



SPOKANE PLAN COMMISSION

## **Findings Of Fact, Conclusions, And Recommendations on Proposed Development Agreement with Excelsior Wellness**

FILE 25-004COMP

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the proposed Development Agreement between the City of Spokane and Excelsior Wellness, concerning five parcels in the Balboa/South Indian Trail Neighborhood totaling 32.1 acres. The proposed Development Agreement represents certain requirements and restrictions on future development on the parcels, as a condition of approval for the 2024 Comprehensive Plan Amendment approved by Spokane City Council.

### **FINDINGS OF FACT:**

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act ("GMA").
- B. An application to amend the Comprehensive Plan was received by the City in October 2023 (File Z23-479COMP) and was processed according to the requirements of the Growth Management Act ("GMA") and Spokane Municipal Code ("SMC") 17G.020.
- C. The proposed Comprehensive Plan Amendment was analyzed for its environmental impact pursuant to the requirements of the State Environmental Policy Act ("SEPA") and SMC 17E.050, following which a Mitigated Determination of Non-Significance ("MDNS") was signed by the Planning Director on September 16, 2025.
  - a. The MDNS included only one mitigation measure, wherein the applicant must submit a site plan and other development details to the Integrated Capital Management Department for development of the entire site prior to development.
- D. Following completed processing of the application, the Plan Commission held a public hearing on the Comprehensive Plan Amendment on October 9, 2024.
- E. During their hearing on the proposed Comprehensive Plan, Plan Commission voted to recommend approval of the proposal with the additional recommendation that City Council require the applicant to sign a Development Agreement with the City covering the following topics/contents:
  1. Site plan;
  2. Multimodal circulation plan;
  3. Development details for the City of Spokane Integrated Capital Management Department;
  4. Limitations on uses allowed in the commercial portion of the site; and
  5. Emergency Egress.
- F. Following the completion of the Plan Commission hearing, the Plan Commission President signed Findings of Fact, Conclusions, and Recommendations consistent with the recommendation made at the hearing—a document hereby incorporated by reference into these Findings of Fact.
- G. The City Council held a public hearing for the proposed Comprehensive Plan Amendment on December 2, 2025, during which the Council approved the amendment via Ordinance ORD C36613.
- H. Ordinance ORD C36613 included the requirement for a Development Agreement identical to that recommended by Plan Commission under item E above.

- I. Following approval of the ordinance, City staff proceeded—at the developer’s request—to negotiate the terms of that Development Agreement.
- J. An introductory workshop with the Plan Commission was held April 21, 2025, during which staff provided a refresher as to the particulars of the Comprehensive Plan Amendment and a work plan for processing the development agreement.
- K. An Agency and Department comment period was initiated on May 20, 2025 and ended on June 4, 2025, during which three comments were received from City Departments.
- L. A Public Comment Period was initiated on May 20, 2025 which ended on June 20, 2025, during which several public comments were received.
- M. The subject of all comments received on the Development Agreement were included in a Staff Report issued July 30, 2025—all comments received after that date were forwarded directly to the Plan Commission members via email.
- N. A second workshop with the Plan Commission was held August 13, 2025, during which staff presented the development requirements that had been negotiated for the proposed development agreement.
- O. Plan Commission voted August 13, 2025, authorizing staff to bring the item forward for a hearing.
- P. Public notice of the Plan Commission Hearing was published in the Spokesman Review and online on July 30, 2025, and August 6, 2025.
- Q. The Plan Commission held a public hearing on the proposed Development Agreement on August 13, 2025.
- R. During the Public Hearing, public testimony was taken from the Andrew Hill of Excelsior Wellness, Sean Cross of the Excelsior Wellness Board of Directors, and Colleen Condon (a childcare provider in the city).
- S. Following public testimony, the Plan Commission voted to recommend City Council approve the Development Agreement, with the following recommended conditions:
  - a. Plan Commission recommended that the text of Requirement 5 be changed to read “the Developer agrees to identify a location for a City water transmission main through the properties such that . . .”
  - b. Plan Commission further directed that their Findings on the matter (this document) include a recommendation that City Council consider distinct timelines for the Development Agreement and a clear process that will occur if the developer fails to act on the Development Agreement within a given time—a finding included below in the proper section.
- T. As a result of the City’s efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to do so.
- U. Except as may be otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Proposed Development Agreement (the “Staff Report”).
- V. The Plan Commission finds that the proposal meets the criteria established by Ordinance C36613 as to the requirements for a Development Agreement and its content, as described in the Staff Report.

## CONCLUSIONS:

Based upon the project file, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented regarding application File No. 25-004COMP and Comprehensive Plan Amendment File Z23-479COMP, the Plan Commission makes the following conclusions with respect to the requirements of Ordinance C36613:

- A. The proposed Development Agreement contains requirements for sufficient information and development details as required by City of Spokane Ordinance C36613 and the MDNS issued September 16, 2024.
- B. The Spokane Plan Commission hereby recommends that City Council APPROVE the proposed development Agreement, subject to the following recommendations:

## RECOMMENDATIONS:

1. In the matter of proposed Development Agreement File 25-004COMP, a condition of the approved Ordinance C36613 amending the Comprehensive Plan of the City of Spokane, and concerning five parcels totaling 32.1 acres in the Balboa/South Indian Trail Neighborhood, the Spokane Plan Commission by a vote of **6 to 0** recommends that City Council approve and authorize the Development Agreement as amended below, and authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Plan Commission's findings, conclusions, and recommendation on the application.
  - a. The Plan Commission recommends Requirement 5 of the development requirements be amended as follows:

*~~"((The Developer agrees to consider placement of a City water transmission main through the properties)) The Developer agrees to identify a location for a City water transmission main through the properties such that . . ."~~*
2. Plan Commission, during its deliberation of this recommendation, also requests that City Council consider and confirm that the final Development Agreement includes a clear term of effect and unambiguous performance milestones within that timeline, as appropriate, as well as a clear process and requirement for what occurs in the event any party to the agreement fails to act in a timely manner upon the requirements of the Development Agreement.

*Jesse Bank*

Jesse Bank (Aug 21, 2025 15:12:02 PDT)

**Jesse Bank, President**

Spokane Plan Commission

Date: 21/08/25







# Findings of Fact, Conclusoins, Recommendations of Plan Commission

Final Audit Report

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