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6/20/2016

Jay Bonnett, P.E.  
J.R. Bonnett Engineering, PLLC  
803 E. 3rd Avenue  
Spokane, WA 99202

**RE: Z1500084 Morningside Investments, LLC  
Request to Amend the Comprehensive Plan Land Use Map**

Dear Mr. Bonnett:

Recognizing that this represents a somewhat unique Comprehensive Plan Amendment application, with potentially significant implications for the neighborhood, this letter is intended to provide you with a list of outstanding information regarding the Traffic Impact Analysis (TIA) prepared pursuant to Spokane Municipal Code (SMC) §17G.020.060(E) and procedures detailed in the City of Spokane Transportation Concurrency Level of Service Policy (adopted in December of 2008 by Resolution 2008-0084) for the above referenced application. The outstanding information requested in this letter is essential to determine the sufficiency of the information provided in the TIA for purposes of making a threshold determination under SEPA, and the adequacy of potential or proposed mitigations to address impacts as identified within the TIA and the Micro-simulation/Sim Traffic Analysis prepared by Morrison Maieler on behalf of the applicant. The information will also be critical to the City's evaluation of the merits of the amendment proposal against relevant review criteria, per Chapter 17G.020 SMC.

With regard to TIA report dated May 9, 2016, the following issues need to be addressed:

- On page 29, the study states that 21% of the project trips are going to Strong Road. That should actually be 19%, based on the City's recommended distribution. The other 2% is going to community uses (e.g. library, church, etc.) in the area on the east side of N. Indian Trail. The distribution needs to be verified and corrected, if needed and the text needs to be corrected in the final report (please see e-mail from Inga Note to Bill White dated June 15, 2016).
- The TIA identifies existing and future lane capacity issues on N. Indian Trail between Weile Avenue and Kathleen Avenue. The proposed mitigation is to restripe N. Indian Trail to include two southbound travel lanes and one northbound, while maintaining a TWLTL between Kathleen Avenue and Lowell Avenue. The TIA includes no evaluation as the engineering feasibility of this mitigation, nor does it discuss the potential impacts to bicycle and pedestrian traffic on N. Indian Trail. Neither the TIA nor the Safety/Collision Analysis submitted by the applicant on June 8, 2016 address the safety implications of the proposed mitigation or whether it meets arterial street standards for lane width, etc.

- The final TIA report must be signed and stamped by a professional engineer licensed to practice within the state of Washington, pursuant to §6.5 of the City of Spokane Transportation Concurrency Level of Service Policy (December, 2008).

The Micro-simulation/Sim Traffic Analysis submitted on May 23, 2016 was originally requested by WSDOT in January as part of the traffic scoping, due to existing queue lengths experienced at the intersections on Francis Avenue. Specific intersections identified were Francis and Maple, Francis and Ash, Francis and Alberta, and Francis and Indian Trails Road. The results of the Synchro analysis upon which the draft TIA was based support the need for this additional level of analysis, with the report indicating:

- 95<sup>th</sup> percentile volume exceeds capacity, queue may be longer.
- Volume exceeds capacity, queue is theoretically infinite.
- Volume for 95<sup>th</sup> percentile queue is being metered by the upstream signal.

On this basis, the TIA needed to look further to identify the resultant implications to the roadway system. The results of Micro-simulation/Sim Traffic analysis, which provide the requested level of analysis, need to be incorporated into the final TIA report. This determination is supported by §5.6 of the City of Spokane Transportation Concurrency Level of Service Policy (December, 2008), which allows that “the department may request or allow a specific version of HCS or Synchro, or use of different modeling software, dependent on the project proposal.”

With regard to the Micro-simulation/Sim Traffic, the following items still need to be addressed, as identified in an e-mail from Greg Figg, WSDOT Eastern Region Development Service Manager dated June 8, 2016:

- This analysis reports on page 2 the intersection delay in terms of seconds of delay for the existing conditions, future without project, and future with project. The delay reported in the future conditions is commiserate with LOS “F” at the intersections of Francis/Alberta and Francis/Maple. The analysis does not address this issue.
- In the analysis on page 2 the “Future with Project” shows less delay than the “Future without Project” at the Francis/Alberta and Francis/Maple intersections. This needs to be checked as the project will be adding additional vehicles further increasing delay. This also contradicts the statement in the Summary [Page 4], “SimTraffic analyses confirms traffic growth will increase cumulative impacts upon study intersections located along Francis Avenue.”
- Maple NB link is a 3-lane section for 1331' in Synchro but in reality it's a 2-lane section until you get within about 300' of the intersection.
- Results need to reflect a Synchro model that has the Francis link extended far enough to the east so that it accommodates/reflects the WB queueing that develops in SimTraffic at the Maple/Francis intersection (removing the Cedar/Francis node [#363] helps).
- SimTraffic NB queues at Alberta/Francis extend beyond link distance: extend the link to accommodate queueing so that results reflect all of the queue.
- The SimTraffic results need to replace the previous Synchro delay results as they project a more accurate depiction of traffic conditions
- A discussion on mitigation is needed for the Francis/Alberta and Francis/Maple intersections. As these two intersections currently are or will be operating below the adopted LOS standards, as defined in §5.2 of City of Spokane Transportation Concurrency Level of Service Policy (December, 2008).

While a comprehensive plan amendment and zone change are considered nonproject actions under SEPA, and therefore, are not, per se, subject to a concurrency determination under State law, any subsequent development permit applications on the subject property will be reviewed for concurrency, as per State law and SMC §17D.010.020. Even though State law does not require a concurrency determination for nonproject actions, probable adverse environmental impacts associated with such potential future development do need to be considered, in making a threshold determination under SEPA. The information will also be essential in evaluating

the merits of the amendment proposal against relevant review criteria, per Chapter 17G.020 SMC. In making a threshold determination, such potentially adverse impacts (as have been identified through the Traffic Impact Analysis and subsequent Micro-simulation/Sim Traffic Analysis), as based upon the City's SEPA policies, adopted level of service standards, plans, and other policies, rules, regulations, and standards, will likely require a Determination of Significance (DS), unless mitigation measures can be identified that specifically and adequately address the identified impacts. In this case, assuming adequate mitigation measure are identified and that such measures are reasonable and capable of being accomplished, such mitigation measures could be incorporated as conditions of future development actions, potentially allowing for a Mitigated Determination of Non-Significance (MDNS), as provided for in SMC §17E.050.110 and WAC §197-11-350.

The process for identification of mitigations in support of issuance of a MDNS are detailed in SMC §17E.050.110. Please note that SMC §17E.050.110 (E)(3) provides that the applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. It is therefore recommended that the proposed mitigations be identified in the final TIA, or a supplemental document submitted by the applicant to be appended to the SEPA checklist. It should be noted that paragraph G of this section also states that "mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision."

With regard to the actual threshold determination and decision under SEPA, SMC §17E.050.200 provides that the City of Spokane may attach conditions to a permit or approval for a proposal in support of an MDNS so long as:

- Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents; and
- Such conditions are in writing; and
- the mitigation measures included in such conditions are reasonable and capable of being accomplished; and
- The City of Spokane has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
- Such conditions are based on one or more adopted City policies, and cited in the license or other decision document.

See also WAC 197-11-660(1)(d) indicating that responsibility for implementing mitigation measures may be imposed on an applicant only to the extent attributable to the identified adverse impacts of its proposal, but noting that voluntary additional mitigation may occur.<sup>1</sup>

In accordance with SMC §17E.050.110 (D), which encourages the lead agency to assist in the identification of impacts to the extent necessary to identify potential mitigations, City staff are willing to meet with your representatives to further discuss potential mitigations, if you so desire.

Whether or not you choose to schedule such a meeting, please do be aware that the public comment period ends July 11, 2016. As per SMC §17G.020.060 (I), staff must issue a threshold determination on SEPA for the project within 10 days of the close of the public comment period. As per 17G.020.060 (E), if inadequate information is available to make a threshold determination, or information is not provided in a timely manner, consideration of

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<sup>1</sup> It is worth noting that SEPA provides substantive authority for denying a proposal where an agency finds that: (1) the proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement, and (2) reasonable mitigation measures are insufficient to mitigate the identified impact. RCW 43.21C.060.

those applications will be postponed until the next amendment cycle, which in this case is the 2017/2018 review cycle. Similarly, if the threshold determination for the requested Comprehensive Plan amendment is a DS, an Environmental Impact Statement (EIS) will be required, and in accordance with SMC §17G.020.060 (I), the application will automatically be deferred to the next applicable review cycle. Finally, it is also worth noting that a SEPA determination, regardless whether it is a DNS, MDNS, or DS, does not certify concurrency at the time of development permit application and any subsequent development activity on the site will be subject to a concurrency determination pursuant to State law and local ordinances.

In order to avoid the possibility of a postponement until the next amendment cycle, please provide us with the requested information as soon as is practicable. Provided that the requested information is received by July 11, 2016, the additional information can be considered as part of the SEPA threshold determination, however, any new information will require that we extend the public comment period by 14 days in order to give all interested parties an opportunity to review and comment on the additional information.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "Lisa D. Key". The signature is written in a cursive style with a large, looped "L" and "K".

Lisa D. Key  
Planning Director

cc: Morningside Investments, LLC  
Bill White, Morrison Maierle  
Greg Figg, WSDOT  
Tirrell Black, Planning  
Inga Note, Streets  
James Richman, Legal  
File