES NOT** implement applicable comprehensive plan policies better than the current map designation.
14. The proposed amendment **IS / IS NOT** consistent with the Comprehensive Plan policies.
15. The applicant **HAS / 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 / IS NOT** more effectively or appropriately addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
17. The Plan Commission **DID / DID NOT** receive enough information from the applicant to be able to reach a decision based on the merits of the proposal.

X. PLAN COMMISSION RECOMMENDATION:

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC 17G.020, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan.

If the Plan Commission favors approval of the Comprehensive Plan amendment and zone change, in order to incorporate the terms of the MDSN, the following conditions are recommended:

The Plan Commission recommends that any subsequent decision by City Council to approve the requested Comprehensive Plan and zone change incorporate the following conditions of approval, at a minimum:

- A. The applicant shall enter into a development agreement with the City that limits any subsequent development on the entirety of the 49.5 acres of Windhaven First Addition PUD to a maximum of 750 dwelling units, as detailed in the amended application and SEPA checklist.
- B. The applicant shall enter into a development agreement with the City that provides funding adequate to allow for the partial widening of North Indian Trail concurrently with the scheduled 2018 City grind and overlay project.
- C. The applicant shall enter into a development agreement with the City requiring the implementation of specific TDM strategies, as agreed to by the City and STA, that would mitigate the 89 new PM peak trips that are added to Francis Avenue (from Alberta eastward) as a result of the additional density from the rezone.

- D. All future development permit applications shall require a concurrency determination.
- E. Future development on the subject property shall be limited to allowed uses generating no more than 271 vested PM peak trips, until such time as the partial widening of North Indian Trail Road is fully funded and included on the City's six-year capital improvement plan.

Additionally, the Plan Commission may add additional conditions of approval, as may be identified in deliberations as necessary or appropriate to address review criteria, decision criteria, or neighborhood compatibility concerns.

XI. LIST OF EXHIBITS

Exhibit	Description
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- | | |
|------------|---|
| A-1 | Application Materials |
| A-2 | SEPA Checklist |
| A-3 | Additional submittal July 16, 2016 by applicant |
| A-4 | Washington Apartment Market Survey Spring 2016 |
| A-5 | Traffic Impact Analysis, July 2016, Morrison Maierle, Inc. |
| P-1 | Summary of Public Comment through July 25, 2016 |
| P-2 | Letters from Neighborhood Councils and Community Assembly (through August 26, 2016) |
| S-1 | SEPA MDNS, August 23, 2016 |
| S-2 | Agency & Interested City Department Comments |
| S-3 | Comprehensive Plan Policy, policies cited in full for reference |
| S-4 | North Indian Trail Land Use Changes, 2007, City of Spokane ORD C34154 |

NOTICE



ORD C35449 Exhibits (General application and attachments) are available for viewing at the following link:

<https://my.spokanecity.org/projects/morningside-investments-llc-comprehensive-plan-amendment/>

In addition the Exhibits are available for viewing at the City Clerk's Office – 5th Floor, City Hall (clerks@spokanecity.org or 509.625.6350) and/or copies will be made available upon request.