

**BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD  
EASTERN WASHINGTON REGION**

**MORNINGSIDE INVESTMENTS, LLC,**

**Petitioner,**

v.

**CITY OF SPOKANE,**

**Respondent,**

**CASE NO. \_\_\_\_\_**

**PETITION FOR REVIEW**

**I  
PETITIONER**

This Petition is filed on behalf of;

**Morningside Investments, LLC**

815 E. Rosewood

Spokane, WA 99208

(916) 489-4260

dmalcom@spokane-rentals.com

**II  
THE CHALLENGED ACTION**

Petitioner challenges City of Spokane's November 7, 2016 denial of its Application, No. Z1500084COMP. The application sought concurrent amendment of the Comprehensive Plan and the Zoning Map. The Council Action Memorandum, including its Findings of Fact and Conclusions of Law executed on November 14, 2016 is attached as **Exhibit "A"**.

**III**  
**LEGAL ISSUES**

**Legal Issue Number 1.** By rejecting Petitioner's Application, approval of which would have satisfied the demonstrated need for increased housing density in close proximity to a Neighborhood Center, did Respondent fail to fulfill its legislative duty by violating §36.70A.120 of the GMA which requires Respondent to perform its activities in conformity with its Comprehensive Plan?

**Legal Issue Number 2.** By its failure to designate Petitioner's property high density residential, does Respondent's Comprehensive Plan violate §36.70A.020 (1)-(5) and (9) of the GMA?

**Legal Issue Number 3.** By failing to approve Petitioner's Application which would have provided needed high density residential development in close proximity to a Neighborhood Center, did Respondent fail to fulfill its legislative duty by violating RCW 36.70A.020(1)-(5) and (9) and/or 36.70A.070(1) and (6) of the GMA?

**Legal Issue Number 4.** By denying Petitioner's Application did Respondent fail to comply with Comprehensive Plan Policies, Goals and Mandates LU 1.4 and 3.2 and/or TR 3.4 and 3.5, and thereby fail to fulfill its duties and/or violate §§36.70A.070(1) and 36.70A.070(6) of the GMA?

**Legal Issue Number 5.** In adopting Findings "Q", "S" and "T", all unsupported by substantial evidence, did Respondent fail to fulfill its duties and/or violate §36.70A.035 or other provision of the GMA?

**Legal Issue Number 6.** Did Respondent, for the wrongful purpose of bowing to loud community pressure, violate the GMA and its legislative duties by adopting Finding "X" to falsely call into question the availability of public services contrary to undisputed evidence?

**Legal Issue Number 7.** Did Respondent wrongfully bow to community pressure and thereby violate the GMA by adopting Finding "Z" for the sole purpose of intentionally ignoring Petitioner's agreement to fund the partial widening of Indian Trial Road?

**IV**  
**STANDING**

Petitioner's standing is based upon its ownership of the property at issue, as the applicant and as having participated in all Application hearings through its engineer and attorney.

**V**  
**ESTIMATED TIME REQUIRED FOR HEARING ON THE MERITS**

Petitioner anticipates that hearing on the merits will take two days.

**VI**  
**RELIEF SOUGHT**

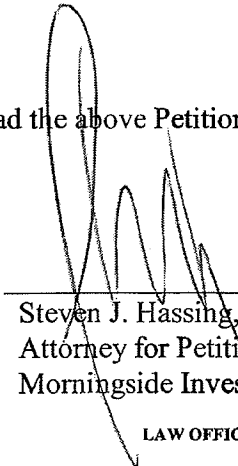
Petitioner respectfully asks the Board to rule that Respondent's denial Petitioner's Application was;

1. Not compliant with, and a violation of, the Growth Management Act, RCW 36.70A;
2. A violation of Respondent's duty to act in conformity with its Comprehensive Plan pursuant to RCW 36.70A.120;
3. A violation of Respondent's legislative duties, and;
4. Clearly erroneous.

Petitioner further requests that the Board issue an Order remanding the matter back to the Spokane City Council with direction to approve Petitioner's Application in full and that it award Petitioner its attorney's fees and costs, together with all other relief warranted and within the Board's jurisdiction.

I, Steven J. Hassing, attorney for Petitioner, have read the above Petition for Review and believe the contents to be true.

DATED this 3<sup>rd</sup> day of January, 2017

  
\_\_\_\_\_  
Steven J. Hassing, WSBA # 6690  
Attorney for Petitioner,  
Morningside Investments, LLC

# **EXHIBIT “A”**

**MORNINGSIDE PETITION**

**TO**

**GROWTH MANAGEMENT HEARING BOARD**



**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**

<b>Dept Head</b>	MCCLATCHEY, BRIAN
<b>Division Director</b>	
<b>Finance</b>	KECK, KATHLEEN
<b>Legal</b>	RICHMAN, JAMES
<b>For the Mayor</b>	SANDERS, THERESA

<b>Study Session</b>	
<b>Other</b>	

**Additional Approvals**

**Distribution List**

**Purchasing**

APPROVED BY  
SPOKANE CITY COUNCIL:

*November 19, 2016*  
*Levi Z. Stuckart*

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**)<sup>1</sup> (hereinafter the "Application") was submitted by October 31, 2015 deadline for review during the 2015/2016 amendment cycle.

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<sup>1</sup> 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

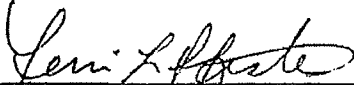
around the center. The size and composition of neighborhood centers vary by neighborhood, depending on a variety of factors including neighborhood character and local desires, and the ultimate mix of land uses and appropriate densities should be clarified in a site-specific neighborhood center planning 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

  
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City Council President

Terri L. Pfister, MMC

  
\_\_\_\_\_  
Spokane City Clerk

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**BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD  
EASTERN WASHINGTON REGION**

**MORNINGSIDE INVESTMENTS, LLC,**  
**Petitioner,**  
v.  
**CITY OF SPOKANE,**  
**Respondent,**

**CASE NO. \_\_\_\_**  
**DECLARATION OF SERVICE**



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**DECLARATION OF SERVICE**

I certify that I served a true and correct copy of the foregoing

**1. PETITION FOR REVIEW**

by the method indicated below, and addressed to the following:

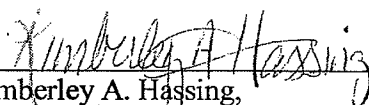
City Clerk	<input checked="" type="checkbox"/>	via US Mail
City Hall	<input type="checkbox"/>	via Hand Delivery
Fifth Floor	<input type="checkbox"/>	via Electronic Mail
808 West Spokane Falls Blvd	<input type="checkbox"/>	via Facsimile
Spokane, WA 99201	<input type="checkbox"/>	Overnight Delivery

Original and 3 copies per instructions to:

Growth Management Hearings Board	<input type="checkbox"/>	via US Mail
1111 Israel Rd. SW, Suite 301	<input type="checkbox"/>	via Hand Delivery
Tumwater, WA 98501	<input checked="" type="checkbox"/>	via Electronic Mail
eastern@elaho.wa.gov	<input type="checkbox"/>	via Facsimile
	<input checked="" type="checkbox"/>	Overnight Delivery

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Roseville, California this 4<sup>th</sup> day of January, 2017

  
\_\_\_\_\_  
Kimberley A. Hassing,  
Paralegal to Steven J. Hassing