

CITY OF SPOKANE



REGARDING CITY COUNCIL MEETINGS

City Council's standing committee meetings, Briefing Sessions, Legislative Sessions and study sessions are held in City Council Chambers – Lower Level of City Hall, 808 W. Spokane Falls Blvd.

City Council Members, City staff, presenters and members of the public have the option to participate virtually via WebEx during all meetings, with the exception of Executive Sessions which are closed to the public. Call in information for the November 25, 2024, meetings is below. All meetings will be streamed live on Channel 5 and online at <https://my.spokanecity.org/citycable5/live> and <https://www.facebook.com/spokanecitycouncil>.

WebEx call in information for the week of November 25, 2024:

3:30 p.m. Briefing Session: 1-408-418-9388; access code: 249 250 76017; password: 0320

6:00 p.m. Legislative Session: 1-408-418-9388; access code: 248 167 78837; password: 0320

Thursday Study Session: 1-408-418-9388; access code: 249 143 67432; password: 0320

To participate in public comment (including Open Forum):

Testimony sign-up is open beginning at 5:00 p.m. on Friday, November 22, 2024, and ending at 6:00 p.m. on Monday, November 25, 2024, via the online testimony sign-up form link which can be accessed by clicking <https://forms.gle/Vd7n381x3seaL1NW6> or in person outside council chambers beginning at 8:00 a.m. on November 25, 2024. You must sign up by 6:00 p.m. to be called on to testify. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for participation are provided on the form when you sign up.

The open forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and not relating to the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. "Affairs of the city" shall include (i) matters within the legislative, fiscal or regulatory purview of the city, (ii) any ordinance, resolution or other official act adopted by the city council, (iii) any rule adopted by the city, (iv) the delivery of city services and operation of city departments, (v) any act of members of the city council, the mayor or members of the administration, or (vi) any other matter deemed by the council president to fall within the affairs of the city, which determination may be overridden by majority vote of the council members present. Individuals speaking during the open forum shall address their comments to the council president and shall maintain decorum as laid out in Rule 2.15 (Participation by Members of the Public in Council Meetings).

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Two-minute time limit for comments made during open forum, and three-minute time limit on public testimony regarding legislative items!**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 OPEN FORUM

- A. After the conclusion of all legislative business, the council shall recess briefly and then convene for an open forum, unless a majority of council members vote otherwise. The open forum shall have twenty (20) spaces available. The individuals assigned to the twenty (20) spaces available will be chosen at random, with preference given to individuals who have not spoken at open forum during that calendar month. The council shall conclude open forum after twenty (20) speakers unless a majority of council members vote to allow additional speakers. The city clerk and other staff shall not be required to remain in attendance during the open forum. Nothing in this Rule 2.2 shall be deemed to require open forum or the legislative session to continue after 10:00 p.m., or to require open forum during a council “Town Hall” meeting contrary to Rule 2.14.F.
- B. Members of the public can sign up for open forum beginning no later than 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the virtual testimony form linked in the meeting packet or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. Speakers must sign themselves in using a name. Members of the public who are unable to sign up during the sign-up period or who attempt to sign up late will be added to the list of speakers at the discretion of the chair, or their designee. The order of the speakers will be determined at the discretion of the chair, taking into account any special accommodations for persons of limited English proficiency as provided in Rule 2.2.F below. Each speaker shall be limited to no more than two (2) minutes unless a majority of the council members in attendance vote on an alternate time limit.
- C. No action, other than a statement of council members’ intent to address the matter in the future, points of order, or points of information will be taken by council members during an open forum.
- D. The open forum is a limited public forum and all matters discussed in the open forum shall relate to the affairs of the city. “Affairs of the city” shall include (i) matters within the legislative, fiscal or regulatory purview of the city, (ii) any ordinance, resolution or other official act adopted by the city council, (iii) any rule adopted by the city, (iv) the delivery of city services and operation of city departments, (v) any act of members of the city council, the mayor or members of the administration, or (vi) any other matter deemed by the council president to fall within the affairs of the city, which determination may be overridden by majority vote of the council members present. Absent permission of the chair, no person shall be permitted to speak in open forum regarding items on that week’s current agenda or the next week’s advanced agenda, pending hearing items, or initiatives or referenda in a pending election. Legal or personal matters between private parties that do not impact the governance of the City of Spokane are not a permissible topic of open forum testimony.
- E. No person shall be permitted to display visual information during open forum, including but not limited to presentations, videos, or other media; however, members of the public may share this information with the council by emailing them at citycouncil2@spokanecity.org. Individuals speaking during open forum shall address their comments to the council president, and speakers as well as members of the audience shall comply with Rule 2.15 (Participation by Members of the Public in Council Meetings).
- F. Participation of individuals with limited English language proficiency in open forum shall be accommodated to the extent set forth in Rule 2.15.J.

Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS

- A. For purposes of these Rules, only dogs that are individually trained to do work or perform tasks for a person with a disability are recognized as service animals. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under these Rules. Service animals are permitted to accompany people with disabilities in City Council meetings, as well as all areas where members of the public are allowed to go.

- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Rule 2.15 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

The council encourages public participation in the legislative process. Council meetings shall be conducted in a manner that provides the opportunity for all attendees to hear, see and participate in the proceedings to the extent provided in these Rules and applicable city, state, and federal law. Speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any council meeting is prohibited. In addition to these general principles governing public participation, the following specific rules apply:

- A. Members of the public may address the council regarding the following items during the council's legislative session: the consent agenda as a whole, all first reading ordinances together (with the exception of first reading ordinances associated with hearings, which shall be taken separately), final readings of regular and special budget ordinances, emergency ordinances, hearing items, special considerations, and other items before the city council requiring council action, except those that are adjudicatory or solely administrative in nature. This rule shall not limit the public's right to speak on issues that are not part of the current or advanced agendas during open forum.
- B. No member of the public may speak without first being recognized for that purpose by the chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition. Council members must be recognized by the chair for the purpose of obtaining the floor.
- C. Each person speaking in a public council meeting shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded, and documents submitted for the record are identified and marked by the clerk.
- E. Those who wish to provide commentary but do not wish to give verbal comments at the podium may provide written comments to the council via letter or electronic mail.
- F. No person shall be permitted to conduct demonstrations, display banners, hold signs, applaud or boo speakers, use profanity, vulgar language or obscene speech, yell or make comments that attack or verbally insult any individual, or engage in other such disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the proceedings.
- G. Standing is permitted so long as doing so maintains compliance with applicable fire codes and the Americans with Disability Act (ADA), does not interfere with reserved seating areas, and does not impede access to entrances and exits to the Council Chambers, aisles, or pathways inside the Council Chambers. Attendees shall be mindful not to obstruct the views of others in Council Chambers when standing.
- H. A speaker asserting a statement of fact may be asked by a council member to document and identify the sources of the factual datum being asserted.
- I. When addressing the council, members of the public shall direct all remarks to the council president, shall refrain from remarks directed personally to any council member or any other individual, and shall confine remarks to the matters that are specifically before the council at that time.
- J. City employees or city officials (including members of city boards and commissions) may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they do the following:
 - 1. Announce at the beginning of their testimony that they are there in their personal capacity or their capacity as a member of a relevant board, commission, committee or community group;
 - 2. Protect confidential information, including, but not limited to, confidential financial information and attorney-client communications;
 - 3. Do not use, or be perceived to use, city funds, including giving testimony during paid work time or while in uniform; or city property, including using a city-issued computer or cell phone, in giving testimony.
- K. When any person, including members of the public, city staff, and others, are addressing the council, council members shall observe the same decorum and process as the rules require among the members *inter se*. That is, a council member shall not engage the person addressing the council in colloquy but shall speak only when granted the floor by the council president. All persons and/or council members shall not interrupt one another. The duty of mutual respect and avoiding unlawful harassment set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order, Newly Revised*, shall extend to all speakers before the city council. The city council's policy advisor and/or a city attorney shall, with the assistance of council staff, assist the council president to ensure that all individuals desiring to speak shall be identified,

appropriately recognized, and provided the opportunity to speak. All persons attending city council meetings or city council sponsored meetings shall refrain from harassing other attendees or risk being removed and/or prohibited from attending future meetings.

- L. The city council intends to fully comply with chapter 18.11 SMC, Language Access in Municipal Proceedings. Rules regarding participation of individuals in council proceedings, including legislative sessions and open forum, shall be deemed amended to conform to any Language Access Plan adopted by the council pursuant to SMC 18.11.030. Except as otherwise provided in an adopted Language Access Plan, individuals with limited English language proficiency are encouraged to contact the council office director at least five (5) days prior to a scheduled legislative session for assistance with the signing up to testify or to arrange translation or interpretation assistance.
- M. City council legislative sessions are regularly video and audio recorded and available online (<https://vimeo.com/spokanecitycouncil>). Members of the public may also photograph or film council proceedings so long as doing so maintains compliance with applicable fire codes and the Americans with Disability Act (ADA), does not interfere with reserved seating areas, and does not impede access to entrances and exits to the Council Chambers, aisles, or pathways inside the Council Chambers. Attendees shall be mindful not to obstruct the views of others in Council Chambers when photographing or recording. No flash photography or other lighting is permitted.
- N. RCW 42.17A.555 generally prohibits the use of city facilities for electioneering. Therefore, no person may use the council meeting or facilities for the purpose of assisting a campaign for election of any person to any office, or for the promotion of or opposition to any ballot proposition. In this context, the term “facilities” includes council chambers, the council gallery and the speaking opportunities available through the public comment and open forum procedures set forth in these rules.

Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. Members of the public can sign up to give testimony beginning no later than 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the online testimony sign-up form linked in the meeting packet or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. Speakers must sign in using a name. Members of the public who are unable to sign up during the sign-up period or who attempt to sign up late will not be added to the list of speakers. The order of the speakers shall be determined at the discretion of the chair.
- B. The city council shall take public testimony on all matters included on its legislative agenda as described at Rule 2.15(A), with those exceptions stated in Rule 2.16(B). Public testimony shall be limited to the final council action, except that public testimony shall be allowed at the first reading of ordinances. Public testimony shall be limited to three (3) minutes per speaker. The chair, absent a majority vote of the council, has the authority to lower the three (3) minutes per speaker time limit by announcing the new, lower time limit at the legislative session. The chair may allow additional time if the speaker is asked to respond to questions from the council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the council. Testimony on a legislative item deferred to a future date certain shall be taken on the future date, unless testimony on the date of deferral is allowed by the Council President.
- C. No public testimony shall be taken on oral amendments to consent or legislative agenda items, votes to override a mayoral veto, or solely procedural, parliamentary, or administrative matters of the council.
- D. Public testimony will be taken on consent and legislative items that are moved to council’s regular briefing session or study session unless a majority of council votes otherwise during the meeting in which the items are moved.
- E. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented at the discretion of the council president:
 - 1. Following an assessment by the chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the chair shall, in the absence of objection by the majority of the council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
 - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
 - b. The designated representative of the proponents of the issue shall speak first and may include within their presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes may be granted for the proponent’s presentation. If there be more than one designated representative, they shall allocate the allotted time between or among themselves.
 - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents who wishes to

Speak on behalf of the proponent's position.

- d. The designated representative, if any, of the opponents of the issue shall speak following the presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same amount of time which was allotted to the proponents.
 - e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
 - f. Up to ten (10) minutes of rebuttal time may be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.
2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three (3) minutes to present their position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
 3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the chair may grant the same procedural and time allowances to each group or groups, as stated previously.
 4. In the event that the side for which individuals wish to speak is not identified, those wishing to give testimony shall be granted three (3) minutes to present their position after all sides have made their initial presentations and before each side's rebuttal period.
- F. The time taken for staff or council member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.
 - G. No person shall be permitted to display visual information during their testimony, including but not limited to presentations, videos, or other media; however, members of the public may share this information with the council by emailing them at citycouncil2spokanecity.org.
 - H. In addition to in-person or remote verbal testimony, testimony may also be submitted by mail to City Council Office, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA, 99201, by email to all council members, or via the contact form on the council's website.¹

¹ <https://my.spokanecity.org/citycouncil/members/>

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, NOVEMBER 25, 2024

MISSION STATEMENT

**TO DELIVER EFFICIENT AND EFFECTIVE SERVICES
THAT FACILITATE ECONOMIC OPPORTUNITY
AND ENHANCE QUALITY OF LIFE.**

MAYOR LISA BROWN

COUNCIL PRESIDENT BETSY WILKERSON

COUNCIL MEMBER JONATHAN BINGLE

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER PAUL DILLON

COUNCIL MEMBER KITTY KLITZKE

COUNCIL MEMBER LILI NAVARRETE

COUNCIL MEMBER ZACK ZAPPONE

**CITY COUNCIL CHAMBERS
CITY HALL**

**808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201**

LAND ACKNOWLEDGEMENT

We acknowledge that we are on the unceded land of the Spokane people. And that these lands were once the major trading center for the Spokanes as they shared this place and welcomed other area tribes through their relations, history, trade, and ceremony. We also want to acknowledge that the land holds the spirit of the place, through its knowledge, culture, and all the original peoples Since Time Immemorial.

As we take a moment to consider the impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that benefit all, may we do so as one heart, one mind, and one spirit.

We are grateful to be on the shared lands of the Spokane people and ask for the support of their ancestors and all relations. We ask that you recognize these injustices that forever changed the lives of the Spokane people and all their relatives.

We agree to work together to stop all acts of continued injustices towards Native Americans and all our relatives. It is time for reconciliation. We must act upon the truths and take actions that will create restorative justice for all people.

Adopted by Spokane City Council on the 22nd day of March, 2021
via Resolution 2021-0019

BRIEFING AND LEGISLATIVE SESSIONS

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. The Legislative Session is also open to the public and public comment will be taken on Legislative Session items, except those that are adjudicatory or solely administrative in nature. Following the conclusion of the Legislative Agenda, an Open Forum will be held unless a majority of Council Members vote otherwise. Please see additional Open Forum information that appears at the end of the City Council agenda.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON THURSDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

ADDRESSING THE COUNCIL

- No member of the public may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition. Council Members must be recognized by the chair for the purpose of obtaining the floor.
- Each person speaking at the public microphone shall verbally identify themselves by name, city of residency and, if appropriate, representative capacity.
- Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded, and documents submitted for the record are identified and marked by the Clerk. (If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.)
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language, or personal insults will be permitted. To prevent disruption of council meetings and visual obstruction of proceedings, members of the audience shall remain seated during council meetings.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- When addressing the Council, members of the public shall direct all remarks to the Council President, and shall confine their remarks to the matters that are specifically before the Council at that time or, if speaking during Open Forum, shall confine their remarks to affairs of the city.
- City staff may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they follow the steps outlined in the City Council Rules of Procedure.

SPEAKING TIME LIMITS: Unless the time limit is adjusted by a majority vote of the Council, each person addressing the Council shall be limited to a two-minute speaking time during Open Forum and a three-minute speaking time for other matters. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council. Note: No public testimony shall be taken on amendments to consent or legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council, including veto overrides.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings by accessing the City's website at <https://my.spokanecity.org/citycouncil/documents/>.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)
(No Public Testimony Taken)

ROLL CALL OF COUNCIL

INTERVIEWS OF NOMINEES TO BOARDS AND COMMISSIONS

COUNCIL OR STAFF REPORTS OF MATTERS OF INTEREST

ADVANCE AGENDA REVIEW (Staff or Council Member briefings and discussion)

APPROVAL BY MOTION OF THE ADVANCE AGENDA

CURRENT AGENDA REVIEW (Presentation of any new background information and discussion of any adjustments)

EXECUTIVE SESSION

(Closed Session of Council)

(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

PLEDGE OF ALLEGIANCE

WORDS OF INSPIRATION AND SPECIAL INTRODUCTIONS

ROLL CALL OF COUNCIL

PROCLAMATIONS AND SALUTATIONS

REPORTS FROM COMMUNITY ORGANIZATIONS

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

CONSENT AGENDA

The consent agenda consists of purchases and contracts for supplies and services provided to the city, as well as other agreements that arise (such as settlement or union agreements), and weekly claims and payments of previously approved obligations and biweekly payroll claims against the city. Any agreement over \$50,000 must be approved by the city council. Typically, the funding to pay for these agreements has already been approved by the city council through the annual budget ordinance, or through a separate special budget ordinance. If the contract requires a new allocation of funds, that fact usually will be indicated in the summary of the contract in the consent agenda.

Unless a council member requests that an item be considered separately, the council approves the consent agenda as a whole in a single vote. Note: The consent agenda is no longer read in full by the city clerk. The public is welcome to testify on matters listed in the consent agenda, but individual testimony is limited to three minutes for the entire consent agenda.

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|---|----------------|---------------|
| 1. Value Blanket Purchase increase with CompuNet (Grangeville, ID) for continued operational support and equipment replacement to meet contractual obligations for equipment support—additional \$500,000 (plus tax). Total Purchase Amount: \$1,250,000 (plus tax). (Council Sponsor: Council President Wilkerson and Council Members Cathcart and Zappone)
Cylas Engeland | Approve | OPR 2024-0277 |
| 2. Outside Special Counsel Contract Amendments with: | Approve
All | |
| a. Van Ness Feldman, LLC. (Seattle, WA) regarding preparation of the wholesale water agreement—additional \$20,000. Total Contract Amount: \$152,000. | | OPR 2010-0525 |
| b. Ankur K. Tohan and K & L Gates, LLP. (Seattle, WA) regarding assisting the City with strategic support and advice on the Climate Commitment Act—additional \$10,000. Total Contract Amount: \$102,000. | | OPR 2022-0098 |

(Council Sponsors: Council President Wilkerson and Council Member Bingle) **Elizabeth Schoedel**

- 3. Interagency Agreement with Washington State Department of Commerce for Paper to Digital Permitting Grant through June 30, 2025—\$375,000 Revenue. (Council Sponsors: Council Members Bingle, Zappone, and Klitzke)
Tami Palmquist Approve OPR 2024-1004

- 4. Historic Preservation Interlocal Agreement with Spokane County from January 1, 2025, through December 31, 2029—Annual Revenue Amounts: \$50,000 for 2025, \$51,250 for 2026, \$52,531 for 2027, \$53,844 for 2028, and \$55,190 for 2029. (Council Sponsors: Council Members Bingle, Zappone, and Klitzke)
Megan Duvall Approve OPR 2024-1005

- 5. Management Agreements regarding Amendment to Hillyard Historic Business District to add:
 - a. Willerton Block – 3011 East Diamond Avenue. OPR 2024-1006
 - b. Willerton’s Diamond Photo Play Theater – 3019 East Diamond Avenue. OPR 2024-1007
 - c. Yukon Block – 5006 North Market Street. OPR 2024-1008

(Council Sponsors: Council Members Bingle, Zappone, and Klitzke)
Megan Duvall

- 6. Consultant Agreement with BERK Consulting, Inc. (Seattle, WA) to provide Fiscal Study to evaluate Latah Subarea and Planning area for the City of Spokane’s update to the Comprehensive Plan from December 1, 2024, through June 30, 2026—not to exceed \$200,000 (plus applicable tax). (Council Sponsors: Council Members Bingle, Zappone, and Klitzke)
Spencer Gardner Approve OPR 2024-1009

- 7. Contracts for operational support and services from January 1, 2025, to December 31, 2025, with:
 - a. Northeast Community Center—\$150,000. OPR 2024-1010
 - b. Southwest Community Center—\$32,057. OPR 2024-1011
 - c. West Central Community Center—\$150,000. OPR 2024-1012
 - d. Dr. Martin Luther King Jr. Community Center—\$250,943. OPR 2024-1013

(Council Sponsors: Council Members Zappone, Bingle, and Klitzke)

Sara Clements-Sampson

- 8. Memorandum of Understanding with James E. Chase Youth Commission and the Chase Youth Foundation to provide funding to the Chase Youth Foundation as fiscal agent for the Chase Youth Commission for four years—\$180,000 (\$45,000 annually). (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
Sara Clements-Sampson Approve OPR 2024-1014
- 9. Report of the Mayor of pending: Approve & Authorize Payments
 - a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2024, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____.
 - b. Payroll claims of previously approved obligations through _____, 2024: \$_____.
- 10. a. City Council Meeting Minutes: _____, 2024. Approve All CPR 2024-0013
- b. City Council Standing Committee Meeting Minutes: _____, 2024.

LEGISLATIVE AGENDA

NO SPECIAL BUDGET ORDINANCES

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2024-0110 Approving an extension of a development agreement regarding the preliminary plat and planned unit development referred to as The Vistas at Beacon Hill. (Council Sponsors: Council Members Bingle, Zappone, and Klitzke)
- OPR 2016-0987 **Melissa Owen**

- ORD C36608** Relating to Littering and Illegal Dumping; repealing Chapter 10.62 of the Spokane Municipal Code; amending Section 10.58.020 of the Spokane Municipal Code. (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
Adam McDaniel

FIRST READING ORDINANCES

- ORD C36609** Relating to application file Z23-474COMP amending Map LU 1, Land Use Plan Map, of the City’s Comprehensive Plan from “Neighborhood Mini Center” and “Residential Low” to “Neighborhood Mini Center” and “Office” for approximately 1.5 acres in the Chief Garry Park Neighborhood; and amending the Zoning Map from “Neighborhood Retail, 35-foot height limit (NR-35)” and “R1” to “Neighborhood Retail, 40-foot height limit (NR-40) and “Office Retail, 40-foot height limit (OR-40).” (By a vote of 9 to 0, the Plan Commission recommends approval.) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
Brandon Whitmarsh
- ORD C36610** Relating to application file Z23-476COMP amending Map LU 1, Land Use Plan Map, of the City’s Comprehensive Plan from “Neighborhood Retail,” “Residential Low,” “Office,” and “Conservation Open Space” to “General Commercial” for approximately 3.9 acres in the West Hills Neighborhood; and amending the Zoning Map from “Neighborhood Retail, 35-foot height limit (NR-35),” “R1,” and “Office, 35-foot height limit (O-35)” to “Community Business, 55-foot height limit (CB-55).” (By a vote of 9 to 0, the Plan Commission recommends approval.) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
Brandon Whitmarsh
- ORD C36611** Relating to application file Z23-477COMP amending Map LU 1, Land Use Plan Map, of the City’s Comprehensive Plan from “Residential Low” to “General Commercial” for approximately 0.84 acres in the West Hills Neighborhood; and amending the Zoning Map from “R1” to “General Commercial, 75-foot height limit (GC-75)”. (By a vote of 9 to 0, the Plan Commission recommends approval.) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
Kevin Freibott
- ORD C36612** Relating to application file Z23-478COMP amending Map LU 1, Land Use Plan Map, of the City’s Comprehensive Plan from “Residential Low” to “General Commercial” and “Office” for approximately 5.2 acres in the West Hills Neighborhood; and amending the Zoning Map from “R1” to “General Commercial, 75-foot height limit (GC-75) and “Office Retail, 55-foot height limit (OR-55).” (By a vote of 8 to 1, the Plan Commission recommends approval.) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
Kevin Freibott
- ORD C36613** Relating to application file Z23-479COMP amending Map LU 1, Land Use Plan Map, of the City’s Comprehensive Plan from “Residential Low” to “General Commercial,” “Residential Moderate,” and “Potential Open

Space” for approximately 33 acres in the Balboa/South Indian Trail Neighborhood; and amending the Zoning Map from “R1” to “Community Business, 55-foot height limit (CB-55),” Residential Multifamily (RMF),” and “R1.” (By a vote of 8 to 0, with one abstention, the Plan Commission recommends approval.) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)

Kevin Freibott

ORD C36614

Relating to proposal file Z24-105COMP amending Map LU 1, Land Use Plan Map, of the City’s Comprehensive Plan from “Residential Low,” “Residential Moderate,” “Institutional,” “General Commercial,” “Center and Corridor Transition Area,” and “Center and Corridor Core Area” to “Residential Moderate,” “Residential High,” “Institutional,” and “Center and Corridor Core Area” for approximately 361 acres, consisting of 604 parcels, in the South Logan Study Area, as defined by the South Logan TOD Plan (RES 2024-0015); and amending the Zoning Map from “R1,” “R2,” “Residential Multifamily (RMF),” “Residential High Density, 55-foot height limit (RDH-55),” “Office Retail, 55-foot height limit (OR-55),” “General Commercial, 150-foot height limit (GC-150),” “Context Area 1/2/3/4” (Hamilton Form-based Code), and “Centers and Corridors, District Center (CC1-DC)” to “Residential Multifamily, 40-foot height limit (RMF-40),” “Residential High Density, 55-foot height limit (RHD-55),” “Residential High Density, 75-foot height limit (RHD-75),” “Context Area 1 (CA1)” (Hamilton Form-based Code), and “Centers and Corridors, Employment Center (CC1-EC).” (By a vote of 9 to 0, the Plan Commission recommends approval.) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)

KayCee Downey

ORD C36615

Changing the zone from Office (O) to Office Retail (OR) for property located at 727 West Francis Avenue in the City and County of Spokane, State of Washington, by amending the Official Zoning Map. (Council Sponsors: Council Members Bingle, Zappone, and Klitzke)

Donna deBit

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

HEARINGS

H1.	Continuation of Hearing on 2025-2026 Proposed Biennium Budget (continued from November 18, 2024, Agenda).	Hold Hrg. / Continue to 12/2/24	FIN 2024-0001
	Jessica Stratton		

OPEN FORUM

At the conclusion of legislative business, the Council shall recess briefly and then hold an open public comment period for up to 20 (twenty) speakers, unless a majority of council members vote otherwise. Each speaker is limited to no more than two minutes. In order to participate in Open Forum, you must sign up beginning at 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the virtual testimony form linked in the meeting packet (<https://my.spokanecity.org/citycouncil/documents/>) or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. The virtual sign-up form can also be found here: <https://forms.gle/Vd7n381x3seaL1NW6>. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Speakers must sign themselves in using a name. The individuals assigned to the twenty (20) spaces available will be chosen at random, with preference given to individuals who have not spoken at open forum during that calendar month. Instructions for virtual participation are provided on the form when you sign up. The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City other than items appearing on the Current or Advance Agendas, pending hearing items, and initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

Motion to Approve Advance Agenda for November 25, 2024 (per Council Rule 2.1.B)

ADJOURNMENT

The November 25, 2024, Regular Legislative Session of the City Council is adjourned to December 2, 2024.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mlowmaster@spokanecity.org. Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

NOTES



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd 11/13/2024

Clerk's File # OPR 2024-0277

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept	INFORMATION TECHNOLOGY	Bid #	
------------------------	------------------------	--------------	--

Contact Name/Phone	CYLAS 6494	Requisition #	VB301544
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Contact E-Mail	CENGELAND@SPOKANECITY.ORG		
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Agenda Item Type	Purchase w/o Contract		
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Council Sponsor(s)	MCATHCART BWILKERSON ZZAPPONE		
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Agenda Item Name	5300 - EXISTING COMPUNET VALUE BLANKET		
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Agenda Wording

Increase Existing Value Blanket Purchase with CompuNet (Grangeville, Idaho) for continued operational support and equipment replacement to meet contractual obligations for equipment support. Cost increase from \$750,000 to \$1,250,000 (plus tax).

Summary (Background)

The funds for these investments have already been set aside in our current IT budget, so no additional budget is needed. This request simply allows us to proceed with the planned purchases from the vendor, using the funds allocated for these specific projects. Thanks to several state grants aimed at enhancing our network security, we have purchased more network equipment than we initially expected. Additionally, some of our core network equipment, which has been in service for over 10 years,

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost	\$ \$1,250,000
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Current Year Cost	\$ \$750,000
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Subsequent Year(s) Cost	\$
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Narrative

Amount	Budget Account
--------	----------------

Expense \$ \$1,250,000	# Various Accounts
------------------------	--------------------

Select \$	#
-----------	---

Select \$	#
-----------	---

Select \$	#
-----------	---

\$	#
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\$	#
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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

has reached the end of its support life. As a result, we need to increase the existing Value Blanket with CompuNet to ensure continued operational support for our network environment and to meet our contractual obligations for equipment support.

All purchases will be made using Washington State Contract #05819 and/or NCPA Contract #01-107, which offer pricing advantages for government entities. We are requesting an increase in the Total Value Blanket, not exceeding \$1,250,000.00, Plus applicable sales tax. The term of the Value Blanket will remain the same, from May 15, 2024, to May 14, 2025. This is a \$750,000 increase to the value blanket.

The following projects have been funded by these grants:

- Inter Agency Firewall: Installation of firewalls between the County, SREC, and the city, costing approximately \$70,000. This was not originally included in the Value Blanket. 2024 Budget Ordinance No. C36467
- Smart Network: An upgrade to the Identity Services Engine (ISE), this system ensure only City Staff or authorized vendors have access to our systems. This project received approximately \$170,000 in grant funding. 2024 Budget Ordinance No. C36467
- Waste Water SCADA Network Upgrade: Faster, more efficient network switches for the RPWRF SCADA environment, supported by a \$120,000 grant. In progress.

Approvals		Additional Approvals	
<u>Dept Head</u>	MARTINEZ, LAZ	<u>PURCHASING</u>	NECHANICKY, JASON
<u>Division Director</u>			
<u>Accounting Manager</u>	BUSTOS, KIM		
<u>Legal</u>	SCHOEDEL, ELIZABETH		
<u>For the Mayor</u>	PICCOLO, MIKE		

Distribution List

Jeremy Dugger jdugger@compunet.biz	Accounting - ywang@spokanecity.org
Contract Accounting - ddaniels@spokanecity.org	Legal - mharrington@spokanecity.org
Purchasing - cwahl@spokanecity.org	IT - itadmin@spokanecity.org
Tax & Licenses	ywang@spokanecity.org

Committee Agenda Sheet

Finance & Administration Committee

Committee Date	October 28, 2024
Submitting Department	IT
Contact Name	Laz Martinez
Contact Email & Phone	lmartinez@spokanecity.org, 509-625-6979
Council Sponsor(s)	<u>CM Cathcart, CP Wilkerson, CM Zappone</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Existing CompuNet (Grangeville, Idaho) Value Blanket
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The funds for these investments have already been set aside in our current IT budget, so no additional budget is needed. This request simply allows us to proceed with the planned purchases from the vendor, using the funds allocated for these specific projects.</p> <p>Thanks to several state grants aimed at enhancing our network security, we have purchased more network equipment than we initially expected. Additionally, some of our core network equipment, which has been in service for over ten years, has reached the end of its support life. As a result, we need to increase the existing Value Blanket with CompuNet to ensure continued operational support for our network environment and to meet our contractual obligations for equipment support.</p> <p>All purchases will be made using Washington State Contract #05819 and/or NCPA Contract #01-107, which offer pricing advantages for government entities. We are requesting an increase in the Total Value Blanket, not exceeding \$1,250,000.00, Plus applicable sales tax. The term of the Value Blanket will remain the same, from May 15, 2024, to May 14, 2025. This is a \$750,000 increase to the value blanket.</p> <p>The following projects have been funded by these grants:</p> <ul style="list-style-type: none"> • Inter Agency Firewall: Installation of firewalls between the County, SREC, and the city, costing approximately \$70,000. This was not originally included in the Value Blanket. <i>2024 Budget Ordinance No. C36467</i> • Smart Network: An upgrade to the Identity Services Engine (ISE), this system ensure only City Staff or authorized vendors have access to our systems. This project received approximately \$170,000 in grant funding. <i>2024 Budget Ordinance No. C36467</i> • Waste Water SCADA Network Upgrade: Faster, more efficient network switches for the RPWRF SCADA environment, supported by a \$120,000 grant. <i>In progress.</i>
Fiscal Impact Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Increase: <u>\$750,000.00</u>	

Narrative: This request is for Cisco hardware equipment/software and professional services in support of IT and grant-funded projects.

Funding Source One-time Recurring N/A

Specify funding source: Select Funding Source*

Is this funding source sustainable for future years, months, etc? [Click or tap here to enter text.](#)

Expense Occurrence One-time Recurring N/A

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impacts (If N/A, please give a brief description as to why)

What impacts would the proposal have on historically excluded communities?

Not applicable – annual hardware purchases and services for support

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

Not applicable – annual hardware purchases and services for support

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

All network infrastructure performance issues and outages are routinely tracked and managed. ITSD also routinely evaluates the effectiveness of the incumbent vendor and analyzes other vendors' solutions for improvements and cost advantages over the current solution.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This service aligns with the Sustainable Resources strategic initiative based on sound financial objectives, and quality customer service by providing a stable, current, redundant and resilient network infrastructure.



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 11/04/2024

Committee Agenda type: Consent

Date Rec'd

11/5/2024

Clerk's File #

OPR 2010-0525

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept

CITY ATTORNEY

Bid #

Contact Name/Phone

ELIZABETH 6232

Requisition #

Contact E-Mail

ESCHOEDEL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

BWILKERSON JBINGLE

Agenda Item Name

0500 SPECIAL COUNSEL CONTRACT AMENDMENT

Agenda Wording

Contract Amendment with Van Ness Feldman, LLP, Seattle, Washington, requesting an additional \$20,000.00. Contract is from 2010 until terminated, total cost including this amendment is \$152,000.00

Summary (Background)

Adam Gravley of Van Ness Feldman, LLP has advised and assisted the City on complex water issues, including preparing and strategizing wholesale water sale agreements, evaluating City water rights, providing advice on water strategy and policies, preparing for upcoming water rights adjudication, in-stream flow considerations, and discussions with Department of Ecology on water issues since 2010.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 152,000.00

Current Year Cost \$ 20,000.00

Subsequent Year(s) Cost \$ 132,000.00

Narrative

Amount

Budget Account

Expense \$ 20,000.00

TBD

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head		Additional Approvals	
Division Director	PICCOLO, MIKE		
Accounting Manager	ORLOB, KIMBERLY		
Legal	SCHOEDEL, ELIZABETH		
For the Mayor	PICCOLO, MIKE		

Distribution List

Adam Gravley awg@vnf.com	eschoedel@spokanecity.org
rhulvey@spokanecity.org	lsearl@spokanecity.org
mfeist@spokanecity.org	jsalstrom@spokanecity.org

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	11/4/24
Submitting Department	Legal
Contact Name	Elizabeth Schoedel
Contact Email & Phone	ESchoedel@spokanecity.org - #6232
Council Sponsor(s)	CM Bingle and CP Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Special Counsel Contract Amendment
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>Adam Gravley of Van Ness Feldman, LLP has advised and assisted the City on complex water issues, including preparing and strategizing wholesale water sale agreements, evaluating City water rights, providing advice on water strategy and policies, preparing for upcoming water rights adjudication, in-stream flow considerations, and discussions with Department of Ecology on water issues since 2010.</p> <p>Mr. Gravley, has statewide expertise in all spheres of water law, and has an extensive history with the City. His services provide a streamlined and efficient representation of the City's interests on complex issues that frequently span years before final resolution.</p> <p>Mr. Gravley would continue billing the City at a 15% discounted-hourly rate.</p> <p>Additional funds are needed: We are request an additional \$20,000 to the contract for a total of \$127,000.00.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>152,000.00</u></p> <p style="padding-left: 20px;">Current year cost: \$20,000.00</p> <p style="padding-left: 20px;">Subsequent year(s) cost: \$132,000.00</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p>Operations Impacts (If N/A, please give a brief description as to why)</p> <ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? N/A 	

- How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A - This work is for special counsel advice. It will not impact racial, gender identity, national origin, income level, disability, sexual orientation, or other existing disparity factors.
- How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution? N/A
- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? N/A

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.



City of Spokane
**OUTSIDE COUNSEL
CONTRACT AMENDMENT**

This Contract Amendment is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **Van Ness Feldman, LLP.**, whose address is Millennium Tower, 719 Section Avenue, Suite 1150, Seattle, Washington 98104-1728, as ("Firm"), Individually hereafter referenced as a "Party", and together as the "Parties".

WHEREAS, the parties entered into a Contract wherein the Firm agreed to provide specialized legal advice and counsel in its preparation of the City's wholesale water sale agreement with local communities, along with anticipatorily evaluate City water rights, strategic advice on water strategy and policy and paper claims for upcoming water rights adjudication by the Department of Ecology including the in-stream flow rule planning, flow regulation and strategic analysis to the City; and

WHEREAS, additional funds are necessary, thus the original Contract needs to be formally Amended by this written document; and

-- NOW, THEREFORE, in consideration of these terms, the Parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract, dated July 14, 2010, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment shall become effective October 15, 2024.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00)** as full compensation for everything furnished and done under this Contract Amendment. The total amount under the original Contract, any subsequent amendments, and this Contract Amendment is **ONE HUNDRED FIFTY-TWO THOUSAND AND NO/100 DOLLARS (\$152,000.00)**.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment by having legally-binding representatives affix their signatures below.

VAN NESS FELDMAN, LLP.

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

U2024-106

Mailing address: 1050 THOMAS JEFFERSON ST NW
WASHINGTON DC 20007-3837

Excise tax and reseller permit status: [Click here](#)

Secretary of State status: [Click here](#)

Endorsements

Endorsements held at this location	License #	Count	Details	Status	Expiration date	First issuance date
Bellingham General Business	033106			Active		Dec-12-2005
Issaquah General Business - Non-Resident				Active	Nov-30-2024	Sep-23-2018
Snohomish General Business - - Non-Resident	2523			Active	Nov-30-2024	Aug-18-2016
Snoqualmie General Business - Non-Resident				Active	Nov-30-2024	Sep-18-2023
Spokane General Business - Non-Resident	T12114742BUS			Active	Nov-30-2024	Oct-15-2012
Sumner General Business - Non-Resident				Active	Nov-30-2024	May-10-2016

Governing People May include governing people not registered with Secretary of State

OPR 2010-0525

Client#: 40157

VANNES

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/05/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.



IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: CBIZ Insurance Services, Inc. 44 Baltimore Street, Cumberland, MD 21502. CONTACT NAME: Darlene Hall. PHONE: 443-259-3263. E-MAIL: dahall@cbiz.com. INSURER(S) AFFORDING COVERAGE: National Fire Insurance Co. of Hartford (20478), The Continental Insurance Company (35289), American Casualty Company of Reading (20427).

RECEIVED OCT 18 2023

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, POLICY NUMBER, POLICY EFF, POLICY EXP, LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liability, and Workers Compensation and Employers' Liability.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required) City of Spokane is considered additional insureds on the General Liability policy. This applies only to the operations performed by the named insured as required and agreed to by contract or agreement.

RECEIVED OCT 13 2023

CERTIFICATE HOLDER: City of Spokane, Office of the City Attorney, 808 W. Spokane Falls Boulevard, Spokane, WA 99201. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: Carol A. Vadiak.

CBIZ INSURANCE SERVICES INC
CERTIFICATE RETURN MAIL PROCESSING
PO BOX 5648
EL DORADO HILLS CA 95762-0012



CITY OF SPOKANE
OFFICE OF THE CITY ATTORNEY
C/O ROSE HULVEY
808 W SPOKANE FALLS BLVD
SPOKANE WA 99201-3301

**Agenda Sheet for City Council:****Committee:** Public Safety **Date:** 11/04/2024**Committee Agenda type:** Consent**Date Rec'd**

11/5/2024

Clerk's File #

OPR 2022-0098

Cross Ref #**Project #****Council Meeting Date:** 11/25/2024**Submitting Dept**

CITY ATTORNEY

Bid #**Contact Name/Phone**

ELIZABETH 6232

Requisition #

CR26866

Contact E-Mail

ESCHOEDEL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

BWILKERSON JBINGLE

Agenda Item Name

0500 SPECIAL COUNSEL CONTRACT AMENDMENT

Agenda Wording

Contract Amendment with K & L Gates, LLC., located in Seattle, Washington. Additional funds are needed for legal services and expertise with the Climate Commitment Act. Additional funds in the amount \$10,000.00 for a total of \$102,000.00.

Summary (Background)

K & L Gates LLC has legal and legislative expertise to assist the City with the Climate Commitment Act rules and regulations. The City benefits tremendously from their legal support and advice regarding municipalities with similar issues statewide and the relationships established over time.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 102,000.00

Current Year Cost \$ 10,000.00

Subsequent Year(s) Cost \$

Narrative**Amount****Budget Account**

Expense \$ 10,000.00

4490-30210-37141-54101-99999

Select \$

#

Select \$

#

Select \$

#

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#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>		<u>Additional Approvals</u>	
	SCHOEDEL, ELIZABETH	<u>PURCHASING</u>	NECHANICKY, JASON
<u>Division Director</u>			
<u>Accounting Manager</u>	BUSTOS, KIM		
<u>Legal</u>	SCHOEDEL, ELIZABETH		
<u>For the Mayor</u>	PICCOLO, MIKE		

Distribution List

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rhulvey@spokanecity.org	caveryt@spokanecity.org
mfeist@spokanecity.org	jsalstrom@spokanecity.org
rgraybeal@spokanecity.org	

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	11/4/24
Submitting Department	Legal
Contact Name	Elizabeth Schoedel
Contact Email & Phone	ESchoedel@spokanecity.org - #6232
Council Sponsor(s)	CM Bingle and CP Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Special Counsel Contract Amendment #2
Proposed Council Action	<input type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>K & L Gates LLC has legal and legislative expertise to assist the City with the Climate Commitment Act rules and regulations.</p> <p>*use the Fiscal Impact box below for relevant financial information</p> <p>The City benefits tremendously from their legal support and advice regarding municipalities with similar issues statewide and the relationships established over time.</p> <p>Additional funds are needed: We are request an additional \$10,000 to the contract for a total of \$102,000.00.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>102,000.00</u></p> <p style="padding-left: 20px;">Current year cost: 10,000.00</p> <p style="padding-left: 20px;">Subsequent year(s) cost: \$92,000.00</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p>Operations Impacts (If N/A, please give a brief description as to why)</p> <ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? N/A • How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A - This work is for special counsel advice. It will not impact racial, gender identity, national origin, income level, disability, sexual orientation, or other existing disparity factors. 	

- How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution? N/A
- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? This Contract Amendment is consistent with the City's requirement for helping align City policies and providing the City with legal support, advice, consultation, and risk analysis and support on issues regarding the Climate Commitment Act ("CCA").

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.



City of Spokane
SPECIAL COUNSEL
CONTRACT AMENDMENT #2

This Contract Amendment is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **Ankur K. Tohan and K & L Gates, LLP.**, whose address is 925 Fourth Avenue, Suite 2900, Seattle, Washington 98104-1158, as ("Firm"), Individually hereafter referenced as a "Party", and together as the "Parties".

WHEREAS, the Parties entered into a Contract wherein the Firm agreed to provide Special Counsel on Behalf of the City Regarding Strategic Support and Advice on the Climate Commitment Act (CCA), consistent with applicable laws and this Contract.

WHEREAS, additional funds are necessary and firm rates need adjustment as they are subject to change on an annual basis, thus the original Contract needs to be formally Amended by this written document; and

-- NOW, THEREFORE, in consideration of these terms, the Parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract, dated January 25, 2022, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATE.

This Contract Amendment shall become effective March 1, 2024.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00)** as full compensation for everything furnished and done under this Contract Amendment. The total amount under the original Contract, any subsequent amendments, and this Contract Amendment is **ONE HUNDRED TWO THOUSAND AND NO/100 DOLLARS (\$102,000.00)**.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment by having legally-binding representatives affix their signatures below.

K & L GATES, LLC.

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

U2024-105b



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
01/02/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services Central, Inc. Pittsburgh PA Office EQT Plaza ~ Suite 2700 625 Liberty Avenue Pittsburgh PA 15222-3110 USA	CONTACT NAME: PHONE (A/C. No. Ext): (866) 283-7122 FAX (A/C. No.): (800) 363-0105		
	E-MAIL ADDRESS:		
INSURED K&L Gates LLP K&L Gates Center 210 Sixth Avenue Pittsburgh PA 15222 USA	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Great Northern Insurance Co.		20303
	INSURER B: Federal Insurance Company		20281
	INSURER C: Pacific Indemnity Co		20346
	INSURER D:		
	INSURER E:		
INSURER F:			

Holder Identifier :

COVERAGES	CERTIFICATE NUMBER: 570103438609	REVISION NUMBER:
------------------	---	-------------------------

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			35323799 Commercial Package Policy	07/01/2023	07/01/2024	EACH OCCURRENCE	\$1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
	<input checked="" type="checkbox"/> Prod-Comp Ops Incl in Genl. Agg.						MED EXP (Any one person)	\$10,000
	GENL AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC						GENERAL AGGREGATE	\$2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	\$2,000,000
B	AUTOMOBILE LIABILITY			7317-46-76 Automobile Policy	07/01/2023	07/01/2024	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	
	<input checked="" type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	
	<input checked="" type="checkbox"/> HIRED AUTOS ONLY	<input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)	
	UMBRELLA LIAB						EACH OCCURRENCE	
	EXCESS LIAB						AGGREGATE	
	DED	RETENTION						
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			71751042 Workers Compensation, RWC	01/01/2024	01/01/2025	<input checked="" type="checkbox"/> PER STATUTE	<input type="checkbox"/> OTHER
	ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N/A				E.L. EACH ACCIDENT	\$1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE-EA EMPLOYEE	\$1,000,000
							E.L. DISEASE-POLICY LIMIT	\$1,000,000

Certificate No : 570103438609

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Spokane, its officers, agents, employees, and volunteers are included as Additional Insured, as their interests may appear as respects to General Liability and Automobile Liability. With respects to General Liability, Automobile Liability, and Workers Compensation, waiver of Subrogation is granted except to the extent prohibited by law.

CERTIFICATE HOLDER**CANCELLATION**

City of Spokane 808 W. Spokane Falls Blvd Attn: Nancy Isserlis, City Attorney Spokane WA 99201 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE



**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 11/11/2024**Committee Agenda type:** Consent**Date Rec'd**

11/13/2024

Clerk's File #

OPR 2024-1004

Cross Ref #**Project #****Council Meeting Date:** 11/25/2024**Submitting Dept**

DEVELOPMENT SERVICES CENTER

Bid #**Contact Name/Phone**

TAMI 6157

Requisition #**Contact E-Mail**

TPALMQUIST@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

JBINGLE ZZAPPONE KKLITZKE

Agenda Item Name

4700 - PAPER TO DIGITAL GRANT ACCEPTANCE

Agenda Wording

Acceptance of WA Commerce Paper to Digital Grant. The purpose of this grant is to help jurisdictions transition their residential permit review process to a fully digital system. These funds will support the improvement of our permit review process.

Summary (Background)

With the implementation of SB520 the Legislature directed Commerce to offer two grant opportunities to assist communities in meeting the requirements of the bill. The City of Spokane applied for the second grant opportunity that was intended for local governments to update their permit review process to software systems capable of processing digital permit applications, virtual inspections, electronic review, and capacity for video storage. The City of Spokane is in the process of implementing

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 375,000

Current Year Cost \$ 375,000

Subsequent Year(s) Cost \$

Narrative

This award will be used for implementation costs. There is not a City match requirement.

Amount**Budget Account**

Revenue \$ 375,000

TBD

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	MACDONALD, STEVEN
<u>Division Director</u>	MACDONALD, STEVEN
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	SCHOEDEL, ELIZABETH
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

<u>ACCOUNTING -</u>	MURRAY, MICHELLE

Distribution List

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allan.johnson@commerce.wa.gov	korlob@spokanecity.org
klouden@spokanecity.org	

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/24
Submitting Department	Development Services Center
Contact Name	Tami Palmquist
Contact Email & Phone	Tpalmquist@spokanecity.org x6157
Council Sponsor(s)	<u>CM Zappone, CM Klizke, CM Bingle</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	4700 – Paper to Digital Grant Acceptance
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	With the implementation of SB520 the Legislature directed Commerce to offer two grant opportunities to assist communities in meeting the requirements of the bill. The City of Spokane applied for the second grant opportunity that was intended for local governments to update their permit review process to software systems capable of processing digital permit applications, virtual inspections, electronic review, and capacity for video storage. The City of Spokane is in the process of implementing a new permit and licensing system that will meet these requirements. The timeline for implementation will meet the timeline and deliverables of the grant requirements.
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: <u>375,000</u> Current year cost: \$375,000 Subsequent year(s) cost:	
Narrative: <u>This award will be used for implementation costs. There is not a City match requirement.</u>	
Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Grant Is this funding source sustainable for future years, months, etc? N/A	
Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.) N/A	
Operations Impacts (If N/A, please give a brief description as to why) The grant funding will be used to pay the Davenport Group for a portion of the implementation costs.	
What impacts would the proposal have on historically excluded communities?	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?



Interagency Agreement with

City of Spokane

through

Growth Management Services

**Contract Number:
25-63342-212**

For

Paper to Digital Permitting Grant

Dated: Date of Execution

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Face Sheet

Contract Number: 25-63342-212

Local Government Division Growth Management Services Paper to Digital Grant

1. Contractor City of Spokane 808 W Spokane Falls Blvd City of Spokane, WA 99201		2. Commerce Regional Planner Melissa Alofaituli Melissa.Alofaituli@commerce.wa.gov (509) 606-3539	
3. Contractor Representative Tami Palmquist tpalmquist@spokanecity.org		4. COMMERCE Representative Jo Anne Wright Senior Planner (509) 601-0385 joanne.wright@commerce.wa.gov	
5. Contract Amount \$375,000	6. Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		7. Start Date Date of Execution
8. End Date June 30, 2025			
9. Federal Funds (as applicable)		Federal Agency:	
10. Tax ID #		11. SWV # 0003387-08	
12. UBI # 328-013-877		13. UEI #	
14. Contract Purpose The purpose of this Paper to Digital Grant Program is to provide funding to a jurisdiction to transition from paper permitting systems to software systems capable of processing digital permit applications, virtual inspections, electronic review and with the capacity for video storage.			
COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents incorporated by reference: Contractor Terms and Conditions including Attachment "A" – Scope of Work and Attachment "B" – Budget.			
FOR CONTRACTOR _____ Michelle Murray, Mayor _____ Signature _____ Date		FOR COMMERCE _____ Mark Barkley, Assistant Director _____ Date APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL APPROVAL ON FILE	

Special Terms and Conditions

1. AUTHORITY

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by Chapter 39.34 RCW.

2. CONTRACT MANAGEMENT

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

3. COMPENSATION

COMMERCE shall pay an amount not to exceed \$375,000, for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the Scope of Work.

4. BILLING PROCEDURES AND PAYMENT

COMMERCE will pay Contractor upon acceptance of services provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than monthly nor less than quarterly.

The invoices shall describe and document, to COMMERCE's satisfaction, a description of the work performed, the progress of the project, and fees. The invoice shall include the Contract Number 25-63342-. If expenses are invoiced, provide a detailed breakdown of each type. A receipt must accompany any single expenses in the amount of \$50.00 or more in order to receive reimbursement.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

Invoices and End of Fiscal Year

Invoices are due on the 20th of the month following the provision of services.

Final invoices for a state fiscal year may be due sooner than the 20th and Commerce will provide notification of the end of fiscal year due date.

The Contractor must invoice for all expenses from the beginning of the contract through June 30, regardless of the contract start and end date.

Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will

be paid by any other source, including grants, for that service.

Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

COMMERCE may, in its sole discretion, withhold ten percent (10%) from each payment until acceptance by COMMERCE of the final report (or completion of the project, etc.).

5. SUBCONTRACTOR DATA COLLECTION

Contractor will submit reports, in a form and format to be provided by Commerce and at intervals as agreed by the parties, regarding work under this Contract performed by subcontractors and the portion of Contract funds expended for work performed by subcontractors, including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business subcontractors. "Subcontractors" shall mean subcontractors of any tier.

6. INSURANCE

Each party certifies that it is self-insured under the State's or local government self-insurance liability program, and shall be responsible for losses for which it is found liable.

7. FRAUD AND OTHER LOSS REPORTING

Contractor shall report in writing all known or suspected fraud or other loss of any funds or other property furnished under this Contract immediately or as soon as practicable to the Commerce Representative identified on the Face Sheet.

8. ORDER OF PRECEDENCE

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget

General Terms and Conditions

1. DEFINITIONS

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Washington Department of Commerce.
- C. "Contract" or "Agreement" or "Grant" means the entire written agreement between COMMERCE and the Contractor, including any Attachments, documents, or materials incorporated by reference. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" or "Grantee" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

2. ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

3. AMENDMENTS

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

4. ASSIGNMENT

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION

- A. "Confidential Information" as used in this section includes:
 - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;
 - ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and

iii. All Personal Information in the possession of the Contractor that may not be disclosed under state or federal law.

- B.** The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality. COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.
- C.** Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

6. COPYRIGHT

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

7. DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the

majority prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

8. GOVERNING LAW AND VENUE

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9. INDEMNIFICATION

Each party shall be solely responsible for the acts of its employees, officers, and agents.

10. LICENSING, ACCREDITATION AND REGISTRATION

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

11. RECAPTURE

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

12. RECORDS MAINTENANCE

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Contract.

The Contractor shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

13. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

14. SEVERABILITY

The provisions of this Contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Contract.

15. SUBCONTRACTING

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

16. SURVIVAL

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

17. TERMINATION FOR CAUSE

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this Contract. Before suspending or terminating the Contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the Contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the Contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the Contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this Contract are not exclusive and are, in addition to any other rights and remedies, provided by law.

18. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days' written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

19. TERMINATION PROCEDURES

Upon termination of this Contract, COMMERCE, in addition to any other rights provided in this Contract, may require the Contractor to deliver to COMMERCE any property specifically produced

or acquired for the performance of such part of this Contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree with such determination shall be a dispute within the meaning of the "Disputes" clause of this Contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the Contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the Contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the Contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this Contract, which is in the possession of the Contractor and in which COMMERCE has or may acquire an interest.

20. TREATMENT OF ASSETS

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this Contract, shall pass to and vest in COMMERCE upon delivery of such property by the Contractor. Title to other property, the cost of which is reimbursable to the Contractor under this Contract, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this Contract, or (ii) commencement of use of such property in the performance of this Contract, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

- A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this Contract.
- B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management practices.
- C. If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D. The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract.
- E. All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.

21. **WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

Attachment A: Scope of Work

• Project Land Use Management Product (LAMA)			
Steps/Deliverable	Description	Start date	End date
Action 1	Complete procurement process to hire software company	July 1, 2024	July 29, 2024
Step 1.1	City Council contract approval, negotiate and sign contract with the Davenport Group for LAMA implementation and maintenance support	July 22, 2024	July 29, 2024
Deliverable 1	Executed contract with the Davenport Group		July 29, 2024
Action 2	Develop plan for LAMA implementation	August 14, 2024	September 25, 2024
Step 2.1	City sends background documentation and information to Davenport Group	August 14, 2024	August 14, 2024
Step 2.2	Project kickoff meeting between the City and Davenport Group	August 28, 2024	August 28, 2024
Step 2.3	Davenport Group submits initial questionnaire to City	August 28, 2024	August 28, 2024
Step 2.4	City completes and returns Davenport Group's questionnaire	August 29, 2024	September 18, 2024
Step 2.5	City and Davenport Group conduct remote meetings regarding questionnaire	September 19, 2024	September 25, 2024
Deliverable 2	Completed questionnaire and plan for implementation		September 25, 2024

Action 3	Conduct configuration study	September 26, 2024	November 22, 2024
Step 3.1	Davenport Group conducts configuration study, submits draft to City	September 26, 2024	October 9, 2024
Step 3.2	City reviews and responds to draft configuration study	October 10, 2024	October 23, 2024
Step 3.3	City and Davenport Group conduct remote meetings regarding draft configuration study	October 24, 2024	October 30, 2024
Step 3.4	Davenport Group finalizes configuration study	October 31, 2024	November 14, 2024
Step 3.5	City accepts configuration study	November 16, 2024	November 22, 2024
Deliverable 3	Completed configuration study		November 22, 2024
Action 4	Develop case packets	November 23, 2024	March 1, 2025
Step 4.1	Davenport Group submits 15% complete case packets to City	November 23, 2024	December 22, 2024
Step 4.2	City and Davenport Group conduct remote meetings regarding Case Packets	December 23, 2024	December 30, 2024
Step 4.3	Davenport Group submits 85% complete Case Packets to City	December 31, 2024	February 18, 2025
Step 4.4	Case Packet Onsite Review	February 19, 2025	February 22, 2025
Step 4.5	Davenport Group submits finalized Case Packets to City	February 23, 2025	March 1, 2025
Deliverable 4	Finalized Case Packets		March 1, 2025
Action 5	Configuration	December 31, 2024	March 13, 2025
Step 5.1	Initial Configuration of Modules	December 31, 2024	March 13, 2025
Deliverable 5	Initial configuration modules completed		March 13, 2025

Action 6	Test Plans	March 14, 2025	June 1, 2025
Step 6.1	Data Migration Mapping	March 14, 2025	May 5, 2025
Step 6.2	Davenport Group submits 100% Test Plan Videos	March 14, 2025	April 12, 2025
Step 6.3	Test Plan Review	March 14, 2025	April 12, 2025
Step 6.4	City submits Test Plan Revisions	April 13, 2025	April 26, 2025
Step 6.5	Configuration revisions	April 27, 2025	May 26, 2025
Step 6.6	City accepts Test Plan Revisions	April 27, 2025	May 26, 2025
Step 6.7	Data Migration	May 26, 2025	June 1, 2025
Deliverable 6	Completed data migration and test plans		June 1, 2025
Action 7	Training	June 2, 2025	June 6, 2025
Step 7.1	On-site Training	June 2, 2025	June 6, 2025
Deliverable 7	Completed on-site training		June 6, 2025

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Attachment B: Budget

Deliverable	Amount
Deliverables 2 and 3 Deliverable 2: Completed questionnaire and plan for implementation	\$46,875.00
Deliverable 4: Finalized case packets	\$117,187.50
Deliverable 5: Finalized initial configuration modules completed	\$93,750.00
Deliverable 6: Completed data migration and test plans	\$82,031.25
Deliverable 7: On-site training	\$35,156.25
TOTAL GRANT FUNDING REQUESTED	\$375,000.00

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DRAFT



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

Tuesday, June 24, 2024

Mayor Lisa Brown
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Delivered via email.

RE: Paper to Digital Grant

Greetings:

I am pleased to inform you that the City of Spokane has been awarded \$375,000 for a 2024-2025 Paper to Digital grant. The purpose of this grant is to help jurisdictions transition their residential permit review process to a fully digital system. These funds will support the improvement of your permit review process.

The Washington Department of Commerce, Growth Management Services (GMS) unit will administer the grant program. **Before we disburse the funds, a contract with a final agreed upon scope of work and budget will need to be discussed and executed between your organization and the Department of Commerce.**

Funds may be applied to project costs related to your grant scope of work, beginning July 1, 2024, the date the funding became available. These grant funds are authorized by the 2024-2025 State Operating Budget (Senate Bill 5290), which directs Commerce to provide this grant to cities or counties for actions relating to transitioning their residential building permit review process to a fully digital system. Allan Johnson or another member of our team will be in touch with you to develop the contract and answer questions. You can reach Allan at allan.johnson@commerce.wa.gov.

Sincerely,

Dave Andersen, AICP
Managing Director
Growth Management Services

cc: Tami Palmquist, Director of Development Services, City of Spokane
Michelle Murray, Director of Accounting and Grants, City of Spokane
Ben Serr, AICP, Eastern Regional Manager, Growth Management Services
Melissa Alofaituli, AICP, Senior Planner, Growth Management Services
Jo Anne Wright, AICP, Senior Planner, Growth Management Services
Mary M. Reinbold, AICP, Senior Policy Analyst, Growth Management Services
Paul Johnson, Operations Support Manager, Growth Management Services
Valerie Smith, AICP, Assistant Managing Director, Growth Management Services



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd

11/13/2024

Clerk's File #

OPR 2024-1005

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept

HISTORIC PRESERVATION

Bid #

Contact Name/Phone

MEGAN 6543

Requisition #

Contact E-Mail

MDUVALL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

JBINGLE ZZAPPONE KKLITZKE

Agenda Item Name

0470 - INTERLOCAL AGREEMENT BETWEEN CITY OF SPOKANE AND SPOKANE

Agenda Wording

Preservation services have been a partnership between the City and County since the 1980s. This is a continuation of previous ILAs between the City of Spokane and Spokane County for preservation services. The agreement provides \$50,000 for 2025 and

Summary (Background)

Background/History: The Historic Preservation Office has been a joint City/County entity since its inception in the early 1980s. The Historic Preservation Office staffs the Spokane City/County Historic Landmarks Commission and provides staffing services to the County for historic preservation objectives. This is a continuation of previous ILAs between the City of Spokane and Spokane County for preservation services. The agreement provides \$50,000 for 2025 and increases by 2.5% each year

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 0

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

This is a revenue generating Interlocal Agreement between the City and County to staff the County's Historic Preservation Program. Our current annual allocation from the County is \$40,000 per year.

Amount

Budget Account

Revenue \$ 50,000 annually with 2.5% increase # 0470 53610 99999 33772

Select \$ #

Select \$ #

Select \$ #

Select \$ #

Select \$ #



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

and increases by 2.5% each year through 2030.

Summary (Background)

through 2030. This agreement would expand the period to 5 years from the current 3 years. The ILA is making its way through the Board of County Commissioners concurrently with the City's process, so funding amounts may change on the final contract.

Approvals

<u>Dept Head</u>	DUVALL, MEGAN
<u>Division Director</u>	MACDONALD, STEVEN
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	SCHOEDEL, ELIZABETH
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

Distribution List

	mduvall@spokanecity.org
smacdonald@spokanecity.org	akiehn@spokanecity.org
klouden@spokanecity.org	korlob@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/24
Submitting Department	0470 – Historic Preservation
Contact Name	Megan Duvall
Contact Email & Phone	mduvall@spokanecity.org ; 509-625-6543
Council Sponsor(s)	CM Zappone; CM Bingle; CM Klitzke
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Interlocal Agreement between City of Spokane and Spokane County for Preservation Services
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p><u>Background/History:</u> The Historic Preservation Office has been a joint City County entity since its inception in the early 1980s. The Historic Preservation Office staffs the Spokane City County Historic Landmarks Commission and provides staffing services to the County for historic preservation objectives. This is a continuation of previous ILAs between the City of Spokane and Spokane County for preservation services. The agreement provides \$50,000 for 2025 and increases by 2.5% each year through 2030. This agreement would expand the period to 5 years from the current 3 years. The ILA is making its way through the Board of County Commissioners concurrently with the City’s process, so funding amounts may change on the final contract.</p> <p>*use the Fiscal Impact box below for relevant financial information</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>\$0</u></p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: <u>This is a revenue generating Interlocal Agreement between the City and County to staff the County’s Historic Preservation Program. Our current annual allocation from the County is \$40,000 per year.</u></p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Yes, this would be a 5-year agreement</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.) This allows the Historic Preservation Office to pursue interlocal agreements with small cities in Spokane County, list properties in unincorporated county on the Spokane Register of Historic Places, and offer incentives to property owners who make significant improvements to those properties.</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

That specific data is not something that is collected by the Historic Preservation Department.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The Historic Preservation Office's primary responsibility is to protect historic properties and neighborhoods in Spokane and Spokane County. The more properties that are listed on the Spokane Register, the more ability we have to offer incentives that help keep those properties viable and in use. As we list additional properties, we increase our ability to protect Spokane's historic resources.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This is exclusively a contract to provide services to the unincorporated County and small communities.

**HISTORIC PRESERVATION INTERLOCAL AGREEMENT
(January 1, 2025-December 31, 2029)**

THIS AGREEMENT, made and entered into by and between the **City of Spokane**, a Washington State municipal corporation, whose business address is 808 West Spokane Falls Boulevard, Spokane, Washington, 99201, hereinafter referred to as “CITY”, and the **County of Spokane**, a political subdivision of the State of Washington, having offices for the transaction of business at 1116 West Broadway Avenue, Spokane, Washington, 99260, hereinafter referred to as “COUNTY,” jointly hereinafter referred to as the "PARTIES."

WITNESSETH:

WHEREAS, it is the public policy of the federal government and state government to promote the designation, preservation, protection, enhancement and perpetuation of those structures, sites, districts, buildings, and objects which reflect outstanding elements of historic, archeological, architectural or cultural heritage for the enrichment of the citizens; and

WHEREAS, the City and County by joint resolution have created the Historic Landmarks Commission, which is responsible for the stewardship of historic properties in the City of Spokane, unincorporated areas of the County, and incorporated towns upon their request; and

WHEREAS, the purpose of this agreement is to continue the relationship between the City and the County in order to provide for historic preservation.

NOW THEREFORE the PARTIES agree as follows:

SECTION NO. 1: PURPOSE

The purpose of this Agreement is to set forth the PARTIES’ understanding of the terms and conditions under which the CITY through its Department of Historic Preservation will provide historic preservation services.

SECTION NO. 2: SCOPE OF SERVICES

Historic preservation services are outlined in the “Scope of Services” attached hereto as Attachment “A” and incorporated herein by reference. They include:

- Identifying and monitoring historic resources
- Providing community services
- Maintaining “certified status”

The scope of services and goals associated with each identified service will be revisited annually and modified as needed through mutual consent.

SECTION NO. 3: DURATION

This Agreement shall be effective January 1, 2025 and run through December 31, 2029 unless terminated earlier by the PARTIES.

SECTION NO. 4: COMPENSATION/FINANCING

The COUNTY'S funding toward the City Department of Historic Preservation and Landmarks Commission under this Agreement is as follows: January 1, 2025 to December 31, 2025 FIFTY THOUSAND DOLLARS (\$50,000), January 1, 2026 to December 31, 2026 FIFTY-ONE THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$51,250), and January 1, 2027 to December 31, 2027 FIFTY-TWO THOUSAND FIVE HUNDRED AND THIRTY ONE DOLLARS (\$52,531), January 1, 2028 to December 31, 2028, FIFTY-THREE THOUSAND EIGHT-HUNDRED FORTY FOUR DOLLARS (\$53,844), and January 1, 2029 to December 31, 2029, FIFTY-FIVE THOUSAND ONE HUNDRED AND NINETY DOLLARS (\$55,190) This amount may be reviewed annually and modified only by mutual agreement of the PARTIES.

SECTION NO. 5: PAYMENT

Under this Agreement, the COUNTY shall pay the CITY FIFTY THOUSAND DOLLARS (\$50,000) in calendar year 2025 payable in equal semi-annual installments of TWENTY FIVE THOUSAND DOLLARS (\$25,000). In calendar year January 1, 2026 to December 31, 2026 FIFTY-ONE THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$51,250) payable in equal semi-annual installments of TWENTY FIVE THOUSAND SIX HUNDRED AND TWENTY FIVE DOLLARS (\$25,650). In calendar year January 1, 2027 to December 31, 2027 FIFTY-TWO THOUSAND FIVE HUNDRED AND THIRTY ONE (\$52,531) payable in equal semi-annual installments of TWENTY-SIX THOUSAND TWO HUNDRED SIXTY-FIVE DOLLARS (\$26,265.50). In calendar year January 1, 2028 to December 31, 2028, FIFTY-THREE THOUSAND EIGHT-HUNDRED FORTY FOUR DOLLARS (\$53,844) payable in equal semi-annual installments of TWENTY-SIX THOUSAND NINE HUNDRED TWENTY TWO DOLLARS (\$26,922). In calendar year January 1, 2029 to December 31, 2029, FIFTY-FIVE THOUSAND ONE HUNDRED AND NINETY DOLLARS (\$55,190) payable in equal semi-annual installments of TWENTY-SEVEN THOUSAND FIVE HUNDRED NINETY-FIVE DOLLARS (\$27,595).

The first semi-annual installment shall be due on or after July 1st of each of the set forth calendar years. The second semi-annual installment shall be due on or after December 31st of each of the set forth calendar years. The CITY shall bill the COUNTY for its second semi-annual installment no later than January 15th of the following year.

The CITY shall make a request for payment to the County's representative with payment due within thirty (30) days after receipt of the CITY's request. At the sole option of the CITY, a penalty may be assessed on any late payment by the County based on lost interest earnings had the payment been timely paid and invested in the City Treasurer's Investment Pool.

The Historic Preservation Office will provide an annual report of activities as outlined in Attachment "A."

SECTION NO. 6: ADMINISTRATION

- A. The City of Spokane Community and Economic Development Director shall be in charge of administering this Agreement and ensuring that payment is made to the CITY for the purpose of financing, in part, the operations of historic preservation. The CITY Treasurer may, in the exercise of his/her reasonable discretion, establish a special fund for the purpose of holding, investing, receiving, and disbursing the payment(s) pursuant to this Agreement.

- B. In the event of a vacancy in the position of Historic Preservation Officer, the Landmarks Commission will conduct a search and recommend to the Mayor and Board of County Commissioners for their joint designation, the employment of an individual qualified to be Historic Preservation Officer (hereinafter "HPO"). The duties, functions, and location of any HPO will be under the control and authority of the City of Spokane Community and Economic Development Director.

SECTION NO. 7: NOTICE

All notices or other communications given hereunder shall be deemed given on: (i) the day the notices or other communications are received when sent by personal delivery; or (ii) the third day following the day on which the notice or communication has been mailed by certified mail delivery, receipt requested and postage prepaid addressed to the party at the address set forth below, or at such other address as the PARTIES shall from time-to-time designate by notice in writing:

COUNTY: County Grants Administrator
1116 West Broadway
Spokane, Washington 99260

CITY: City of Spokane Mayor or his/her authorized representative
City Hall
808 West Spokane Falls Boulevard
Spokane, Washington 99201

SECTION NO. 8: LIABILITY

The COUNTY shall indemnify, defend and hold harmless the CITY, its officers and employees from all claims, demands, or suits in law or equity arising from the COUNTY's intentional or negligent acts or breach of its obligations under the agreement. The COUNTY's duty to indemnify shall not apply to loss or liability caused by the intentional or negligent acts of the CITY, its officers and employees.

The CITY shall indemnify, defend and hold harmless the COUNTY, its officers and employees from all claims, demands, or suits in law or equity arising from the CITY's intentional or

negligent acts or breach of its obligations under the agreement. The CITY's duty to indemnify shall not apply to loss or liability caused by the intentional or negligent acts of the COUNTY, its officers and employees.

If the comparative negligence of the PARTIES and their officers and employees is a cause of such damage or injury, the liability, loss, cost, or expense shall be shared between the PARTIES in proportion to their relative degree of negligence and the right of indemnity shall apply to such proportion.

Where an officer or employee of a Party is acting under the direction and control of the other Party, the Party directing and controlling the officer or employee in the activity and/or omission giving rise to liability shall accept all liability for the other Party's officer or employee's negligence.

Each Party's duty to indemnify shall survive the termination or expiration of the agreement. Each Party waives, with respect to the other Party only, its immunity under RCW Title 51, Industrial Insurance. The PARTIES specifically negotiated this provision.

SECTION NO. 9: RELATIONSHIP OF THE PARTIES

The PARTIES intend that an independent contractor relationship will be created by this Agreement. No agent, employee, servant or representative of the COUNTY shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose. Likewise, no agent, employee, servant or representative of the CITY shall be deemed to be an employee, agent, servant or representative of the COUNTY for any purpose.

SECTION NO. 10: AMENDMENTS

This Agreement shall not limit the ability of the CITY and the COUNTY to enter into subsequent agreements to further the purposes of this Agreement.

SECTION NO. 11: COMPLIANCE WITH LAWS

The PARTIES shall comply with all applicable federal, state, and local laws and regulations.

SECTION NO. 12: ASSIGNMENTS

This Agreement is binding on the PARTIES and their heirs, successors, and assigns. No party may assign, transfer or subcontract its interest, in whole or in part, without the other PARTIES' prior written consent.

SECTION NO. 13: SEVERABILITY

If any parts, terms or provisions of this Agreement are held by the courts to be illegal, the validity of the remaining portions or provisions shall not be affected and the rights and obligations of the PARTIES shall not be affected in regard to the remainder of the Agreement. If

it should appear that any part, term or provision of this Agreement is in conflict with any statutory provision of the State of Washington, then the part, term or provision thereof that may be in conflict shall be deemed inoperative and null and void insofar as it may be in conflict therewith and this Agreement shall be deemed to modify or conform to such statutory provision.

SECTION NO. 14: COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same.

SECTION NO. 15: VENUE STIPULATION

This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is mutually understood and agreed by each party that this Agreement shall be governed by the laws of the State of Washington both as to interpretation and performance. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement, or any provision hereto, shall be instituted only in courts of competent jurisdiction within Spokane County, Washington.

SECTION NO. 16: TERMINATION

Any party may terminate this Agreement by sixty (60) days written notice to the other party. In the event of such termination, the CITY shall prorata refund to the COUNTY any prepaid compensation. The ownership of all property and equipment utilized by any party to meet its obligations under the terms of this Agreement shall remain with such party.

SECTION NO. 17: HEADINGS

The section headings appearing in this Agreement have been inserted solely for the purpose of convenience and ready reference. In no way do they purport to, and shall not be deemed to define, limit or extend the scope or intent of the sections to which they pertain.

SECTION NO. 18: ALL WRITINGS CONTAINED HEREIN/BINDING EFFECT

This Agreement contains terms and conditions agreed upon by the PARTIES. The PARTIES agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement. No changes or additions to this Agreement shall be valid or binding upon the PARTIES unless such change or addition is in writing, executed by the PARTIES.

SECTION NO. 19: AUDIT/RECORDS

The CITY shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Agreement. The CITY shall provide access to authorized CITY and COUNTY representatives, including the CITY Auditor, at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this

provision and related auditing provisions required under federal law applicable to the Agreement, the federal law shall prevail.

SECTION NO. 20: PARTIES REPRESENTATIVES

The COUNTY hereby appoints and the CITY hereby accepts the COUNTY'S Grants Administrator or her designee, as the COUNTY'S liaison for the purpose of administering this Agreement. CITY hereby appoints and COUNTY hereby accepts CITY'S Director, Community and Economic Development Director or his/her designee, as CITY'S liaison for the purpose of administering this Agreement.

SECTION NO. 21: NO THIRD PARTY BENEFICIARIES

Nothing in this Agreement is intended to give, or shall give, whether directly or indirectly, any benefit or right, greater than that enjoyed by the general public, to third persons.

SECTION NO. 22: SURVIVAL

Without being exclusive, Sections 8 and 15 of this Agreement shall survive any termination, expiration or determination of invalidity of this Agreement in whole or in part. Any other Sections of this Agreement which, by their sense and context, are intended to survive shall also survive.

SECTION NO. 23: PUBLICATION

CITY agrees that any publications (written or visual), excluding press releases, issued by the CITY describing Services funded in whole or in part with COUNTY funds under this Agreement and referencing any other funding agencies by name or logo shall also include the COUNTY's name or logo.

SECTION NO. 24: RCW 39.34 REQUIRED CLAUSES

- A. **Purposes:** See Section No. 1 above.
- B. **Duration:** See Section No. 3 above.
- C. **Separate Legal Entity:** This Agreement does not create, nor seek to create, a separate legal entity pursuant to RCW 39.34.030. It is the intent of the parties that the City's Department of Historic Preservation provide historic preservation activities in the City and County as previously set forth in ordinances of the City (see chapters 4.35 and 17D.100 of Spokane Municipal Code) and ordinances or resolutions of the COUNTY.
- D. **Responsibilities of the Parties:** See provisions above.
- E. **Agreement to be Filed:** The CITY shall file this Agreement with its City Clerk.

The COUNTY shall file this Agreement with its County Auditor or will place the Agreement on its website.

F. **Financing:** Each Party shall be responsible for the financing of its contractual obligations under its normal budgetary process.

G. **Termination:** See Section No. 16 above. The City Department of Historic Preservation shall be allowed to acquire, hold, and dispose of real and personal property pursuant to City ordinance and State law.

IN WITNESS WHEREOF, the PARTIES have caused this Agreement to be executed on date and year opposite their respective signatures.

DATED: _____

CITY OF SPOKANE

By: _____

Title: _____

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

DATED: _____

BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

MARY L. KUNEY, Chair

ATTEST:

JOSH KERNS, Vice Chair

Ginna Vasquez
Clerk of the Board

AL FRENCH, Commissioner

AMBER WALDREF, Commissioner

CHRIS JORDAN, Commissioner

ATTACHMENT “A”
Scope of Work
January 1, 2025-December 31, 2029
Historic Preservation Interlocal Agreement Services

Identification and Monitoring of Historic Resources

- **Goal:** The City will oversee the responsibilities of historic preservation in unincorporated Spokane County.
- **Goal:** The City will oversee the responsibilities of historic preservation within cities within Spokane County having a population of less than 5000 when authorized by the County.
- **Goal:** Continue to maintain a computerized historic property inventory database of all county properties (benefits city/county department and citizens).

Maintain “Certified” Status

- **Goal:** Carry out duties as Certified Local Government; fulfilling program obligations, which allow “Established” status and eligibility for grants.
- **Goal:** Process applications for Spokane and National Register status for Spokane County properties.
- **Goal:** Monitor activity on Spokane Register listings in Spokane County per recorded Management Agreement contracts and the provisions of Chapter 1.48 (Historic Landmarks Commission) of the Spokane County Code.
- **Goal:** Maintain Special Valuation program, monitoring County properties in the program.
- **Goal:** Review proposed renovation work on County Courthouse, in compliance with Spokane Register contract.

Community Services

- **Goal:** Encourage the use and redevelopment of historic properties in Spokane County by offering technical assistance and promotion of historic preservation incentives such as Special Tax Valuation to property owners.



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd 11/13/2024

Clerk's File # OPR 2024-1006

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept	HISTORIC PRESERVATION	Bid #	
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Contact Name/Phone	MEGAN 6543	Requisition #	
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Contact E-Mail	MDUVALL@SPOKANECITY.ORG		
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	JBINGLE ZZAPPONE KKLITZKE		
---------------------------	---------------------------	--	--

Agenda Item Name	0470 – AMENDMENT TO THE HILLYARD HISTORIC BUSINESS DISTRICT		
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Agenda Wording

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure they meet the criteria. The proposed amendments to the Hillyard Historic Business District are consistent with the criteria.

Summary (Background)

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100. The Willerton Diamond Photo Play Theater (3019 East Diamond), Willerton Block (3011 East Diamond), and Yukon Block (5006 North Market) are all older than 50 years old and they meet the criteria set forth for inclusion in the Hillyard Historic Business District, and management agreements have been signed by the owners.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.

Amount

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

DUVALL, MEGAN

Division Director

MACDONALD, STEVEN

Accounting Manager

ORLOB, KIMBERLY

Legal

SZAMBELAN, TIMOTHY

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

Lcamporeale@spokanecity.org

mduvall@spokanecity.org

akiehn@spokanecity.org

macdonald@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/2024
Submitting Department	Historic Preservation
Contact Name	Megan Duvall
Contact Email & Phone	mduvall@spokanecity.org
Council Sponsor(s)	<u>CM Zappone; CM Klitzke; CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	0470 – AMMENDMENT TO THE HILLYARD HISTORIC BUSINESS DISTRICT NOMINATION TO THE REGISTER OF HISTORIC PLACES
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100.</p> <p>The Willerton Diamond Photo Play Theater (3019 East Diamond), Willerton Block (3011 East Diamond), and Yukon Block (5006 North Market) are all older than 50 years old and they meet the criteria set forth for inclusion in the Hillyard Historic Business District, and management agreements have been signed by the owners.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: <u>0</u></p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: <u>Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.</u></p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? N/A</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p> <p>Properties listed on the Spokane Register are subject to design review in the future which does generate revenue through small fees. Tax incentives are available to listed properties and also can generate future revenue.</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>This contract continues to recognize the significance of the Hillyard Historic Business District which was historically a working-class neighborhood with strong connections to Spokane’s labor and immigration history.</p>	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

That specific data is not something that is collected by the Historic Preservation Department.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The Historic Preservation Office's primary responsibility is to protect historic properties and neighborhoods in Spokane. The more properties that are listed on the Spokane Register, the more ability we have to offer incentives that help keep those properties viable and in use. As we list additional properties, we increase our ability to protect Spokane's historic resources and to tell Spokane's important stories.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

SMC 04.35.010 Spokane Historic Landmarks Commission Findings and Purpose:

The City and Spokane County find that the establishment of a landmarks commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County is a public necessity.

Comprehensive Plan Goals

DP 1.1: Landmark Structures, Buildings, and Sites

Recognize and preserve unique or outstanding landmark structures, buildings, and sites.

DP 3.3: Identification and Protection of Resources

Identify historic resources to guide decision making in planning.

DP 3.4: Reflect Spokane's Diversity

Encourage awareness and recognition of the many cultures that are an important and integral aspect of Spokane's heritage.

DP 3.11: Rehabilitation of Historic Properties

Assist and cooperate with owners of historic properties to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives.

N 2.4: Neighborhood Improvement

Encourage revitalization and improvement programs to conserve and upgrade existing properties and buildings.

Findings of Fact and Decision for Council Review to the Nomination to the Spokane Register of Historic Places

Willerton Block – 3011 E. Diamond Avenue

Willerton’s Diamond Photo Play Theater – 3019 E. Diamond Avenue

Yukon Block – 5006 N. Market Street

Amendment to the Spokane Register Hillyard Historic Business District

DESCRIPTION

The **Hillyard Historic Business District** was originally comprised of 12 contributing buildings with no non-contributing, or non-historic non-contributing buildings; a 13th building was added in 2005 (Hillyard Post Office); and a 14th was added in 2023 (Hillyard Masonic Temple). These buildings represent the strongest concentration of early 20th-century commercial historic buildings in downtown Hillyard. It should be noted that the Spokane Register District contains fewer buildings than the National Register Hillyard Historic Business District because the fourteen buildings that comprise the **Hillyard Historic Business District** were those for which the owners had consented to listing. An amendment is being proposed to the district to add three additional buildings, the **Willerton’s Diamond Photo Play Theater** at 3019 E Diamond Ave, the **Willerton Block** at 3011 E Diamond Ave; and the **Yukon Block** at 5006 N Market Street.

FINDINGS OF FACT

- SMC 17D.100.090: “Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation.”**
 - The Willerton Block and Willerton’s Diamond Photo Play Theater were both built in 1911 and the Yukon Block was built in 1907 - all three buildings are over 50 years old.
- SMC 17D.100.090: The property must qualify under one or more categories for the Spokane Register (A, B, C, D, E).**
 - Properties may be eligible for the Spokane Register under **Category A** for their association with broad patterns of history. The **Hillyard Historic Business District** is significant under Category A, as stated in the nomination: “Listed on the National Register in 2002 as the Hillyard Historic Business District, “Market Street,” the Hillyard Downtown Spokane Register Historic District has been the social and commercial hub of Hillyard for over 100 years. The community of Hillyard developed as a “railroad town” for the hundreds of workers and their families who were employed at the Great Northern Railroad’s western regional terminal facility, the internationally acclaimed rail yard that at one time manufactured the heaviest and most powerful steam locomotives in the world. The huge rail yard was constructed in 1892, the same year Hillyard was planned and platted. Stimulated by the enormous success of the rail center, the town of Hillyard thrived in its location adjacent to the Great Northern yard. **Hillyard Historic Business District** was the marketplace and pulse beat of the community and provided the town’s necessary staples, sundries, and services such as food, clothing, shelter, business enterprise, and places for socializing. Through the first half of the 20th century, especially during the District’s period of significance from 1901 to 1948, Hillyard continued to grow and adapt in response to changing patterns in government, commerce, and technology. **Hillyard Historic Business District** illustrates these changes in tangible ways. As a whole, the district represents the physical evolution of the heart of a small working class community developed in response to the construction and success of the Great Northern Railroad’s distribution and manufacturing center.
 - The building at 3019 East Diamond (the **Willerton’s Diamond Photo Play**), a one-story brick structure constructed in 1911 for William Willerton, originally served as a theater, opening as the Diamond Photo Play before becoming the Hillyard Class A Theater and later the Hillyard Liberty Theater. After the theater

closed in the early 1920s, it was transformed into a cooperative store for railroad workers, then briefly served as a distribution point for Standard Oil. By 1927, it was remodeled into an automobile showroom before transitioning into various eateries, including Landry's Ice Cream Shop and Timm's Cafe. Since the 1960s, the building has primarily functioned as a retail space, currently operating as a second-hand and antique store. Despite multiple alterations, the building retains elements of its historic architecture, including visible steel storefront supports.

- The **Willerton Block**, a short, one-story brick building with a stepped cornice and a modern storefront, was constructed in 1911 for William and Emma Willerton. Located at 3011 E. Diamond Avenue in Hillyard, it was the first of three commercial buildings they developed. The façade features a recessed vestibule and an illuminated "Red Dragon" sign, while a portion of the wall from the demolished Rialto Theater is visible on the east end. Initially home to a 5-10-15 cent store, the building transitioned through various businesses, including a confectionary and a variety store. By 1935, it became a beer parlor, hosting several bars over the years, with Gene's Tavern being one of the longest-running establishments. Since around 2010, it has operated as the Red Dragon Restaurant, continuing its legacy in food and beverage service.
- The **Yukon Block** is a two-story formed concrete block building, completed in 1907 for developer Mr. Eames at a cost of approximately \$10,000. Constructed using cement blocks that simulate cut stone and brick, it features a decorative cast concrete cornice and shares architectural characteristics with nearby buildings like the Hillyard Laundry and Nebraska Building. The façade prominently displays the name "YUKON" and includes a recessed entrance, although the street-level appearance has been altered with diagonal wood siding reminiscent of Buckaroo Revival styling. Initially, Eames and his family occupied the upper floor, which later transitioned into single-occupancy apartment rooms. The ground floor has hosted various businesses over the decades, including the Bon Ton Restaurant in the 1920s, U-Need-It Grocery in the 1930s, and several photo studios and shops through the mid-20th century, reflecting the building's adaptability to the community's changing needs.

3. SMC17D.100.090: "The property must also possess integrity of location, design, materials, workmanship, and association." From NPS Bulletin 15: "Integrity is the ability of a property to convey its significance...it is not necessary for a property to retain all its historic physical features...the property must retain, however, the essential physical features that enable it to convey its historic identity."

- The **three proposed buildings** retain mixed integrity. All three buildings are in their original location, but have experienced changes to the exterior. Both the Willerton buildings have had the brick painted and new storefront designs, but maintain brick detailing at the cornice line and recessed entrances. They are both simple, one-story buildings that do convey their original uses as small commercial storefronts in Hillyard. The Yukon Block also maintains its recessed entry and original transom windows are extant under a diagonal wood siding applied at a later time. Decorative detailing on the second story windows remains. The Hillyard Historic Business District is listed under Category A, and these buildings convey enough integrity to be considered as contributing resources to the district as a whole.

4. Once listed, this property will be eligible to apply for incentives, including:

- Special Valuation (property tax abatement), Spokane Register historic plaque, Façade Improvement Grants and special code considerations.

RECOMMENDATION:

At a public hearing on October 16, 2024, the Spokane Historic Landmarks Commission found the **Willerton's Diamond Photo Play Building, Willerton Block, and Yukon Block** eligible for listing on the Spokane Register under **Category A – Broad patterns of Spokane History for association with the development of Hillyard** for inclusion as "historic contributing" buildings in the Spokane Register Hillyard Historic Business District.

After Recording Return to:
City of Spokane Clerk
808 W Spokane Falls Blvd
Spokane, WA 99201

NOTICE OF MANAGEMENT AGREEMENTS

NOTICE IS HEREBY GIVEN that the properties legally described as:

**WILLERTON BLOCK:
HILLYARD LOT 9 & WEST 1/2 OF LOT 10, BLOCK 8 (OPR 2024-1006)**

AND

**WILLERTON'S DIAMOND PHOTO PLAY THEATER:
HILLYARD EAST 1/2 OF LOT 10, BLOCK 8 (OPR 2024-1007)**

Parcel Number(s) **36343.1111 and 36343.1117**, are governed by Management Agreements between the City of Spokane and the Owner(s), **Franken Fred D, LLC and William Burris**, of the subject properties.

The Management Agreements are intended to constitute covenants that run with the land and are entered into pursuant to Spokane Municipal Code Chapter 6.05. The Management Agreements require the Owner of the properties to abide by the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) and other standards promulgated by the Historic Landmarks Commission.

Said Management Agreements were approved by the Spokane City Council on November 25, 2024. I certify that the original Management Agreements are on file in the Office of the City Clerk under File Nos. OPR 2024-1006 and OPR 2024-1007.

I certify that the above is true and correct.

Spokane City Clerk

Historic Preservation Officer



Dated: _____

Dated: 10/17/2024

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **16th** day of **October 2024**, by and between the City of Spokane (hereinafter “City”), acting through its Historic Landmarks Commission (“Commission”), and **William Burris** (hereinafter “Owner(s)”), the owner of the property located at **3011 East Diamond Avenue** commonly known as the **Willerton Block** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter “Commission”) is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner’s property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. COVENANT. This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to provisions as set forth in SMC 17D100.220.

This Agreement is entered into the year and date first above written.

Owner

Owner

CITY OF SPOKANE

HISTORIC PRESERVATION OFFICER

CITY ADMINSTRATOR

Megan M.K. Duvall

City Administrator

ATTEST:

City Clerk

Approved as to form:

Assistant City Attorney

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that _____ (he/she/they) signed the same as _____ (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of _____, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared CITY ADMINISTRATOR and TERRI L. PFISTER, to me known to be the City Administrator and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of Washington, residing at Spokane
My commission expires _____

Attachment A

NONE

Secretary of The Interior's Standards

- 1.** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3.** Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4.** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5.** Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7.** Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8.** Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10.** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd 11/13/2024

Clerk's File # OPR 2024-1007

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept	HISTORIC PRESERVATION	Bid #	
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Contact Name/Phone	MEGAN 6543	Requisition #	
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Contact E-Mail	MDUVALL@SPOKANECITY.ORG		
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	JBINGLE ZZAPPONE KKLITZKE		
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Agenda Item Name	0470 – AMENDMENT TO THE HILLYARD HISTORIC BUSINESS DISTRICT		
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Agenda Wording

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure they meet the criteria. The proposed amendments to the Hillyard Historic Business District are consistent with the criteria.

Summary (Background)

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100. The Willerton Diamond Photo Play Theater (3019 East Diamond), Willerton Block (3011 East Diamond), and Yukon Block (5006 North Market) are all older than 50 years old and they meet the criteria set forth for inclusion in the Hillyard Historic Business District, and management agreements have been signed by the owners.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.

Amount

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/2024
Submitting Department	Historic Preservation
Contact Name	Megan Duvall
Contact Email & Phone	mduvall@spokanecity.org
Council Sponsor(s)	<u>CM Zappone; CM Klitzke; CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	0470 – AMMENDMENT TO THE HILLYARD HISTORIC BUSINESS DISTRICT NOMINATION TO THE REGISTER OF HISTORIC PLACES
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100.</p> <p>The Willerton Diamond Photo Play Theater (3019 East Diamond), Willerton Block (3011 East Diamond), and Yukon Block (5006 North Market) are all older than 50 years old and they meet the criteria set forth for inclusion in the Hillyard Historic Business District, and management agreements have been signed by the owners.</p>
Summary (Background)	<p>*use the Fiscal Impact box below for relevant financial information</p>
Fiscal Impact	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: <u>0</u> Current year cost: Subsequent year(s) cost:	
Narrative: <u>Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.</u>	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? N/A	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A	
Other budget impacts: (revenue generating, match requirements, etc.) Properties listed on the Spokane Register are subject to design review in the future which does generate revenue through small fees. Tax incentives are available to listed properties and also can generate future revenue.	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? This contract continues to recognize the significance of the Hillyard Historic Business District which was historically a working-class neighborhood with strong connections to Spokane’s labor and immigration history.	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

That specific data is not something that is collected by the Historic Preservation Department.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

The Historic Preservation Office's primary responsibility is to protect historic properties and neighborhoods in Spokane. The more properties that are listed on the Spokane Register, the more ability we have to offer incentives that help keep those properties viable and in use. As we list additional properties, we increase our ability to protect Spokane's historic resources and to tell Spokane's important stories.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

SMC 04.35.010 Spokane Historic Landmarks Commission Findings and Purpose:

The City and Spokane County find that the establishment of a landmarks commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County is a public necessity.

Comprehensive Plan Goals

DP 1.1: Landmark Structures, Buildings, and Sites

Recognize and preserve unique or outstanding landmark structures, buildings, and sites.

DP 3.3: Identification and Protection of Resources

Identify historic resources to guide decision making in planning.

DP 3.4: Reflect Spokane's Diversity

Encourage awareness and recognition of the many cultures that are an important and integral aspect of Spokane's heritage.

DP 3.11: Rehabilitation of Historic Properties

Assist and cooperate with owners of historic properties to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives.

N 2.4: Neighborhood Improvement

Encourage revitalization and improvement programs to conserve and upgrade existing properties and buildings.

Findings of Fact and Decision for Council Review to the Nomination to the Spokane Register of Historic Places

Willerton Block – 3011 E. Diamond Avenue

Willerton’s Diamond Photo Play Theater – 3019 E. Diamond Avenue

Yukon Block – 5006 N. Market Street

Amendment to the Spokane Register Hillyard Historic Business District

DESCRIPTION

The **Hillyard Historic Business District** was originally comprised of 12 contributing buildings with no non-contributing, or non-historic non-contributing buildings; a 13th building was added in 2005 (Hillyard Post Office); and a 14th was added in 2023 (Hillyard Masonic Temple). These buildings represent the strongest concentration of early 20th-century commercial historic buildings in downtown Hillyard. It should be noted that the Spokane Register District contains fewer buildings than the National Register Hillyard Historic Business District because the fourteen buildings that comprise the **Hillyard Historic Business District** were those for which the owners had consented to listing. An amendment is being proposed to the district to add three additional buildings, the **Willerton’s Diamond Photo Play Theater** at 3019 E Diamond Ave, the **Willerton Block** at 3011 E Diamond Ave; and the **Yukon Block** at 5006 N Market Street.

FINDINGS OF FACT

- SMC 17D.100.090: “Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation.”**
 - The Willerton Block and Willerton’s Diamond Photo Play Theater were both built in 1911 and the Yukon Block was built in 1907 - all three buildings are over 50 years old.
- SMC 17D.100.090: The property must qualify under one or more categories for the Spokane Register (A, B, C, D, E).**
 - Properties may be eligible for the Spokane Register under **Category A** for their association with broad patterns of history. The **Hillyard Historic Business District** is significant under Category A, as stated in the nomination: “Listed on the National Register in 2002 as the Hillyard Historic Business District, “Market Street,” the Hillyard Downtown Spokane Register Historic District has been the social and commercial hub of Hillyard for over 100 years. The community of Hillyard developed as a “railroad town” for the hundreds of workers and their families who were employed at the Great Northern Railroad’s western regional terminal facility, the internationally acclaimed rail yard that at one time manufactured the heaviest and most powerful steam locomotives in the world. The huge rail yard was constructed in 1892, the same year Hillyard was planned and platted. Stimulated by the enormous success of the rail center, the town of Hillyard thrived in its location adjacent to the Great Northern yard. **Hillyard Historic Business District** was the marketplace and pulse beat of the community and provided the town’s necessary staples, sundries, and services such as food, clothing, shelter, business enterprise, and places for socializing. Through the first half of the 20th century, especially during the District’s period of significance from 1901 to 1948, Hillyard continued to grow and adapt in response to changing patterns in government, commerce, and technology. **Hillyard Historic Business District** illustrates these changes in tangible ways. As a whole, the district represents the physical evolution of the heart of a small working class community developed in response to the construction and success of the Great Northern Railroad’s distribution and manufacturing center.
 - The building at 3019 East Diamond (the **Willerton’s Diamond Photo Play**), a one-story brick structure constructed in 1911 for William Willerton, originally served as a theater, opening as the Diamond Photo Play before becoming the Hillyard Class A Theater and later the Hillyard Liberty Theater. After the theater

closed in the early 1920s, it was transformed into a cooperative store for railroad workers, then briefly served as a distribution point for Standard Oil. By 1927, it was remodeled into an automobile showroom before transitioning into various eateries, including Landry's Ice Cream Shop and Timm's Cafe. Since the 1960s, the building has primarily functioned as a retail space, currently operating as a second-hand and antique store. Despite multiple alterations, the building retains elements of its historic architecture, including visible steel storefront supports.

- The **Willerton Block**, a short, one-story brick building with a stepped cornice and a modern storefront, was constructed in 1911 for William and Emma Willerton. Located at 3011 E. Diamond Avenue in Hillyard, it was the first of three commercial buildings they developed. The façade features a recessed vestibule and an illuminated "Red Dragon" sign, while a portion of the wall from the demolished Rialto Theater is visible on the east end. Initially home to a 5-10-15 cent store, the building transitioned through various businesses, including a confectionary and a variety store. By 1935, it became a beer parlor, hosting several bars over the years, with Gene's Tavern being one of the longest-running establishments. Since around 2010, it has operated as the Red Dragon Restaurant, continuing its legacy in food and beverage service.
- The **Yukon Block** is a two-story formed concrete block building, completed in 1907 for developer Mr. Eames at a cost of approximately \$10,000. Constructed using cement blocks that simulate cut stone and brick, it features a decorative cast concrete cornice and shares architectural characteristics with nearby buildings like the Hillyard Laundry and Nebraska Building. The façade prominently displays the name "YUKON" and includes a recessed entrance, although the street-level appearance has been altered with diagonal wood siding reminiscent of Buckaroo Revival styling. Initially, Eames and his family occupied the upper floor, which later transitioned into single-occupancy apartment rooms. The ground floor has hosted various businesses over the decades, including the Bon Ton Restaurant in the 1920s, U-Need-It Grocery in the 1930s, and several photo studios and shops through the mid-20th century, reflecting the building's adaptability to the community's changing needs.

3. SMC17D.100.090: "The property must also possess integrity of location, design, materials, workmanship, and association." From NPS Bulletin 15: "Integrity is the ability of a property to convey its significance...it is not necessary for a property to retain all its historic physical features...the property must retain, however, the essential physical features that enable it to convey its historic identity."

- The **three proposed buildings** retain mixed integrity. All three buildings are in their original location, but have experienced changes to the exterior. Both the Willerton buildings have had the brick painted and new storefront designs, but maintain brick detailing at the cornice line and recessed entrances. They are both simple, one-story buildings that do convey their original uses as small commercial storefronts in Hillyard. The Yukon Block also maintains its recessed entry and original transom windows are extant under a diagonal wood siding applied at a later time. Decorative detailing on the second story windows remains. The Hillyard Historic Business District is listed under Category A, and these buildings convey enough integrity to be considered as contributing resources to the district as a whole.

4. Once listed, this property will be eligible to apply for incentives, including:

- Special Valuation (property tax abatement), Spokane Register historic plaque, Façade Improvement Grants and special code considerations.

RECOMMENDATION:

At a public hearing on October 16, 2024, the Spokane Historic Landmarks Commission found the **Willerton's Diamond Photo Play Building, Willerton Block, and Yukon Block** eligible for listing on the Spokane Register under **Category A – Broad patterns of Spokane History for association with the development of Hillyard** for inclusion as "historic contributing" buildings in the Spokane Register Hillyard Historic Business District.

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **16th** day of **October 2024**, by and between the City of Spokane (hereinafter “City”), acting through its Historic Landmarks Commission (“Commission”), and **Franken Fred D, LLC** (hereinafter “Owner(s)”), the owner of the property located at **3019 East Diamond Avenue** commonly known as the **Willerton’s Diamond Photo Play Theater** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter “Commission”) is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner’s property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. COVENANT. This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to provisions as set forth in SMC 17D100.220.

This Agreement is entered into the year and date first above written.

Owner

Owner

CITY OF SPOKANE

HISTORIC PRESERVATION OFFICER

CITY ADMINSTRATOR

Megan M.K. Duvall

City Administrator

ATTEST:

City Clerk

Approved as to form:

Assistant City Attorney

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that _____ (he/she/they) signed the same as _____ (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of _____, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared CITY ADMINISTRATOR and TERRI L. PFISTER, to me known to be the City Administrator and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of Washington, residing at Spokane
My commission expires _____

Attachment A

NONE

Secretary of The Interior's Standards

- 1.** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3.** Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4.** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5.** Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7.** Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8.** Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10.** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd

11/13/2024

Clerk's File #

OPR 2024-1008

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept

HISTORIC PRESERVATION

Bid #

Contact Name/Phone

MEGAN 6543

Requisition #

Contact E-Mail

MDUVALL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

JBINGLE ZZAPPONE KKLITZKE

Agenda Item Name

0470 – AMENDMENT TO THE HILLYARD HISTORIC BUSINESS DISTRICT

Agenda Wording

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure they meet the criteria. The proposed amendments to the Hillyard Historic Business District are consistent with the criteria.

Summary (Background)

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100. The Willerton Diamond Photo Play Theater (3019 East Diamond), Willerton Block (3011 East Diamond), and Yukon Block (5006 North Market) are all older than 50 years old and they meet the criteria set forth for inclusion in the Hillyard Historic Business District, and management agreements have been signed by the owners.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.

Amount

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/2024
Submitting Department	Historic Preservation
Contact Name	Megan Duvall
Contact Email & Phone	mduvall@spokanecity.org
Council Sponsor(s)	<u>CM Zappone; CM Klitzke; CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	0470 – AMMENDMENT TO THE HILLYARD HISTORIC BUSINESS DISTRICT NOMINATION TO THE REGISTER OF HISTORIC PLACES
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100.</p> <p>The Willerton Diamond Photo Play Theater (3019 East Diamond), Willerton Block (3011 East Diamond), and Yukon Block (5006 North Market) are all older than 50 years old and they meet the criteria set forth for inclusion in the Hillyard Historic Business District, and management agreements have been signed by the owners.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: <u>0</u></p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: <u>Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.</u></p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? N/A</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p> <p>Properties listed on the Spokane Register are subject to design review in the future which does generate revenue through small fees. Tax incentives are available to listed properties and also can generate future revenue.</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>This contract continues to recognize the significance of the Hillyard Historic Business District which was historically a working-class neighborhood with strong connections to Spokane’s labor and immigration history.</p>	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

That specific data is not something that is collected by the Historic Preservation Department.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

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Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

SMC 04.35.010 Spokane Historic Landmarks Commission Findings and Purpose:

The City and Spokane County find that the establishment of a landmarks commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County is a public necessity.

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Encourage revitalization and improvement programs to conserve and upgrade existing properties and buildings.

Findings of Fact and Decision for Council Review to the Nomination to the Spokane Register of Historic Places

Willerton Block – 3011 E. Diamond Avenue
Willerton’s Diamond Photo Play Theater – 3019 E. Diamond Avenue
Yukon Block – 5006 N. Market Street
Amendment to the Spokane Register Hillyard Historic Business District

DESCRIPTION

The **Hillyard Historic Business District** was originally comprised of 12 contributing buildings with no non-contributing, or non-historic non-contributing buildings; a 13th building was added in 2005 (Hillyard Post Office); and a 14th was added in 2023 (Hillyard Masonic Temple). These buildings represent the strongest concentration of early 20th-century commercial historic buildings in downtown Hillyard. It should be noted that the Spokane Register District contains fewer buildings than the National Register Hillyard Historic Business District because the fourteen buildings that comprise the **Hillyard Historic Business District** were those for which the owners had consented to listing. An amendment is being proposed to the district to add three additional buildings, the **Willerton’s Diamond Photo Play Theater** at 3019 E Diamond Ave, the **Willerton Block** at 3011 E Diamond Ave; and the **Yukon Block** at 5006 N Market Street.

FINDINGS OF FACT

- SMC 17D.100.090: “Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation.”**
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closed in the early 1920s, it was transformed into a cooperative store for railroad workers, then briefly served as a distribution point for Standard Oil. By 1927, it was remodeled into an automobile showroom before transitioning into various eateries, including Landry's Ice Cream Shop and Timm's Cafe. Since the 1960s, the building has primarily functioned as a retail space, currently operating as a second-hand and antique store. Despite multiple alterations, the building retains elements of its historic architecture, including visible steel storefront supports.

- The **Willerton Block**, a short, one-story brick building with a stepped cornice and a modern storefront, was constructed in 1911 for William and Emma Willerton. Located at 3011 E. Diamond Avenue in Hillyard, it was the first of three commercial buildings they developed. The façade features a recessed vestibule and an illuminated "Red Dragon" sign, while a portion of the wall from the demolished Rialto Theater is visible on the east end. Initially home to a 5-10-15 cent store, the building transitioned through various businesses, including a confectionary and a variety store. By 1935, it became a beer parlor, hosting several bars over the years, with Gene's Tavern being one of the longest-running establishments. Since around 2010, it has operated as the Red Dragon Restaurant, continuing its legacy in food and beverage service.
- The **Yukon Block** is a two-story formed concrete block building, completed in 1907 for developer Mr. Eames at a cost of approximately \$10,000. Constructed using cement blocks that simulate cut stone and brick, it features a decorative cast concrete cornice and shares architectural characteristics with nearby buildings like the Hillyard Laundry and Nebraska Building. The façade prominently displays the name "YUKON" and includes a recessed entrance, although the street-level appearance has been altered with diagonal wood siding reminiscent of Buckaroo Revival styling. Initially, Eames and his family occupied the upper floor, which later transitioned into single-occupancy apartment rooms. The ground floor has hosted various businesses over the decades, including the Bon Ton Restaurant in the 1920s, U-Need-It Grocery in the 1930s, and several photo studios and shops through the mid-20th century, reflecting the building's adaptability to the community's changing needs.

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4. Once listed, this property will be eligible to apply for incentives, including:

- Special Valuation (property tax abatement), Spokane Register historic plaque, Façade Improvement Grants and special code considerations.

RECOMMENDATION:

At a public hearing on October 16, 2024, the Spokane Historic Landmarks Commission found the **Willerton's Diamond Photo Play Building, Willerton Block, and Yukon Block** eligible for listing on the Spokane Register under **Category A – Broad patterns of Spokane History for association with the development of Hillyard** for inclusion as "historic contributing" buildings in the Spokane Register Hillyard Historic Business District.

After Recording Return to:
City of Spokane Clerk
808 W Spokane Falls Blvd
Spokane, WA 99201

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the properties legally described as:

**YUKON BLOCK:
HILLYARD PART OF LOT 5-6, BLOCK 13 INCLUDING: THE SOUTH 25FT OF THE NORTH 75FT
OF LOT 5 AND THE SOUTH 25FT OF THE NORTH 75FT EXCLUDING THE EAST 10FT OF LOT 6**

Parcel Number(s) **36343.1809**, is governed by a Management Agreement between the City of Spokane and the Owner(s), **Richard K. Burris**, of the subject property.

The Management Agreement is intended to constitute a covenant that runs with the land and is entered into pursuant to Spokane Municipal Code Chapter 6.05. The Management Agreement requires the Owner of the property to abide by the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) and other standards promulgated by the Historic Landmarks Commission.


Said Management Agreement was approved by the Spokane City Council on November 25, 2024. I certify that the original Management Agreement is on file in the Office of the City Clerk under File No. _____.

I certify that the above is true and correct.

Spokane City Clerk

Historic Preservation Officer

Dated: _____



Dated: 10/17/2024

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **16th** day of **October 2024**, by and between the City of Spokane (hereinafter “City”), acting through its Historic Landmarks Commission (“Commission”), and **Richard K. Burris** (hereinafter “Owner(s)”), the owner of the property located at **5006 North Market Street** commonly known as the **Yukon Block** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter “Commission”) is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner’s property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. COVENANT. This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to provisions as set forth in SMC 17D100.220.

This Agreement is entered into the year and date first above written.

Owner

Owner

CITY OF SPOKANE

HISTORIC PRESERVATION OFFICER

CITY ADMINSTRATOR

Megan M.K. Duvall

City Administrator

ATTEST:

City Clerk

Approved as to form:

Assistant City Attorney

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that _____ (he/she/they) signed the same as _____ (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of _____, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared CITY ADMINISTRATOR and TERRI L. PFISTER, to me known to be the City Administrator and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of Washington, residing at Spokane
My commission expires _____

Attachment A

NONE

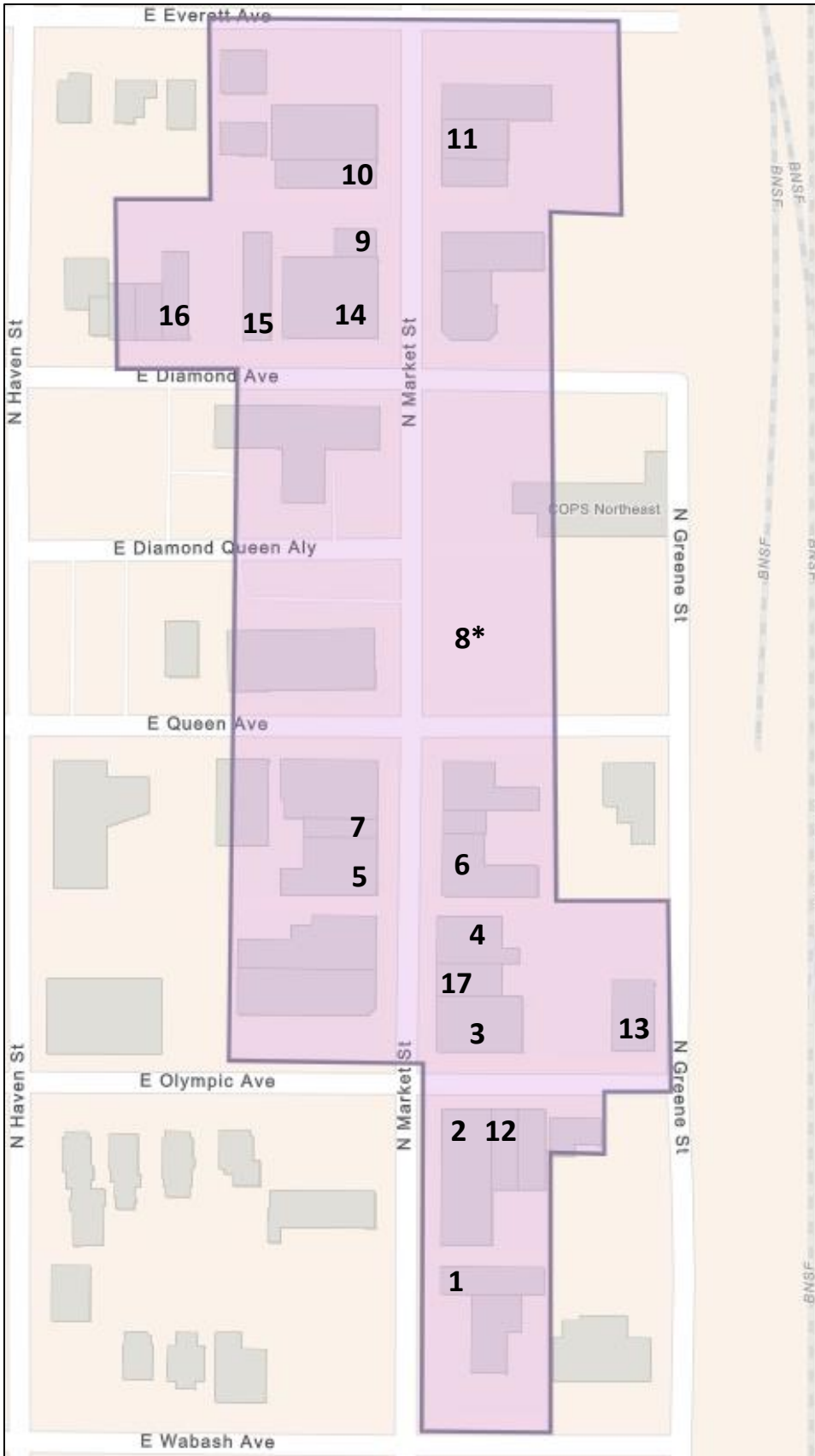
Secretary of The Interior's Standards

- 1.** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3.** Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4.** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5.** Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7.** Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8.** Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10.** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Hillyard Historic Business District

Spokane, Washington

As amended October 2024



1. Inland Empire News Building
N 4912 Market Street
2. Hamer Block-Leslie Apts.
N 4920-26 Market Street
3. Kehoe Block
N 5002 Market Street
4. Nebraska Block
N 5008 Market Street'
5. Minthorn-Russel Block
N 5015 Market Street
6. United Hillyard Bank Building
N 5016 Market Street
7. Jenkins Block
N 5021 Market Street
8. *Hillyard Water Company Building, demolished, fire
N 5112 Market Street
9. Shoe Repair-Barber Shop
N 5209 Market Street
10. Shell Oil Building
N 5215 Market Street
11. Family Treasures Building
N 5220 Market Street
12. Hillyard Laundry Building
E 3108 Olympic Avenue
13. Hillyard Post Office
E 3117 Olympic Avenue
14. Hillyard Masonic Temple
E 3023 Diamond Avenue
15. Willerton's Diamond Photo Play Theater Block
E 3019 Diamond Avenue
16. Willerton Block
E 3011 Diamond Avenue
17. Yukon Block
N 5006 Market Street

15. WILLERTON'S DIAMOND PHOTO PLAY THEATER

Address	3019 E. Diamond Avenue (pre-annexation: 110 Diamond Avenue)
Built date	1911
Legal address	Hillyard Add, East ½ of Lot 10, Block 8
Parcel number	36343.1111
Style	Commercial Block
Architect/Builder	Unknown / W.L. Boyes
Classification	Historic Contributing

The tall one-story brick building at 3019 East Diamond has a south facing façade that stretches twenty-six feet wide and 100 feet deep. The building features a distinct dentiled cornice; large transom windows above the storefront windows; and a recessed front doorway. The storefront has been altered multiple times throughout its history and two partial windows are filled in. Nonetheless, the current storefront system is compatible and the historic steel storefront supports remain visible inside the building.

The building was constructed for William Willerton, a Hillyard booster and conductor for the Great Northern Railroad, by contractor W.L. Boyes in 1911 at as cost of \$4,000. Willerton lived with his wife in a house that was situated between the new theater building and another commercial building he had constructed earlier in 1911 at 3009 East Diamond (116 Diamond Avenue before annexation by the City of Spokane). The first theater operation to open in the building was the Diamond Photo Play, an early motion picture theater from the first decade of movie theater proliferation. The theater changed names to the Hillyard Class A Theater and then to the Hillyard Liberty Theater. It remained in use as a theater until the early 1920s when Willerton constructed a much larger theater to the west adjoining the 1911 theater. The new theater at 3115 E. Diamond was operated by the Rialto Theater Company and has since been demolished, leaving only this building to tell of Willerton's theater exploits.

In 1922, the Hillyard Rochdale Store moved into the old theater building. The store was a cooperative store that was collectively owned by railroad workers. Willerton hired contractor W.C. Corbett to complete tenant improvements to convert the theater into a store. The store did not last long though, and in 1923 Standard Oil took over the location as a distribution point for their automobile maintenance products. In 1927, the building was remodeled again this time for an automobile showroom for the Day-Majer Company Ford dealers.

The building's auto related uses were short-lived and by the mid-1930s the building was converted to a Landry's Ice Cream Shop and Soda Fountain. In the 1940s it was Timm's Cafe operated by H.F. "Tiny" Timm, and in the 1950s it became the Freezer Café. In the 1960s it transitioned back into a retail space, this time as a second-hand store for St. Vincent De Paul. It has remained a retail second-hand or antique store since the 1960s.



16. WILLERTON BLOCK

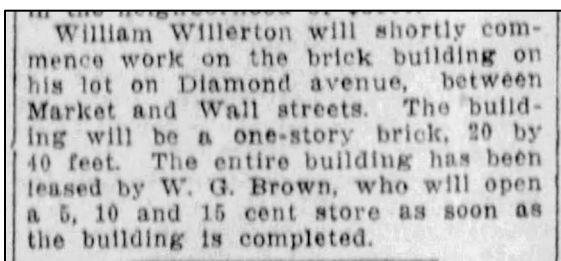
Address	3011 E. Diamond Avenue (pre-annexation: 116 Diamond Avenue)
Built date	1911
Legal address	Hillyard Add, West ½ of Lot 9, Block 8
Parcel number	36343.1117
Style	Commercial Block
Architect/Builder	Unknown
Classification	Historic Contributing

The short one-story Willerton Block has a south facing façade that stretches approximately twenty-five feet wide. The building is constructed of brick with a stepped brick cornice. The bulkhead is constructed of modern siding material and the storefront is a replacement system. The door is recessed in a vestibule and an illuminated sign projects from above the vestibule with the business name “Red Dragon” on the sign. The building is painted red. On the east end of the façade is a portion of the wall that remains from the demolished Rialto Theater which was located directly to the east.

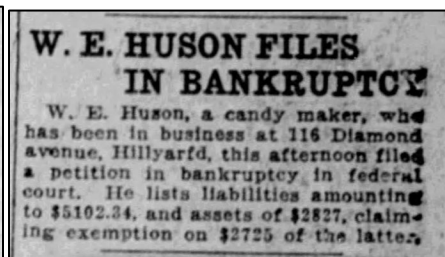
The Willerton Block, constructed in 1911, was the first of three commercial buildings constructed for William and Emma Willerton on Diamond Avenue in Hillyard. The Willertons lived in a house at 112 Diamond (pre-annexation address, demolished) that was situated at the back of the lots in which both the Willerton Block and the Photo Play Theater were constructed. The house sat between the two commercial building once they were constructed. William Willerton was a railroad conductor for the Great Northern Railroad and he, along with his wife, developed much of the commercial blockfront on the north side of Diamond between Haven and Market.

The first business to fill the space appears to have been a 5-10-15 cent store, followed by a confectionary and lunch counter. The confectionary and lunch counter had multiple different operators until 1922 when the business filed for bankruptcy. Then the building transitioned into a variety store.

By 1935, less than two years after the end of Prohibition, the building became home to a beer parlor and it has remained in food and beverage service since. One of the longest running establishments was Gene’s Tavern, opened by Italian immigrant Eugene S. Bafaro around 1940. Gene operated the business up until 1949, but the business retained the Gene moniker until the late 1980s. Subsequently it was Ray and Sam’s Bar and then Chubbie’s Bar. The current tenants, Red Dragon Restaurant, moved into the space around 2010 and continue to operate there in 2024.



Spokesman-Review 6/18/1911



Spokane Chronicle 12/1/1922



Spokesman-Review 6/8/1946

17. YUKON BLOCK

Address	5006 N. Market Street (pre-annexation: 535 Market Street)
Built date	1907
Legal address	Hillyard Add, part of Lots 5-6, Block 13
Parcel number	36343.1809
Style	Commercial Block
Architect/Builder	Unknown
Classification	Historic Contributing

The Yukon Block is a two-story formed concrete block building with a cast concrete cornice. This building utilizes the same construction methods and materials as the Hillyard Laundry Building, the Nebraska Building, and the Bell/Victor Block. Builders used manufactured cement blocks to create a veneer of simulated cut stone and brick construction. All those buildings share the same type of decorative molded rooflines and cornices. Letters that spell the building's name, "YUKON," are located at the top center of the facade. The street level façade has been altered on the Yukon Block and it is currently clad with diagonal wood siding that is reminiscent of Buckaroo Revival styling that was popular in the 1970s and 80s. The building has replacement window units on the second floor. The entrance is recessed in a deep vestibule.

The Yukon Block was developed by Mr. Eames (Frank or H.E. Eames) who appears to have also developed the Nebraska Block directly adjacent to the Yukon Block to the north. Construction on the building was completed in 1907 at a cost of approximately \$10,000 and Mr. Eames moved his family into the upper floor residential unit upon completion.

The Yukon Block's upstairs living space was converted to single occupancy apartment rooms that were rented on a short- and long-term basis. The first-floor storefront was occupied by a variety of tenants including the Bon Ton Restaurant (1920s), U-Need-It Grocery and Meats (1930s), Singer Sewing Machine Shop (1940s), Royce Photo Studio operated by Lena M. Royce (1940s), Burchett Photo Studio Hillyard Location (1950s), H.H. Trowbridge Jewelers (1960s), and the Carat Shoppe (1970s).

HILLYARD, July 24.—(Special Correspondence.)—Mr. Eames has moved his family into the rooms on the second floor of his new block, just completed on Market street.

Spokane Chronicle 7/24/1907

R. O. Parak Purchases Yukon Building in Hillyard for \$7500—

Spokesman-Review 1/3/1909

Tripps Grocery—N. 4601 Nevada.
U-Need-It Grocery—N. 5006 Market.
A. H. Urbahn—2909 N. Maple.

Spokane Chronicle 5/28/1931

Before you know it . . .



Your child will have grown up. Have a good portrait made each year. Costs but little.

ROYCE PHOTO STUDIO
N. 5006 MARKET Phone Glen. 3033 SPOKANE 14, WASH.

Spokane Chronicle 4/17/1948

Photo 25: Willerton Block at 3011 East Diamond Avenue with the adjoining Marella Grocery & Temple's Confectionary Building at 3009 East Diamond (not included in district), primary façades looking north



Photo 26: Willerton Block at 3011 East Diamond Avenue, primary façade looking northwest



Photo 27: Willerton’s Diamond Photo Play Theater Block at 3119 East Diamond Avenue, primary façade looking northwest



Photo 28: Willerton’s Diamond Photo Play Theater Block at 3119 East Diamond Avenue, west elevation looking northeast



Photo 29: Diamond Avenue, context looking west



Photo 30: Diamond Avenue, context looking west, historic photo from 1940



Photo 31 and 32: Yukon Block 5006 North Market, primary façade





Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd 11/13/2024

Clerk's File # OPR 2024-1009

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept	PLANNING & ECONOMIC	Bid #	
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Contact Name/Phone	SPENCER 509.625.6097	Requisition #	26884
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Contact E-Mail	SGARDNER@SPOKANECITY.ORG		
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	JBINGLE ZZAPPONE KKLITZKE		
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Agenda Item Name	0650 - CONTRACT WITH BERK CONSULTING INC FOR COMPREHENSIVE PLAN		
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Agenda Wording

The City of Spokane is undertaking a periodic update to its Comprehensive Plan. As part of the update, the City desires to study needs for capital facilities and conduct more detailed planning in the Latah Valley area.

Summary (Background)

The City of Spokane is undertaking a periodic update to its Comprehensive Plan. As part of the update, the City desires to study needs for capital facilities and conduct more detailed planning in the Latah Valley area. The proposed study will include an evaluation of funding options for future infrastructure, including a potential Tax Increment Financing (TIF) district. The study will also evaluate existing and needed capital improvements, and provide information that may be useful in

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 200,000

Current Year Cost \$ 200,000

Subsequent Year(s) Cost \$ N/A

Narrative

This is a one-time contract approval for consultant services with a defined scope of work.

Amount

Budget Account

Expense	\$ 200,000	# 1425-88155-57215-54201-97349
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

considering expansion of municipal boundaries in the future. Lastly, the study will assess future growth and service delivery in adjacent urban growth areas. Berk was selected through RFQu 6026-23.

Approvals

<u>Dept Head</u>	GARDNER, SPENCER
<u>Division Director</u>	GARDNER, SPENCER
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	HARRINGTON,
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

<u>PURCHASING</u>	NECHANICKY, JASON

Distribution List

Lisa Grueter Lisa@berkconsulting.com	sgardner@spokanecity.org
smacdonald@spokanecity.org	eking@spokanecity.org
tblack@spokanecity.org	cpitsnogle@spokanecity.org
klouden@spokanecity.org	

Committee Agenda Sheet

Urban Experience Committee

Committee Date	November 11, 2024
Submitting Department	Planning and Economic Development
Contact Name	Spencer Gardner
Contact Email & Phone	sgardner@spokanecity.org 509.625.6097
Council Sponsor(s)	<u>CM Bingle, CM Zappone, CM Klitzke</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Contract with BERK Consulting Inc for Comprehensive Plan Update: Latah Subarea, and adjacent urban growth area study
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The City of Spokane is undertaking a periodic update to its Comprehensive Plan. As part of the update, the City desires to study needs for capital facilities and conduct more detailed planning in the Latah Valley area. The proposed study will include an evaluation of funding options for future infrastructure, including a potential Tax Increment Financing (TIF) district. The study will also evaluate existing and needed capital improvements, and provide information that may be useful in considering expansion of municipal boundaries in the future. Lastly, the study will assess future growth and service delivery in adjacent urban growth areas.</p> <p>*use the Fiscal Impact box below for relevant financial information</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>\$192,610</u></p> <p> Current year cost: \$192,610</p> <p> Subsequent year(s) cost: N/A</p> <p>Narrative: <u>This is a one-time contract approval for consultant services with a defined scope of work.</u></p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Reallocation</p> <p>Is this funding source sustainable for future years, months, etc? N/A</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p>Operations Impacts (If N/A, please give a brief description as to why) This proposal will require significant involvement from staff in Planning and Economic Development as well as Integrated Capital Management.</p>	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>The planning area has historically been sparsely populated. It is not anticipated that the outcomes of the planning study would directly impact historically excluded communities.</p>	
<p>How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?</p> <p>N/A</p>	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Permit data for new housing units is collected by the Development Services Center. After plan completion it will be possible to compare housing permits prior to plan adoption and after plan adoption.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The City is required to plan for and provide adequate public facilities for urban levels of growth within its boundaries. This study is an important part of preparing to update the City's Comprehensive Plan to ensure that future capital facilities and services can adequately serve new growth in the area.



City of Spokane
CONSULTANT AGREEMENT
Title: LATAH AND PLANNING AREA
FISCAL STUDY

This Consultant Agreement is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **BERK CONSULTING, INC.**, whose address is 2200 Sixth Avenue, Suite 1000, Seattle, Washington 98121 as (“Consultant”), individually hereafter referenced as a “Party”, and together as the “Parties”.

WHEREAS, the purpose of this Agreement is to provide Fiscal Study to evaluate Latah Subarea and Planning area for the City of Spokane’s update to the Comprehensive Plan; and

WHEREAS, the City is authorized to expend ARPA funds for this contract in accordance with Ordinance C36592, amended and passed June 11, 2024 (Section 13); and

WHEREAS, the Company agrees to comply with the attached General Terms and Conditions;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance of the Scope of Work contained herein, the City and Consultant mutually agree as follows:

1. TERM OF AGREEMENT.

The term of this Agreement begins on December 1, 2024, and ends on June 30, 2026, unless amended by written agreement or terminated earlier under the provisions.

2. TIME OF BEGINNING AND COMPLETION.

The Consultant shall begin the work outlined in the “Scope of Work” (“Work”) on the beginning date, above. The City will acknowledge in writing when the Work is complete. Time limits established under this Agreement shall not be extended because of delays for which the Consultant is responsible, but may be extended by the City, in writing, for the City’s convenience or conditions beyond the Consultant’s control.

3. SCOPE OF WORK.

The General Scope of Work for this Agreement is described in Exhibit B, Consultant’s Proposal dated October 28, 2024. In the event of a conflict or discrepancy in the contract documents, this City Agreement controls.

The Work is subject to City review and approval. The Consultant shall confer with the City periodically, and prepare and present information and materials (e.g. detailed outline of completed Work) requested by the City to determine the adequacy of the Work or Consultant’s progress.

4. COMPENSATION.

Total compensation for Consultant's services under this Agreement shall not exceed **TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00)**, excluding tax, if applicable, unless modified by a written amendment to this Agreement. This is the maximum amount to be paid under this Agreement for the work described in Section 3 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Agreement.

5. PAYMENT.

The Consultant shall submit its applications for payment to City of Spokane Planning Services and Economic Development, Sixth Floor, 808 West Spokane Falls Boulevard, Spokane, Washington 99201.. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Consultant's application except as provided by state law. If the City objects to all or any portion of the invoice, it shall notify the Consultant and pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

6. REIMBURSABLES

The reimbursables under this Agreement are to be included, and considered part of the maximum amount not to exceed (above), and require the Consultant's submittal of appropriate documentation and actual itemized receipts, the following limitations apply.

- A. City will reimburse the Consultant at actual cost for expenditures that are pre-approved by the City in writing and are necessary and directly applicable to the work required by this Contract provided that similar direct project costs related to the contracts of other clients are consistently accounted for in a like manner. Such direct project costs may not be charged as part of overhead expenses or include a markup. Other direct charges may include, but are not limited to the following types of items: travel, printing, cell phone, supplies, materials, computer charges, and fees of subconsultants.
- B. The billing for third party direct expenses specifically identifiable with this project shall be an itemized listing of the charges supported by copies of the original bills, invoices, expense accounts, subconsultant paid invoices, and other supporting documents used by the Consultant to generate invoice(s) to the City. The original supporting documents shall be available to the City for inspection upon request. All charges must be necessary for the services provided under this Contract.
- C. The City will reimburse the actual cost for travel expenses incurred as evidenced by copies of receipts (excluding meals) supporting such travel expenses, and in accordance with the City of Spokane Travel Policy, details of which can be provided upon request.
- D. **Airfare:** Airfare will be reimbursed at the actual cost of the airline ticket. The City will reimburse for Economy or Coach Fare only. Receipts detailing each airfare are required.
- E. **Meals:** Meals will be reimbursed at the Federal Per Diem daily meal rate for the city in which the work is performed. *Receipts are not required as documentation.* The invoice shall state "the meals are being billed at the Federal Per Diem daily meal rate", and shall detail how many of each meal is being billed (e.g. the number of breakfasts, lunches, and dinners). The City will not reimburse for alcohol at any time.
- F. **Lodging:** Lodging will be reimbursed at actual cost incurred up to a maximum of the published General Services Administration (GSA) Index for the city in which the work is performed (*the current maximum allowed reimbursement amount can be provided upon request*). Receipts detailing each day / night lodging are required. The City will not reimburse for ancillary expenses charged to the room (e.g. movies, laundry, mini bar, refreshment center, fitness center, sundry items, etc.)
- G. **Vehicle mileage:** Vehicle mileage will be reimbursed at the Federal Internal Revenue Service Standard Business Mileage Rate in affect at the time the mileage expense is

incurred. Please note: payment for mileage for long distances traveled will not be more than an equivalent trip round-trip airfare of a common carrier for a coach or economy class ticket.

- H. **Rental Car:** Rental car expenses will be reimbursed at the actual cost of the rental. Rental car receipts are required for all rental car expenses. The City will reimburse for a standard car of a mid-size class or less. The City will not reimburse for ancillary expenses charged to the car rental (e.g. GPS unit).
- I. **Miscellaneous Travel** (e.g. parking, rental car gas, taxi, shuttle, toll fees, ferry fees, etc.): Miscellaneous travel expenses will be reimbursed at the actual cost incurred. Receipts are required for each expense of \$10.00 or more.
- J. **Miscellaneous other business expenses** (e.g. printing, photo development, binding): Other miscellaneous business expenses will be reimbursed at the actual cost incurred and may not include a markup. Receipts are required for all miscellaneous expenses that are billed.

Subconsultant: Subconsultant expenses will be reimbursed at the actual cost incurred and a four percent (4%) markup. Copies of all Subconsultant invoices that are rebilled to the City are required.

7. TAXES, FEES AND LICENSES.

- A. Consultant shall pay and maintain in current status, all necessary licenses, fees, assessments, permit charges, etc. necessary to conduct the work included under this Agreement. It is the Consultant's sole responsibility to monitor and determine changes or the enactment of any subsequent requirements for said fees, assessments, or changes and to immediately comply.
- B. Where required by state statute, ordinance or regulation, Consultant shall pay and maintain in current status all taxes necessary for performance. Consultant shall not charge the City for federal excise taxes. The City will furnish Consultant an exemption certificate where appropriate.
- C. The Director of Finance and Administrative Services may withhold payment pending satisfactory resolution of unpaid taxes and fees due the City.
- D. The cost of any permits, licenses, fees, etc. arising as a result of the projects included in this Agreement shall be included in the project budgets.

8. CITY OF SPOKANE BUSINESS LICENSE.

Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Consultant shall be responsible for contacting the State of Washington Business License Services at www.dor.wa.gov or 360-705-6741 to obtain a business registration. If the Contractor does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

9. SOCIAL EQUITY REQUIREMENTS.

No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Agreement because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. Consultant agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Consultant. Consultant shall seek inclusion of woman and minority business for subcontracting. A woman or minority business is one that self-identifies to be at least 51% owned by a woman and/or minority. Such firms do not have to be certified by the State of Washington.

10. INDEMNIFICATION.

The Consultant shall indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage to the extent caused by the Consultant's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Consultant to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the concurrent negligence of the Consultant's agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Consultant, its agents or employees. The Consultant specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Consultant's own employees against the City and, solely for the purpose of this indemnification and defense, the Consultant specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Consultant recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.

11. INSURANCE.

During the period of the Agreement, the Consultant shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to RCW Title 48;

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Consultant's services to be provided under this Agreement; and

C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

D. Professional Liability Insurance with a combined single limit of not less than \$1,000,000 each claim, incident or occurrence. This is to cover damages caused by the error, omission, or negligent acts related to the professional services to be provided under this Agreement. The coverage must remain in effect for at least two (2) years after the Agreement is completed.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Consultant or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Consultant shall furnish acceptable Certificates Of Insurance (COI) to the City at the time it returns this signed Agreement. The certificate shall specify the City of Spokane as "Additional Insured" specifically for Consultant's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the thirty (30) day cancellation clause, and the deduction or retention level. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

12. DEBARMENT AND SUSPENSION.

The Contractor has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.

13. AUDIT.

Upon request, the Consultant shall permit the City and any other governmental agency ("Agency") involved in the funding of the Work to inspect and audit all pertinent books and records. This includes work of the Consultant, any subconsultant, or any other person or entity that performed connected or related Work. Such books and records shall be made available upon reasonable notice of a request by the City, including up to three (3) years after final payment or release of withheld amounts. Such inspection and audit shall occur in Spokane County, Washington, or other reasonable locations mutually agreed to by the parties. The Consultant shall permit the City to copy such books and records at its own expense. The Consultant shall ensure that inspection, audit and copying rights of the City is a condition of any subcontract, agreement or other arrangement under which any other persons or entity may perform Work under this Agreement.

14. INDEPENDENT CONSULTANT.

- A. The Consultant is an independent Consultant. This Agreement does not intend the Consultant to act as a City employee. The City has neither direct nor immediate control over the Consultant nor the right to control the manner or means by which the Consultant works. Neither the Consultant nor any Consultant employee shall be an employee of the City. This Agreement prohibits the Consultant to act as an agent or legal representative of the City. The Consultant is not granted express or implied rights or authority to assume or create any obligation or responsibility for or in the name of the City, or to bind the City. The City is not liable for or obligated to pay sick leave, vacation pay, or any other benefit of employment, nor to pay social security or other tax that may arise from employment. The Consultant shall pay all income and other taxes as due. The Consultant may perform work for other parties; the City is not the exclusive user of the services that the Consultant provides.
- B. If the City needs the Consultant to Work on City premises and/or with City equipment, the City may provide the necessary premises and equipment. Such premises and equipment are exclusively for the Work and not to be used for any other purpose.
- C. If the Consultant works on the City premises using City equipment, the Consultant remains an independent Consultant and not a City employee. The Consultant will notify the City Project Manager if s/he or any other Workers are within ninety (90) days of a consecutive 36-month placement on City property. If the City determines using City premises or equipment is unnecessary to complete the Work, the Consultant will be required to work from its own office space or in the field. The City may negotiate a reduction in Consultant fees or charge a rental fee based on the actual costs to the City, for City premises or equipment.

15. KEY PERSONS.

The Consultant shall not transfer or reassign any individual designated in this Agreement as essential to the Work, nor shall those key persons, or employees of Consultant identified as to be involved in the Project Work be replaced, removed or withdrawn from the Work without the express written consent of the City, which shall not be unreasonably withheld. If any such individual leaves the Consultant's employment, the Consultant shall present to the City one or more individuals with greater or equal qualifications as a replacement, subject to the City's approval, which shall not be unreasonably withheld. The City's approval does not release the Consultant from its obligations under this Agreement.

16. ASSIGNMENT AND SUBCONTRACTING.

The Consultant shall not assign or subcontract its obligations under this Agreement without the City's written consent, which may be granted or withheld in the City's sole discretion. Any subcontract made by the Consultant shall incorporate by reference this Agreement, except as otherwise provided. The Consultant shall require that all subconsultants comply with the obligations and requirements of the subcontract. The City's consent to any assignment or subcontract does not release the consultant from liability or any obligation within this Agreement, whether before or after City consent, assignment or subcontract.

17. CITY ETHICS CODE.

- A. Consultant shall promptly notify the City in writing of any person expected to be a Consultant Worker (including any Consultant employee, subconsultant, principal, or owner) and was a former City officer or employee within the past twelve (12) months.
- B. Consultant shall ensure compliance with the City Ethics Code by any Consultant Worker when the Work or matter related to the Work is performed by a Consultant Worker who has been a City officer or employee within the past two (2) years.
- C. Consultant shall not directly or indirectly offer anything of value (such as retainers, loans, entertainment, favors, gifts, tickets, trips, favors, bonuses, donations, special discounts, work or meals) to any City employee, volunteer or official that is intended, or may appear to a reasonable person to be intended, to obtain or give special consideration to the Consultant. Promotional items worth less than \$25 may be distributed by the Consultant to a City employee if the Consultant uses the items as routine and standard promotional materials. Any violation of this provision may cause termination of this Agreement. Nothing in this Agreement prohibits donations to campaigns for election to City office, so long as the donation is disclosed as required by the election campaign disclosure laws of the City and of the State.

18. NO CONFLICT OF INTEREST.

Consultant confirms that the Consultant or workers have no business interest or a close family relationship with any City officer or employee who was or will be involved in the consultant selection, negotiation, drafting, signing, administration or evaluation of the Consultant's work. As used in this Section, the term Consultant includes any worker of the Consultant who was, is, or will be, involved in negotiation, drafting, signing, administration or performance of the Agreement. The term "close family relationship" refers to: spouse or domestic partner, any dependent parent, parent-in-law, child, son-in-law, daughter-in-law; or any parent, parent in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of a City officer or employee described above.

19. ERRORS AND OMISSIONS, CORRECTIONS.

Consultant is responsible for professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by or on the behalf of the Consultant under this Agreement in the delivery of a final work product. The standard of care applicable to Consultant's services will be the degree of skill and diligence normally employed by professional engineers or Consultants performing the same or similar services at the time said services are performed. The Final Work Product is defined as a stamped, signed work product. Consultant, without additional compensation, shall correct or revise errors or mistakes in designs, drawings, specifications, and/or other consultant services immediately upon notification by the City. The obligation provided for in this Section regarding acts or omissions resulting from this Agreement survives Agreement termination or expiration.

20. INTELLECTUAL PROPERTY RIGHTS.

- A. Copyrights. The Consultant shall retain the copyright (including the right of reuse) to all materials and documents prepared by the Consultant for the Work, whether or not the Work is completed. The Consultant grants to the City a non-exclusive, irrevocable, unlimited, royalty-free license to use copy and distribute every document and all the materials prepared by the Consultant for the City under this Agreement. If requested by the City, a copy of all drawings, prints, plans, field notes, reports, documents, files, input materials, output materials, the media upon which they are located (including cards, tapes, discs, and other storage facilities), software program or packages (including source code or codes, object codes, upgrades, revisions, modifications, and any related materials) and/or any other related documents or materials developed solely for and paid for by the City to perform the Work, shall be promptly delivered to the City.
- B. Patents: The Consultant assigns to the City all rights in any invention, improvement, or discovery, with all related information, including but not limited to designs, specifications, data, patent rights and findings developed with the performance of the Agreement or any subcontract. Notwithstanding the above, the Consultant does not convey to the City, nor does the City obtain, any right to any document or material utilized by the Consultant created or produced separate from the Agreement or was pre-existing material (not already owned by the City), provided that the Consultant has identified in writing such material as pre-existing prior to commencement of the Work. If pre-existing materials are incorporated in the work, the Consultant grants the City an irrevocable, non-exclusive right and/or license to use, execute, reproduce, display and transfer the pre-existing material, but only as an inseparable part of the work.
- C. The City may make and retain copies of such documents for its information and reference with their use on the project. The Consultant does not represent or warrant that such documents are suitable for reuse by the City or others, on extensions of the project or on any other project, and the City releases the Consultant from liability for any unauthorized reuse of such documents.

21. CONFIDENTIALITY.

Notwithstanding anything to the contrary, City will maintain the confidentiality of Consultant's materials and information only to the extent that is legally allowed in the State of Washington. City is bound by the State Public Records Act, RCW Ch. 42.56. That law presumptively makes all records in the possession of the City public records which are freely available upon request by anyone. In the event that City gets a valid public records request for Consultant's materials or information and the City determines there are exemptions only the Consultant can assert, City will endeavor to give Consultant notice. Consultant will be required to go to Court to get an injunction preventing the release of the requested records. In the event that Consultant does not get a timely injunction preventing the release of the records, the City will comply with the Public Records Act and release the records.

22. DISPUTES.

Any dispute or misunderstanding that may arise under this Agreement, concerning the Consultant's performance, shall first be through negotiations, if possible, between the Consultant's Project Manager and the City's Project Manager. It shall be referred to the Director and the Consultant's senior executive(s). If such officials do not agree upon a decision within a reasonable period of time, either party may decline or discontinue such discussions and may then pursue the legal means to resolve such disputes, including but not limited to mediation, arbitration and/or alternative dispute resolution processes. Nothing in this dispute process shall mitigate the rights of the City to terminate the Agreement. Notwithstanding all of the above, if the City believes in good faith that some portion of the Work has not been completed satisfactorily, the City may require the Consultant to correct such work prior to the City payment. The City will provide to the Consultant an explanation of the concern and the remedy that the City expects. The City may withhold from any payment otherwise due, an amount that the City in good faith finds to be under dispute, or if the Consultant provides no

sufficient remedy, the City may retain the amount equal to the cost to the City for otherwise correcting or remedying the work not properly completed. Waiver of any of these rights is not deemed a future waiver of any such right or remedy available at law, contract or equity.

23. TERMINATION.

- A. For Cause: The City or Consultant may terminate the Agreement if the other party is in material breach of this Agreement, and such breach has not been corrected to the other party's reasonable satisfaction in a timely manner. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- B. For Reasons Beyond Control of Parties: Either party may terminate this Agreement without recourse by the other where performance is rendered impossible or impracticable for reasons beyond such party's reasonable control, such as, but not limited to, an act of nature, war or warlike operation, civil commotion, riot, labor dispute including strike, walkout or lockout, except labor disputes involving the Consultant's own employees, sabotage, or superior governmental regulation or control. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- C. For Convenience: Either party may terminate this Agreement without cause, upon thirty (30) days written notice to the other party.
- D. Actions upon Termination: if termination occurs not the fault of the Consultant, the Consultant shall be paid for the services properly performed prior to the actual termination date, with any reimbursable expenses then due, but such compensation shall not exceed the maximum compensation to be paid under the Agreement. The Consultant agrees this payment shall fully and adequately compensate the Consultant and all subconsultants for all profits, costs, expenses, losses, liabilities, damages, taxes and charges of any kind (whether foreseen or unforeseen) attributable to the termination of this Agreement.
- E. Upon termination, the Consultant shall provide the City with the most current design documents, contract documents, writings and other products the Consultant has produced to termination, along with copies of all project-related correspondence and similar items. The City shall have the same rights to use these materials as if termination had not occurred; provided however, that the City shall indemnify and hold the Consultant harmless from any claims, losses, or damages to the extent caused by modifications made by the City to the Consultant's work product.

24. EXPANSION FOR NEW WORK.

This Agreement scope may be expanded for new work. Any expansion for New Work (work not specified within the original Scope of Work Section of this Agreement, and/or not specified in the original RFP as intended work for the Agreement) must comply with all the following limitations and requirements: (a) the New Work is not reasonable to solicit separately; (b) the New Work is for reasonable purpose; (c) the New Work was not reasonably known to either the City or Consultant at time of contract or else was mentioned as a possibility in the solicitation (such as future phases of work, or a change in law); (d) the New Work is not significant enough to be reasonably regarded as an independent body of work; (e) the New Work would not have attracted a different field of competition; and (f) the change does not vary the essential identified or main purposes of the Agreement. The City may make exceptions for immaterial changes, emergency or sole source conditions, or other situations required in City opinion. Certain changes are not New Work subject to these limitations, such as additional phases of Work anticipated at the time of solicitation, time extensions, Work Orders issued on an On-Call contract, and similar. New Work must be mutually agreed and issued by the City through written Addenda. New Work performed before an authorizing Amendment may not be eligible for payment.

25. MISCELLANEOUS PROVISIONS.

- A. Amendments: No modification of this Agreement shall be effective unless in writing and signed by an authorized representative of each of the parties hereto.
- B. Binding Agreement: This Agreement shall not be binding until signed by both parties. The provisions, covenants and conditions in this Agreement shall bind the parties, their legal heirs, representatives, successors and assigns.
- C. Americans with Disabilities Act (ADA): Specific attention by the designer is required in association with the Americans with Disabilities Act (ADA) 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611, its requirements, regulations, standards and guidelines, which were updated in 2010 and are effective and mandatory for all State and local government facilities and places of public accommodation for construction projects including alteration of existing facilities, as of March 15, 2012. The City advises that the requirements for accessibility under the ADA, may contain provisions that differ substantively from accessibility provisions in applicable State and City codes, and if the provisions of the ADA impose a greater or equal protection for the rights of individuals with disabilities or individuals associated with them than the adopted local codes, the ADA prevail unless approval for an exception is obtained by a formal documented process. Where local codes provide exceptions from accessibility requirements that differ from the ADA Standards; such exceptions may not be permitted for publicly owned facilities subject to Title II requirements unless the same exception exists in the Title II regulations. It is the responsibility of the designer to determine the code provisions.
- D. The Consultant, at no expense to the City, shall comply with all laws of the United States and Washington, the Charter and ordinances of the City of Spokane; and rules, regulations, orders and directives of their administrative agencies and officers. Without limiting the generality of this paragraph, the Consultant shall comply with the requirements of this Section.
- E. This Agreement shall be construed and interpreted under the laws of Washington. The venue of any action brought shall be in the Superior Court of Spokane County.
- F. Remedies Cumulative: Rights under this Agreement are cumulative and nonexclusive of any other remedy of law or in equity.
- G. Captions: The titles of sections or subsections are for convenience only and do not define or limit the contents.
- H. Severability: If any term or provision is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected, and each term and provision shall be valid and enforceable to the fullest extent permitted by law.
- I. Waiver: No covenant, term or condition or the breach shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term or condition shall not be deemed a waiver of any preceding or succeeding breach of the same or any other covenant, term of condition. Neither the acceptance by the City of any performance by the Consultant after the time the same shall have become due nor payment to the Consultant for any portion of the Work shall constitute a waiver by the City of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by the City in writing.
- J. Additional Provisions: This Agreement may be modified by additional terms and conditions ("Special Conditions") which shall be attached to this Agreement as an Exhibit. The parties agree that the Special Conditions shall supplement the terms and conditions of the Agreement, and in the event of ambiguity or conflict with the terms and conditions of the Agreement, these Special Conditions shall govern.
- K. Entire Agreement: This document along with any exhibits and all attachments, and subsequently issued addenda, comprises the entire agreement between the City and the Consultant. If conflict occurs between contract documents and applicable laws, codes, ordinances or regulations, the

most stringent or legally binding requirement shall govern and be considered a part of this contract to afford the City the maximum benefits.

- L. Negotiated Agreement: The parties acknowledge this is a negotiated agreement, that they have had this Agreement reviewed by their respective legal counsel, and that the terms and conditions of this Agreement are not to be construed against any party on the basis of such party's draftsmanship.
- M. No personal liability: No officer, agent or authorized employee of the City shall be personally responsible for any liability arising under this Agreement, whether expressed or implied, nor for any statement or representation made or in any connection with this Agreement.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Agreement by having legally-binding representatives affix their signatures below.

BERK CONSULTING, INC.

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments:

- Exhibit A – Federal Certificate Regarding Debarment
- Exhibit B – Consultant’s Proposal dated October 28, 2024
- Attachment – ARP-CLRF CFDA 21.027 Funding
- Attachment – General Terms and Conditions

ATTACHMENT A - CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION AND FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) CERTIFICATION

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 2 CFR Part 180.

(1) The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) The undersigned agrees by signing this Agreement that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

(3) The undersigned further agrees by signing this Agreement that it will include the following required certification, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions

1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(4) The undersigned shall notify the City immediately that if it or a lower tier contractor become debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency during the period of performance of this Agreement.

(5) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded, as used in this exhibit, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. The undersigned may contact the City for assistance in obtaining a copy of these regulations.

(6) I understand that a false statement of this certification may be grounds for termination of the Agreement.

By signing this Attachment, the Grantee indicates acceptance of and compliance with all requirements described above.

Federal Funding Accountability and Transparency Act (FFATA) Certification	
The Federal Funding Accountability and Transparency Act (FFATA) seeks to provide the public with greater access to Federal spending information. Due to FFATA requirements, you are required to provide the following information which will be used by the City to comply with federal reporting requirements.	
If certain conditions are met, Grantee must provide names and total compensation of the top five highly compensated Executives. Please answer question 1, and follow the instructions. If directed to question 2, please answer and follow instructions.	
1. In Grantee's previous fiscal year, did Grantee receive (a) 80% or more of Grantee's annual gross revenues in U.S. Federal contracts and subcontracts and other Federal financial assistance subject to the Transparency Act, as defined in 2 CFR 170.320; AND (b) \$25,000,000 or more in annual gross revenues from contracts and subcontracts and other Federal financial assistance subject to the Transparency Act, as defined in 2 CFR 170.320? Yes <input type="checkbox"/> If yes, answer question 2 below. No <input type="checkbox"/> If no, stop, you are not required to report names and compensation. Please sign and submit form with the Agreement.	
2. Does the public have access to information about the compensation of Grantee's Executives through periodic reports filed under section 13(a) or 15(d) of the Security Exchange Act of 1934 (15 U.S.C. 78(m)(a), 78o(d)), or section 6104 of the Internal Revenue Code of 1986? Yes <input type="checkbox"/> If yes, stop, you are not required to report names and compensation. Please sign and submit form with the Agreement. No <input type="checkbox"/> If no, you are required to report names and compensation. Please fill out the remainder of this form.	
Please provide the names and Total Compensation of the top five most highly compensated Executives in the space below.	
Name:	Total Compensation:
Name:	Total Compensation:
Name:	Total Compensation:
Name:	Total Compensation:
Name:	Total Compensation:
The Grantee certifies that the information contained on this form is true and accurate.	
By:	
Title:	
Date:	

EXHIBIT B

ATTACHMENT A– ARP/CSLFRF CFDA 21.027 FUNDING

American Rescue Plan (ARP)

Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)

Funding Authority: U.S. Department of Treasury

CFDA# 21.027 – Coronavirus State and Local Fiscal Recovery Funds

The Contractor specifically agrees to comply with all applicable state and federal laws, rules, regulations, requirements, program guidance, including but not limited to the following:

All applicable federal, state, and local laws, regulations, executive orders, OMB Circulars, and/or policies including, but not limited to:

Nondiscrimination laws and/or policies, and safety and health regulations.

Americans with Disabilities Act (ADA), Age Discrimination Act of 1975,

Title VI of the Civil Rights Act of 1964, Civil Rights Act of 1968,

Provisions in Buildings for Aged and Handicapped Persons (RCW 70.92).

Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended),

Ethics in Public Services (RCW 42.52),

Covenant Against Contingent Fees (48 CFR Section 52.203-5),

Public Records Act (RCW 42.56),

Prevailing Wages on Public Works (RCW 39.12),

State Environmental Policy Act (RCW 43.21C),

Shoreline Management Act of 1971 (RCW 90.58),

State Building Code (RCW 19.27),

Energy Policy and Conservation Act (PL 94-163, as amended),

Energy Related Building Standards (RCW 19.27A),

Comply with all procurement requirements of 2 CFR Part 200.317 - 200.327. All sole source contracts expected to exceed \$50,000 must be submitted to Spokane City Purchasing for review and approval prior to the award and execution of a contract.

Any contract awarded to the successful Contractor must contain and/or comply with the following procurement provisions in accordance with 2 CFR Part 200.317 - 200.327:

Contractor must maintain a Conflict of Interest Policy consistent with 2 CFR 200.318(c) that is applicable to all activities funded with the award. All potential conflicts of interest related to this award must be reported to Spokane City and/or U.S. Treasury

- Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate;
- Compliance with Executive Order 11246, “Equal Employment Opportunity,” (30 FR 12319, 12935, 3 CFR Part 1964-1965 Comp., p. 339), as amended by Executive Order 11375, as supplemented in Department of Labor regulations (41 CFR Chapter 60);
- For Capital Expenditures that involve the employment of mechanics of laborers: Compliance with the Contract Work Hours and Safety Standards Act (40 USC 3702 and 3704) as supplemented by Department of Labor Regulations (29 CFR Part 5);
- For all contracts in excess of \$100,000 with respect to water, sewer, or broadband that involve the employment of mechanics of laborers: Compliance with the Contract Work Hours and Safety Standards Act (40 USC 3702 and 3704) as supplemented by Department of Labor Regulations (29 CFR Part 5);
- For construction or repair contracts: Compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145) as supplemented by Department of Labor regulations (29 CFR part 3);
- For construction contracts in excess of \$2,000 when required by Federal grant program legislation: Compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144 and 3146-3148) as supplemented by Department of Labor regulations (29 CFR part 5); Davis Bacon Act–Does **not** apply to projects funded **solely** with ARPA/CSLFRF CFDA 21.027 funds. However, if other federal funds are also used for the construction project in addition to FRF, and those federal funds require Davis-Bacon compliance, all prime construction contracts in excess of \$2,000 must follow Davis-Bacon Act;
- For construction contracts in excess of \$100,000 that involve the employment of mechanics and laborers: Compliance with the Contract Work Hours and Safety Standard Act (40 U.S.C. 3701-3708) as supplemented by Department of Labor regulations (29 CFR Part 5);
- Compliance with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency
- For contracts in excess of \$150,000: Compliance with all applicable standards, orders or requirements issued under the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387) as amended;
- Compliance with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act;

- Notice of awarding agency requirements and regulations pertaining to reporting;
- Federal awarding agency requirements and regulations pertaining to copyrights and rights in data;
- Access by Spokane City, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers and records, sub-agreements, leases, subcontracts, arrangements, or other third-party agreements of any type, and supporting materials related to those records of the Contractor, which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts and transcriptions;
- Retention of all required records for **six years** after Spokane City makes final payment and all other pending matters are closed;
- Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871);
- Notice of awarding agency requirements and regulations governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards (37 C.F.R. Part 401) and the standard patent rights clause (37 C.F.R. section 401.14);
- Compliance with Executive Order 13858 “Strengthening Buy-American Preferences for Infrastructure Projects” as appropriate and to the extent consistent with law; and
- Compliance with 2 C.F.R. § 200.216, prohibitions regarding certain telecommunications and video surveillance services or equipment are mandated by section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA), Pub. L. No. 115–232 (2018).

Any contract awarded to the successful Contractor must contain and/or comply with the following provisions in accordance with 2 CFR Part 200.332(a) - 200.332(a)(1)-200.332(a)(6) Requirements for pass-through entities:

- Identify as a Subaward (2 CFR 200.332(a));
- Federal Award Identification (2 CFR 200.332(a)(1));
- Terms and conditions from ARP/CLFRF (2 CFR 200.332(a)(2));
- Additional City of Spokane imposed requirements based on risk assessment (2 CFR 200.332(a)(3));

- Indirect cost rate (2 CFR 200.332(a)(4));
- Records access & retention (2 CFR 200.332(a)(5));
- Closeout provisions (2 CFR 200.332(a)(6)).

Any contract awarded to the successful Contractor must contain and/or comply with the following provisions in accordance with 2 CFR Part 200.501(a)-200.501(h) Audit Requirements:

- Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provision of this part (2 CFR 200.501(a));
- Single Audit (2 CFR 200.501(b));
- Program-specific audit election (2 CFR 200.501(c));
- Exemption when Federal awards expended are less than \$750,000(2 CFR 200.501(d));
- Federally Funded Research and Development Centers (2 CFR 200.501(e));
- Subrecipients and contractors (2 CFR 200.501(f));
- Compliance responsibility for contractors (2 CFR 200.501(g));
- For-profit subrecipient (2 CFR 200.501(h)).

Contractor must comply with Executive Orders 12549 and 12689 and 2 C.F.R. Part 180, which restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. Contractor must certify that it is not presently debarred, suspended or proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Agreement by any federal department or agency.

Contractor must comply with the requirements of 31 U.S.C. § 3729-3733 which prohibits the submission of false or fraudulent claims for payment to the Federal Government. See also 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

Contractor is required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

Contractor's costs must be compliant with 2 CFR Part 200 Subpart E Cost Principles.

Contractor must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to

influence an officer or employee of any agency, Member of Congress, an officer, or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning an award, making of any federal grant, federal loan, continuation, renewal, amendment or modification of any federal contract, grant loan, or cooperative agreement, and that if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this award, the Contractor will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

In the event of the Contractor's noncompliance or refusal to comply with any applicable law, regulation, executive order, OMB Circular or policy, Spokane City may rescind, cancel, or terminate the contract in whole or in part in its sole discretion. The Contractor is responsible for all costs or liability arising from its failure to comply with applicable laws, regulations, executive orders, OMB Circulars, or policies.

CERTIFICATION

Signature, Administrator, or Applicant Agency

Date

print name and title

General Terms & Conditions

1. CONTRACTING WITH CURRENT OR FORMER CITY EMPLOYEES

Specific restrictions apply to contracting with current or former City officers and employees pursuant to the Code of Ethics in chapter 1.04A of the Spokane Municipal Code. Proposers shall familiarize themselves with the requirements prior to submitting a Proposal that includes current or former City officers or employees.

2. PROPRIETARY INFORMATION / PUBLIC DISCLOSURE

All materials submitted to the City in responses to this competitive procurement shall become the property of the City.

All materials received by the City are public records and are subject to being released pursuant to a valid public records request. Washington state law mandates that all documents used, received or produced by a governmental entity are presumptively public records, and there are few exemptions. Chapter 41.56 RCW.

When responding to this competitive procurement, please consider that what you submit will be a public record. If you believe that some part of your response constitutes legally protected proprietary information, you MUST submit those portions of your response as a separate part of your response, and you MUST label it as "PROPRIETARY INFORMATION." If a valid public records request is then received by the City for this information, you will be given notice and a 10-day opportunity to go to court to obtain an injunction to prevent the City from releasing this part of your response. If no injunction is obtained, the City is legally required to release the records.

The City will neither look for nor honor any claims of "proprietary information" that are not within the separate part of your response.

3. OWNERSHIP OF DOCUMENTS

Any and all data, reports, analyses, documents, photographs, pamphlets, plans, specifications, surveys, films or any other material created, prepared, produced, constructed, assembled, made, performed or otherwise produced by the Firm or the Firm's subcontractors or consultants for delivery to the City under this Agreement shall be the sole and absolute property of the City. Such property shall constitute "work made for hire" as defined by U.S. Copyright Act of 1976, 17 U.S.C. § 101, and the ownership of the copyright and any other intellectual property rights in such property shall vest in the City at the time of its creation. Ownership of the intellectual property includes the right to copyright, patent, and register, and the ability to transfer these rights. Material which the Firm uses to perform this Agreement, but is not created, prepared, constructed, assembled, made, performed or otherwise produced for, or paid for, by the City is owned by the Firm and is not "work made for hire" within the terms of this Agreement.

4. ACCEPTANCE PERIOD

Proposals shall remain in effect for ninety (90) days for acceptance by the City from the due date for receipt of Proposals.

5. COSTS TO PROPOSE

The City will not be liable for any costs incurred by the Proposer in preparation of a Proposal submitted in response to this RFP, in conduct of a presentation, or any other activities related to responding to this RFP.

6. INTERLOCAL PURCHASE AGREEMENTS

The City of Spokane has entered into Interlocal Purchase Agreements with other public agencies pursuant to Chapter 39.34 RCW. In submitting a response, the Proposer agrees to provide its services to other public agencies at the same contracted price, terms and conditions it is providing to the City of Spokane, contingent upon the Firm's review and approval at the time of a requested contract. The Firm's right to refuse to enter into a contract with another public agency at the time of request shall be absolute.

7. DEBRIEFING OF UNSUCCESSFUL PROPOSERS

Upon request, a debriefing conference will be scheduled with an unsuccessful Proposer. Discussion will be limited to a critique of the requesting Firm's Proposal. Debriefing conferences may be conducted in person or on the telephone.

8. MINORITY & WOMEN-OWNED BUSINESS PARTICIPATION

The City encourages participation in all of its contracts by Firms certified by the Washington State Office of Minority and Women's Business Enterprises (OMWBE). Proposers may contact OMWBE at (360)753-9693 to obtain information on certified Firms.

9. NONDISCRIMINATION

No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Firm agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Firm.

10. BUSINESS REGISTRATION REQUIREMENT

Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained and currently being the holder of a valid annual business registration or temporary business registration as provided in this chapter. The Firm shall be

responsible for contacting the State of Washington Business License Services at <http://dor.wa.gov> or 1-360-705-6741 to obtain a business registration. If the Firm does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at 509-625-6070 to request an exemption status determination.

11. PAYMENT

Payment will be made via direct deposit/ACH except as provided by state law. A completed ACH application is required before a City Order will be issued. If the City objects to all or any portion of the invoice, it shall notify the Company and reserves the right to only pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

12. ANTI-KICKBACK

No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this contract shall have or acquire any interest in the contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in the contract.

13. DISPUTES

This contract shall be performed under the laws of Washington State. Any litigation to enforce this contract or any of its provisions shall be brought in Spokane County, Washington.

14. TERMINATION

A. For Cause: The City or Consultant may terminate the Agreement if the other party is in material breach of this Agreement, and such breach has not been corrected to the other party's reasonable satisfaction in a timely manner. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.

B. For Reasons Beyond Control of Parties: Either party may terminate this Agreement without recourse by the other where performance is rendered impossible or impracticable for reasons beyond such party's reasonable control, such as, but not limited to, an act of nature, war or warlike operation, civil commotion, riot, labor dispute including strike, walkout or lockout, except labor disputes involving the Consultant's own employees, sabotage, or superior governmental regulation or control. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.

C. For Convenience: Either party may terminate this Agreement without cause, upon thirty (30) days written notice to the other party.

D. Actions upon Termination: if termination occurs not the fault of the Consultant, the Consultant shall be paid for the services properly performed prior to the actual termination date, with any

reimbursable expenses then due, but such compensation shall not exceed the maximum compensation to be paid under the Agreement. The Consultant agrees this payment shall fully and adequately compensate the Consultant and all subconsultants for all profits, costs, expenses, losses, liabilities, damages, taxes, and charges of any kind (whether foreseen or unforeseen) attributable to the termination of this Agreement.

E. Upon termination, the Consultant shall provide the City with the most current design documents, contract documents, writings, and other products the Consultant has produced to termination, along with copies of all project-related correspondence and similar items. The City shall have the same rights to use these materials as if termination had not occurred; provided however, that the City shall indemnify and hold the Consultant harmless from any claims, losses, or damages to the extent caused by modifications made by the City to the Consultant's work product.

15. LIABILITY

The Firm shall indemnify, defend, and hold harmless the City, its officers, and employees from all claims, demands, or suits in law or equity arising from the Firm's negligence or breach or its obligations under the contract. The Firm's duty to indemnify shall not apply to liability caused by the sole negligence of the City, its officers, and employees. The Firm's duty to indemnify for liability arising from the concurrent negligence of the City, its officers and employees and the Firm, its officers and employees shall apply only to the extent of the negligence of the Firm, its officers and employees. The Firm's duty to indemnify shall survive termination or expiration of the contract. The Firm waives, with respect to the City only, its immunity under RCW Title 51, Industrial Insurance.

16. INSURANCE COVERAGE

During the term of the contract, the Firm shall maintain in force at its own expense, each insurance coverage noted below:

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000.

B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this contract. It shall provide that the City, its officers and employees are additional insureds, but only with respect to the Firm's services to be provided under this contract.

C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

D. Professional Liability Insurance with a combined single limit of not less than \$1,000,000 each claim, incident, or occurrence. This is to cover damages caused by the error, omission, or negligent acts related to the professional services to be provided under this contract. The coverage must remain in effect for at least three (3) years after the contract is completed.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without forty-five (45) days written notice from the Firm or its insurer(s) to the City.

As evidence of the insurance coverages required by this contract, the Firm shall furnish acceptable insurance certificates to the City at the time it returns the signed contract. The certificate shall specify all of the parties who are additional insured, and include applicable policy endorsements, and the deductible or retention level, as well as policy limits. Insuring companies or entities are subject to City acceptance and must have a rating of A- or higher by Best. Copies of all applicable endorsements shall be provided. The Firm shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

SPECIFIC GRANT RELATED LANGUAGE

17. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELEGIBILITY AND VOLUNTARY EXCLUSION

A certification form will accompany the contract to be signed confirming that, to the best of its knowledge and belief, Firm, and its principals:

A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency.

B. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice.

C. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification.

D. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.

18. CERTIFICATION REGARDING LOBBYING

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – Firms who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract,

grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying in non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

A Certification Form is attached and included in this Request for Proposal by reference as Attachment A "Certification Regarding Lobbying". The Proposer is required to sign and submit this Form with Proposal. The Proposer certifies by signing and submitting this Proposal, to the best of his or her knowledge and belief, that:

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

C. The Proposer also agrees by submitting his or her Proposal, that he or she shall require that the language of this certification be included in all lower tier subcontracts. Which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

19. DOMESTIC PREFERENCE

200.322 (a) As appropriate and to the extent consistent with law, the non-Federal entity should to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

20. CLEAN AIR ACT

Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended – Firms and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.) Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

21. CONFORMANCE WITH FEDERAL, STATE, AND LOCAL LAWS

Federal, State and Local Laws: Services of a project as a result of the use of a Firm's services including the letting of subcontracts in connection with any project work related to this RFQ may be required to conform to the applicable requirements of Federal, State and local laws and ordinances. The City stipulates that Federal funds may be involved.

22. MAINTENANCE OF RECORDS

Federal, State and Local Laws: Services of a project as a result of the use of a Firm's services including the letting of subcontracts in connection with any project work related to this RFQ may be required to conform to the applicable requirements of Federal, State and local laws and ordinances. The City stipulates that Federal funds may be involved.

23. CONFERENCE ROOMS

Conference Rooms: All space used for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds under this contract must comply with the protection and controlling guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended).

24. AMERICANS WITH DISABILITIES ACT INFORMATION (ADA)

Americans with Disabilities Act (42 U.S.C. 12101, et seq.). The Applicant shall comply with the provisions of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. That Act provides a comprehensive national mandate to eliminate discrimination against individuals with disabilities. The Act may impose requirements on the Applicant in four principle ways: 1) with respect to employment; 2) with respect to the provision of public services; 3) with respect to transportation; 4) with respect to existing facilities and new construction.

The City in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) commits to nondiscrimination in all of its programs and activities. The Firm agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Firm.

Law Against Discrimination, Chapter 49.60 RCW. The Applicant shall comply with the provisions of Chapter 49.60 RCW in all activities relating to this Grant Agreement.

This material can be made available in an alternate format by request through ProcureWare question tab or by calling (509) 625-6400.

25. TITLE VI STATEMENT

The City of Spokane in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department

of Transportation issued pursuant to such Act, hereby notifies all Proposers that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit Proposals in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

Public Law 88 - 352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (24 CFR Part 1). The Applicant must comply with the provisions of "Public Law 88 - 352," which refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). The law provides that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Spokane Comprehensive Plan Update: Latah & Planning Area Fiscal Study

November 8, 2024

The City of Spokane is undertaking a major update to its Comprehensive Plan. As part of the update, the City is interested in developing a Fiscal Study evaluating service adequacy, necessary capital investments, and potential funding tools for development in the Latah Valley, as well as a long-term assessment of growth and service delivery in adjacent urban growth areas (UGA) within the context of long-term transportation patterns and broader water and sewer utility servicing. (See Exhibit 1 for service areas.)

Key elements of the Fiscal Study include the following:

- **Latah Subarea:** This evaluation will involve two steps:
 - A review of growth in the Latah valley, particularly in the context of the use of tax increment finance (TIF) funding, capital project funding for transportation and utility services, and projected future revenues through year 1 of the study.
 - An assessment of other financial tools to determine other options to ensure development could pay for itself over time through year 2 of the study period.
- **Planning Area:** This study considers expected growth and demand for development that the City has planned for its city limits, adjacent UGA, and limited candidates for new UGAs in the near future. At present, the City provides water service in a large retail water service area to the east, south, and west. Its current UGA is smaller than this water service boundary, except in the north (where it provides sewer service).

The City wishes to review future growth and capital investments in the City's planning area and utility service boundaries and to consider:

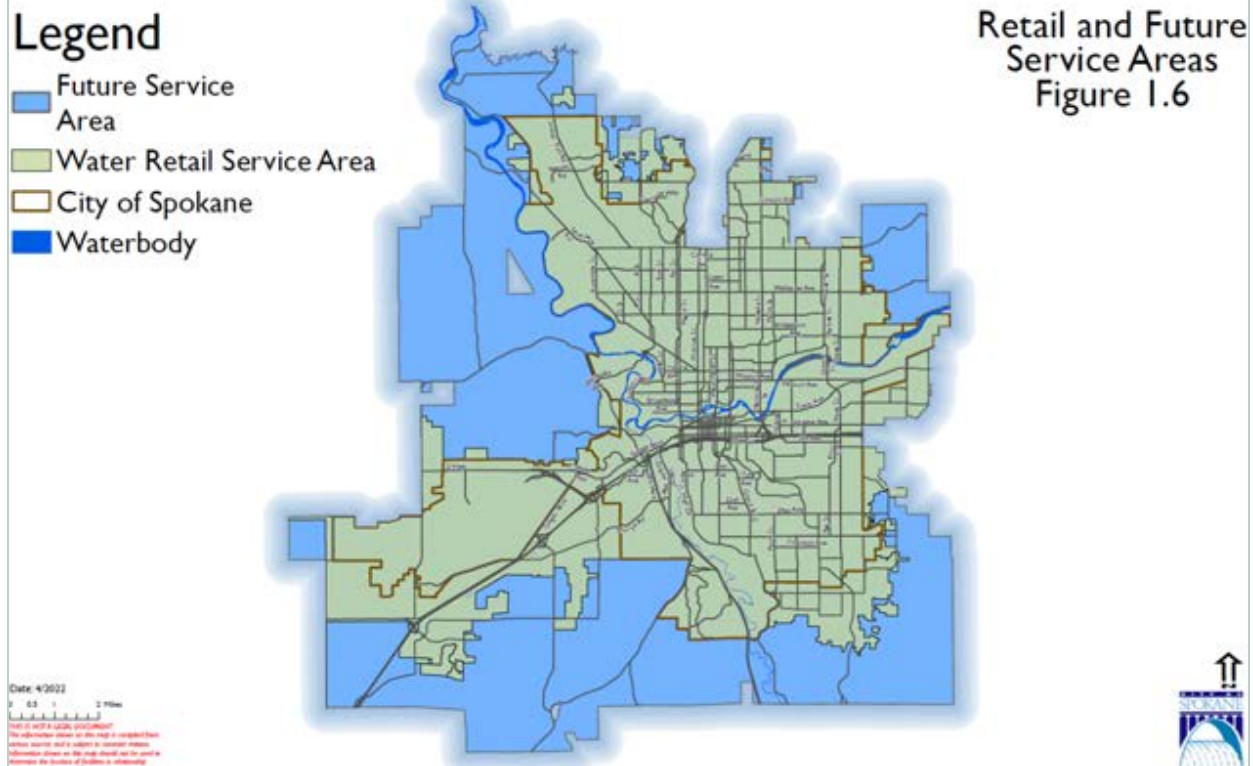
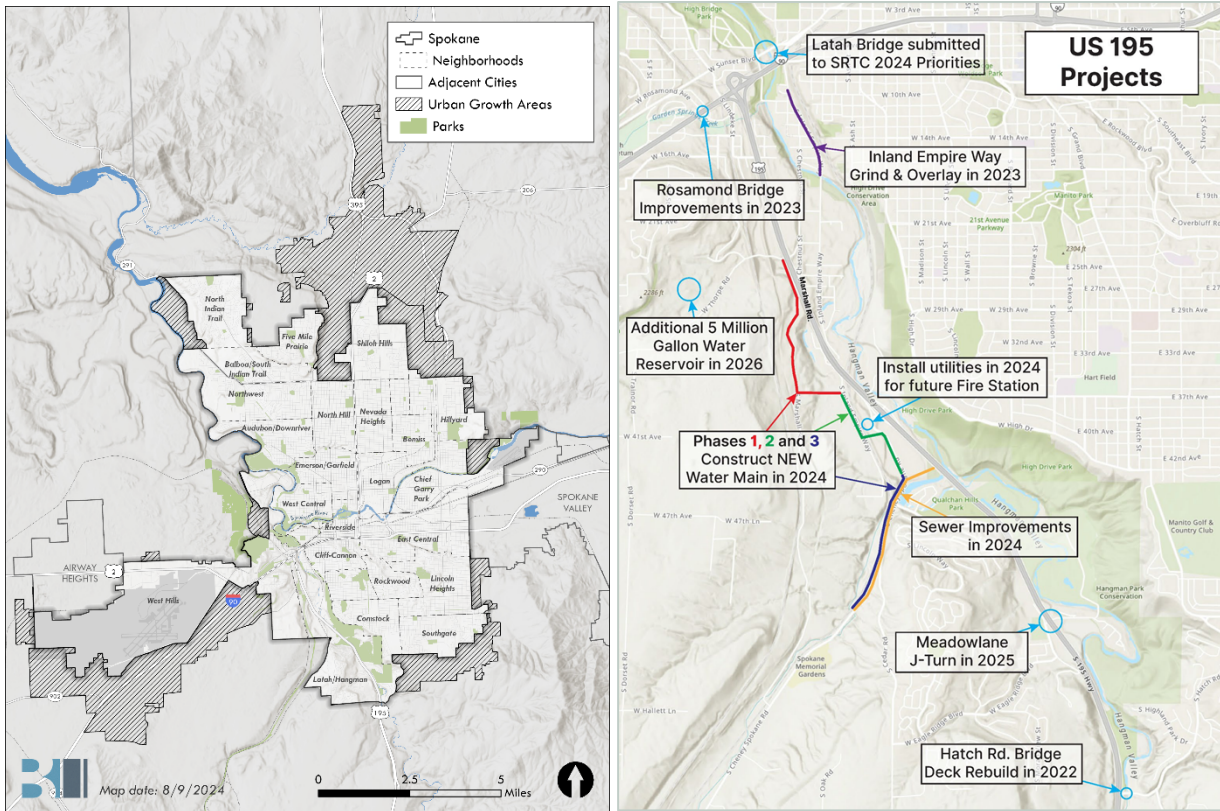
- The ability of the city and other applicable entities to provide required public services in the planning area and utility service areas to gain a cumulative picture of needed services and capital investments.
- The financial impact of providing the required public services and potential revenues.
- Analysis of the impact of city bonded indebtedness upon property within the assigned UGA.

- Analysis of logical boundaries, critical areas, topographic changes, or other elements impacting the provision of services or potential development in the assigned UGA.
- Identification of potential zoning for potential annexation areas in the assigned UGA.
- Specific fiscal impacts – cost and revenues – of annexations during the first five years after annexation in the assigned UGA.
- Potential long-term fiscal impacts of annexation assessing high-level potential impacts over the next 20 years to identify long-term risks.

BERK Consulting, Inc. (BERK) has developed this scope of services to provide a fiscal study addressing these considerations. For the Latah area, the study will consider the growth strategy and TIF and other revenue sources. For the Spokane planning area (particularly unincorporated UGAs or areas abutting city limits desired for evaluation), the study will evaluate the short- and long-term fiscal impacts of development in the UGA and future potential annexation to the City, consistent with the Municipal Research Service Center (MRSC) Annexation Handbook. A review of the growth in the water and sewer service areas will provide context and cumulative information on service delivery as a backdrop to the planning area review, relying on current system plan and City staff information.

BERK will be supported by Fehr & Peers for transportation modeling supporting the Latah subarea evaluation and Parametrix for associated transportation cost estimates. Collectively we are called the Consultant with particular lead roles identified by firm.

Exhibit 1. Spokane City Limits and UGA (left), Latah Valley Area (right), Water Service Area (Bottom)



Scope of Services

The Consultant's approach to this project would include six major steps:

- Task 1: Project Management
- Task 2: Latah Valley TIF and Funding Evaluation
- Task 3: Assessment of Planning Area and UGA Characteristics
- Task 4: Fiscal Analysis of Annexation
- Task 5: Strategic Recommendations
- Task 6: Report and Presentation

This workplan provides an accumulative approach to building the project report by providing report chapters as interim deliverables for review throughout the project. This allows coordinated work developing the report with the City, providing opportunities to give feedback and guidance early in the research and development process to ensure the final product addresses the City's needs.

Task 1: Project Management

As part of this work, the Consultant led by BERK will provide meetings and other coordination as needed to initiate the project and ensure effective project management over the project period. This will include:

- A **project kick-off meeting** with City staff to review the project scope and provide updates to expectations and scheduling. It is anticipated that this meeting will be a hybrid format.
- **Data requests** submitted to City staff regarding necessary project data.
- **Bi-weekly project meetings** held between the project managers for the City and BERK.

Deliverable: The outcome of the project kick-off meeting will be a Project Charter, which will provide information about the project, including scheduling and expectations for deliverables.

Task 2: Latah Valley TIF and Funding Evaluation

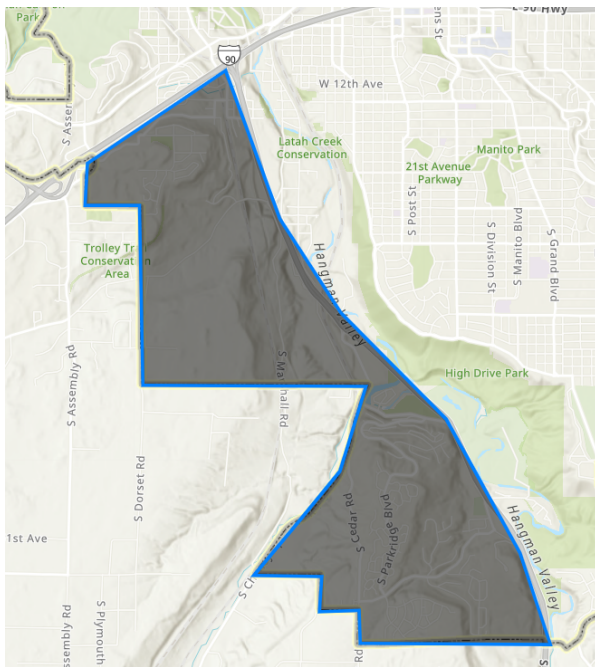
2.1 Tax Increment Financing (TIF)

Community Revitalization Financing and Tax Increment Financing are tools that local governments can use to fund public infrastructure in targeted areas to encourage private development and investment (chapters 39.89 and 39.114 RCW). For convenience, the term "TIF" is used herein to refer to both forms of infrastructure financing. To set up the TIF, a local government would designate an "increment area" surrounding the site of the public improvements. The property tax portion of increases in assessed value of properties within the increment area is allocated towards paying for the public improvement costs. Key steps are outlined below:

A. Preliminary Evaluation

- Based on the Task 1 data request, the Consultant led by BERK will review background studies and the potential “Strategy for Growth in Latah Valley”. The Consultant will develop a map of existing utilities and critical facilities, access routes, parcels, assessed value, and land capacity.
- The Consultant team will review proposed capital projects and costs developed by Integrated Capital Management estimates. The range of public facilities or investments that could be made will be compared under different laws and authorities (e.g., streets, stormwater, parks, other community facilities). A draft study area is shown below. The Consultant via Fehr & Peers will conduct transportation modeling and identify needs. Parametrix will prepare costs. See Task 2.2.

Draft Study Area



- The Consultant will summarize case studies for use of the TIF (e.g., Port of Pasco, Wenatchee, and Kirkland).
 - We will prepare potential pros and cons of TIF use. We will summarize the other available funding options and pros and cons of their use (e.g. Impact Fees, Local Improvement Districts, [City Creation of Latecomers](#), etc.).
- B. **City, County, Service Provider Meetings:** The Consultant will discuss the Preliminary Evaluation, proposed capital improvements, land capacity analysis, objectives and strategies with the City, County, School District(s), Fire District(s), and others. Four meetings are anticipated with three virtual and one in person.
- C. **Prepare a project analysis** ([RCW 39.114.020\(2\)](#) and [RCW 39.89.050](#)) building off of A and B that includes:

- Objectives of the local government for the increment area
- Property that the City may wish to acquire within the increment area for public services
- The duration of the increment area (maximum of 25 years under Chapter 39.114 RCW)
 - Identification of the parcels to be included in the increment area
 - A description of the expected private development within the increment area, including comparisons with and without the proposed public improvements, and consistency with the countywide planning policy (per RCW [36.70A.210](#)) and the City's comprehensive plan and development regulations
 - A description of the public improvements, the costs of the improvements, and the amount of financing instruments expected to be issued and paid with the tax allocation revenues, and other sources of revenue to finance the public improvements
 - Expected time periods
 - The assessed values of the properties in the increment area and an estimate of the increment value and expected revenues to be generated from the tax allocation
 - An estimate of the job creation and private development reasonably expected to occur from the public improvements
 - An assessment of any impacts and any necessary mitigation needed to address:
 - Affordable and low-income housing
 - The local business community
 - Potentially affected taxing districts, including school districts and fire districts and need or requirements of interlocal agreements

D. **Prepare a presentation and materials:** The Consultant (BERK) will prepare a presentation and materials that City staff may use in order to hold public briefings for the community or decision makers addressing requirements of the community revitalization financing/tax increment financing depending on the law ([RCW 39.114.020\(7\)](#) and [RCW 39.89.030](#) and [39.89.050](#)).

E. **Ordinance and Interlocal Agreement Support:** Should the City move forward with the TIF, the Consultant (BERK) will support the City through a peer review or advice regarding the process to create an ordinance and any interlocal agreements (if necessary).

2.2 Transportation Evaluation and Cost Estimates

2.2.1 – Travel Demand Model Runs

Based on input from the City of Spokane, travel demand modeling could be useful to help identify potential projects that could support growth and be included in a tax increment financing program for the city. With this in mind, Fehr & Peers will update the current version of the SRTC

travel model to reflect potential development scenarios within the TIF area. These updates would reallocate residential growth from elsewhere in the City of Spokane to the TIF area. The objective of the reallocation will be to reflect a reasonable level of buildout in the study area but remain within the city's growth allocation from SRTC. Fehr & Peers will also work with City staff to identify a reasonable amount of locally serving commercial uses within the study area. Both the magnitude of growth and location of the growth (within a TAZ) will be determined by City staff. With the land uses adjusted, Fehr & Peers will run up to five tests within the SRTC regional model to evaluate the benefit of new or improved roadway projects within the study area. The initial run will be a baseline run that will be based off existing conditions plus already funded projects, along with projects known to the City to be necessary to support growth in the area. From there, Fehr & Peers will work with city staff to be efficient about how these runs are used and group logical projects together in a single run so that the cumulative benefit can be identified. As part of this task, Fehr & Peers can share summarized model results in a Powerpoint format and raw files from the SRTC model.

2.2.2 – Traffic Analysis

Based on the modeling results, Fehr & Peers can review high-level model results and infer the benefits to traffic associated with the projects included in the model runs. For example, Fehr & Peers can identify whether the volume/capacity ratio is likely to substantially change on study area roadways in conjunction with new roadway connections/capacity. This analysis will help identify where there are potential traffic congestion issues without new projects and how the congestion issues change with the projects. To be clear, this is not a detailed traffic operations analysis that use more detailed software like Synchro or VISSIM, this analysis is at a high-level using direct SRTC model output.

2.2.3 – Project Identification

Based on the findings of Tasks 2.2.1 and 2.2.2, Fehr & Peers will develop an initial list of potential projects in collaboration with the team and city staff. It is envisioned that an initial list of projects will be developed by looking at the results of the baseline future year SRTC model results. Once a basic set of projects is identified, they will be tested as part of the Task 1 model runs and Task 2 traffic analysis. By iterating between these tasks, we will identify a reasonable set of projects that could be included in a tax increment financing program. Fehr & Peers would work with other team members to provide basic information about potential transportation projects so that Parametrix can develop cost estimates.

2.2.4 – Workshops and Documentation

Fehr & Peers proposes to hold a workshop once a draft list of projects is identified to discuss the feasibility with the project team and city staff. Following this workshop, Fehr & Peers would summarize findings and the potential list of projects in a brief memorandum and PowerPoint presentation.

2.2.5 – Benefit Area Analysis (Optional)

As an optional task, Fehr & Peers can use StreetLight or Replica data (two transportation big data sources) to evaluate the area that benefit from a given project or set of projects. This could be helpful in identifying the portions of the city that are most likely to see improved transportation outcomes from new investments. Fehr & Peers can test individual projects or

groups of projects (likely a handful of projects clustered in a similar portion of the city) to identify the “area of benefit.” Each benefit area analysis would require an initial investment of \$5,000 for the big data and \$2,000 for the labor to evaluate each benefit area.

2.2.6 Cost Estimates

Parametrix will review the resulting list of projects and prepare cost estimates for up to 8 new roadway projects, anticipating a level of effort of 100 hours. Other prior relevant project lists and costs can be modified to reflect inflation.

Task 2 Deliverables: Preliminary Evaluation Report (Draft), Project Analysis (Draft and Final), City and Agency Meeting, Public Briefings (2) and Associated Materials, Peer Review of City Ordinance and Interlocal Agreement.

Task 3: Assessment of Planning Area and UGA Characteristics

The initial step of this work will be to identify current unincorporated UGAs for evaluation as well as other potential study areas. BERK will evaluate key characteristics of the current UGA to delineate study areas for potential annexation and identify key information necessary for a fiscal analysis of annexation. This stage will also include development of necessary mapping and graphics to summarize the UGA for the final report. This will include:

- Growth trend analysis in adjacent UGAs and study areas and Sewer and Water Utility Service Areas for cumulative context.
- Reviewing property characteristics to evaluate development capacity within the UGA and assess other considerations for future annexation planning.
- Identifying major capital investments and deficiencies necessary for areas within the UGA.
- Calculating likely capacity and buildout scenarios on parcels within the UGA, based on current or expected zoning and development regulations.
- Delineating study areas for additional analysis, including considerations of the 10-year sales tax permitted through [RCW 82.14.415](#).
- Mapping the study areas for the context analysis to highlight major features and considerations.
- Summarizing the results for the UGA overall and individual areas in a Context Analysis chapter.

Assumptions: The Consultant will prepare a broad land capacity evaluation for the Latah subarea. For the citywide/planning area analysis, the City will provide supporting information regarding land capacity and other supporting data where available; if citywide/planning area land capacity is developed through the Comprehensive Plan EIS it will be incorporated.

Deliverable: The Context Analysis chapter of the final report, which will include a delineation of proposed study areas within the UGA.

Task 4: Fiscal Analysis of Annexation

For the fiscal analysis of the planning area, BERK will rely on the delineated study areas defined in Task 3 and provide a comprehensive assessment of the capital costs, operating costs, and revenues associated with annexing individual portions of the total area. This will be performed by evaluating available budget data and estimating other potential costs. In this analysis, the study areas will be grouped by population into large, medium, and small areas, as noted in Task 3. This will include:

- Compiling available actuals, budgeting and financial data from the City, and supplementing this if necessary with an analysis of comparable communities.
- Identifying expected capital improvement and maintenance costs, based on discussions with City staff and assessments of budget data.
- Calculating expected unit costs for City operations, including labor and materials, with comparisons to similarly-sized jurisdictions.
- Determining expected and future revenue sources (e.g., property taxes, sales/use taxes, fees and charges, etc.)
- Providing an assessment of the overall costs and revenues for annexing all adjacent UGAs, as well as the individual study areas.

In addition to this assessment, we will also provide a tool to estimate and model the fiscal impacts of annexing different types of properties with different service costs. This will be based on an Excel spreadsheet, and will provide for flexible inputs that can allow a user to estimate the annual revenues and costs associated with annexing a residential or non-residential property on urban and rural lots.

Deliverables:

- The Fiscal Analysis chapter of the final report.
- An Excel-based annexation model for residential annexation and non-residential annexation at a broad sector level (e.g. commercial, industrial).

Task 5: Strategic Recommendations

From the evaluations conducted in Task 4, BERK will provide a final evaluation of key tradeoffs involved with individual areas and future recommendations related to annexation planning. This will include an overall view of annexation and considerations for individual areas in the UGAs, including:

- Potential implications of annexation scenarios on fiscal sustainability for the City.
- Broad strategies for annexation, including potential mechanisms for annexation and guidance for the disposition of future community-led petitions.
- Strategic recommendations for individual study areas.

- Recommended implementation steps for any annexation strategy, including considerations for interlocal agreements with Spokane County.

Deliverable: The Strategic Recommendations chapter of the final report.

Task 6: Report and Presentation

As part of the final deliverable, we will compile the results from Tasks 3 through 5 into a report on annexation in Spokane. This will provide a straightforward reference that can be used by staff, Planning Commission, and Council to guide decisions on annexations in the future. This will include:

- Compiling a Draft Report for review by City staff.
- Presenting and reviewing the draft findings to the City.
- Revising the draft as necessary and providing a Final Report to the City.
- Closing out the project and providing final versions of all work products.

Deliverables:

- Draft Project Report
- Final Project Report
- Final Excel-based annexation model for residential annexation allowing for flexible inputs
- Archive of all work products, provided at the close-out meeting

Cost Estimate

Based on the scope we have prepared a cost estimate. It can be modified based on discussions with the City staff.

BERK Consulting							
	Andrew Bjorn Senior Advisor	Josh Linden Project Manager	Lisa Grueter Principal In Charge	Katherine Goetz Senior Finance Associate	Ariel Hsieh Finance Associate	Ana Costa Spatial/Data Analyst	Total Hours and Estimated Cost by Task
2024 Hourly Rate	\$210	\$180	\$260	\$190	\$150	\$160	
Task 1: Project Management	4	24	8	4	4	4	\$9,240
Task 2: Latah Valley TIF and Funding Evaluation							
Preliminary Evaluation	10	36	6	16	12		\$14,980
City, County, Service Provider Meetings	12	24	8	8			\$10,440
Project Analysis	6	12	4				\$4,460
Presentations, Ordinance Support	6	16	6	4			\$6,460
Task 3: Assessment of Planning Area and UGA Characteristics	8	24	8			32	\$13,200
Task 4: Fiscal Analysis of Annexation	4	16	4	24	40	16	\$17,880
Task 5: Strategic Recommendations	6	40	10	12			\$13,340
Task 6: Report and Presentation	8	32	6	16	8	8	\$14,520
Subtotal	64	224	60	84	64	60	556 \$104,520
Total Estimated Hours	64	224	60	84	64	60	556
Cost (Hours*Rate)	\$13,440	\$40,320	\$15,600	\$15,960	\$9,600	\$9,600	\$104,520
Subtotal Consultant Cost	\$104,520						
Project Expenses at ~2% of Project Budget	\$2,090						
Fehr & Peers	\$50,900						
<i>Fehr & Peers Optional Benefit Area Analysis</i>	\$7,000						
Parametrix Cost Estimates	\$28,100						
Estimated Project Total	\$192,610						
<i>Excluding Optional Task</i>	\$185,610						

License Information:

[New search](#) [Back to results](#)

Entity name: BERK CONSULTING, INC.
Business name: BERK CONSULTING, INC.
Entity type: Profit Corporation
UBI #: 601-219-609
Business ID: 001
Location ID: 0003
Location: Active

Location address: 2200 6TH AVE
STE 1000
SEATTLE WA 98121-1859

Mailing address: 2200 6TH AVE
STE 1000
SEATTLE WA 98121-1859

Excise tax and reseller permit status: [Click here](#)

Secretary of State status: [Click here](#)

Endorsements

Endorsements held at this location	License #	Count	Details	Status	Expiration date	First issuance date
Bainbridge Island General Business - Non-Resident				Active	Dec-31-2024	Mar-04-2021
Bothell General Business - Non-Resident				Active	Dec-31-2024	Jun-28-2022
Burien General Business - Non-Resident	11836			Active	Dec-31-2024	Dec-14-2021
Duvall General Business - Non-Resident				Active	May-31-2025	May-29-2024
Federal Way General Business - Non-Resident				Active	Dec-31-2024	May-18-2020
Leavenworth General Business - Non-Resident				Active	Dec-31-2024	Aug-11-2023
Mercer Island General Business - Non-Resident	210602			Active	Dec-31-2024	May-27-2021
Mountlake Terrace General Business - Non-Resident				Active	Feb-28-2025	Feb-22-2024
Port Townsend General Business - Non-Resident	013806			Active	Dec-31-2024	Jun-14-2021
Redmond General Business - Non-Resident	RED20-000508			Active	Dec-31-2024	Jun-01-2020
Ridgefield General Business - Non-Resident				Active	Dec-31-2024	Feb-28-2023
Spokane General Business - Non-Resident				Active	Mar-31-2025	Mar-20-2024
Spokane Valley General Business - Non-Resident				Active	May-31-2025	May-30-2024
Sumner General Business - Non-Resident				Active	Dec-31-2024	Dec-17-2019



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/25/2024
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THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER The Partners Group 11850 SW 67th Avenue, Suite 100 Portland Oregon, 97223	<div style="text-align: center;"> THE PARTNERS GROUP </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">CONTACT NAME: Phillip Naples</td> </tr> <tr> <td>PHONE (A/C No. Ext): (360) 502-7815</td> <td>FAX (A/C, No):</td> </tr> <tr> <td colspan="2">E-MAIL ADDRESS: serviceteam@tpgrp.com</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Underwriters at Lloyd's London</td> <td style="text-align: center;">15642</td> </tr> <tr> <td>INSURER B: Hartford Underwriters Insurance Company</td> <td style="text-align: center;">30104</td> </tr> <tr> <td>INSURER C: Travelers Casualty and Surety Company of America</td> <td style="text-align: center;">31194</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	CONTACT NAME: Phillip Naples		PHONE (A/C No. Ext): (360) 502-7815	FAX (A/C, No):	E-MAIL ADDRESS: serviceteam@tpgrp.com		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Underwriters at Lloyd's London	15642	INSURER B: Hartford Underwriters Insurance Company	30104	INSURER C: Travelers Casualty and Surety Company of America	31194	INSURER D:		INSURER E:		INSURER F:	
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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS																				
B	<input checked="checked" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="checked" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="checked" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	52SBABG9G2F	09/18/2024	09/18/2025	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td>\$2,000,000.00</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$1,000,000.00</td></tr> <tr><td>MED EXP (Any one person)</td><td>\$10,000.00</td></tr> <tr><td>PERSONAL & ADV INJURY</td><td>\$2,000,000.00</td></tr> <tr><td>GENERAL AGGREGATE</td><td>\$4,000,000.00</td></tr> <tr><td>PRODUCTS - COMP/OP AGG</td><td>\$4,000,000.00</td></tr> <tr><td></td><td>\$</td></tr> </table>	EACH OCCURRENCE	\$2,000,000.00	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000.00	MED EXP (Any one person)	\$10,000.00	PERSONAL & ADV INJURY	\$2,000,000.00	GENERAL AGGREGATE	\$4,000,000.00	PRODUCTS - COMP/OP AGG	\$4,000,000.00		\$						
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B	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			52SBABG9G2F	09/18/2024	09/18/2025	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td>PER STATUTE</td> <td><input checked="checked" type="checkbox"/></td> <td>OTHER</td> <td>STOP GAP</td> </tr> <tr><td>E.L. EACH ACCIDENT</td><td></td><td></td><td></td><td>\$1,000,000.00</td></tr> <tr><td>E.L. DISEASE - EA EMPLOYEE</td><td></td><td></td><td></td><td>\$1,000,000.00</td></tr> <tr><td>E.L. DISEASE - POLICY LIMIT</td><td></td><td></td><td></td><td>\$1,000,000.00</td></tr> </table>		PER STATUTE	<input checked="checked" type="checkbox"/>	OTHER	STOP GAP	E.L. EACH ACCIDENT				\$1,000,000.00	E.L. DISEASE - EA EMPLOYEE				\$1,000,000.00	E.L. DISEASE - POLICY LIMIT				\$1,000,000.00
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A	Professional Liability			W16985241101	09/18/2024	09/18/2025	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Each Claim</td><td>\$2,000,000.00</td></tr> <tr><td>General Aggregate</td><td>\$2,000,000.00</td></tr> </table>	Each Claim	\$2,000,000.00	General Aggregate	\$2,000,000.00																
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 R0010864 Climate Impact and Resilience Planning with Comprehensive Plan Update
 City of Spokane is an additional insured with regards to the general liability, with waiver of subrogation, when required in written agreement per policy provision. The general liability includes primary and non-contributory - other insurance condition.

CERTIFICATE HOLDER City of Spokane 808 W Spokane Falls Blvd Spokane Washington, 99201	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <div style="text-align: right;"> Phillip Naples </div>
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DATE (MM/DD/YYYY)
10/25/2024

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PRODUCER The Partners Group 11850 SW 67th Avenue, Suite 100 Portland Oregon, 97223		CONTACT NAME: Phillip Naples
		PHONE (A/C. No. Ext): (360) 502-7815
		FAX (A/C. No):
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		INSURER A: Underwriters at Lloyd's London
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COVERAGES	CERTIFICATE NUMBER:	REVISION NUMBER:
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	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
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CERTIFICATE HOLDER City of Spokane 808 W Spokane Falls Blvd Spokane Washington, 99201	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  Phillip Naples
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/25/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Partners Group 11850 SW 67th Avenue, Suite 100 Portland Oregon, 97223				CONTACT NAME: Phillip Naples PHONE (A/C No. Ext): (360) 502-7815 E-MAIL ADDRESS: serviceteam@tpgrp.com		FAX (A/C, No):	
INSURED BERK Consulting, Inc 2200 Sixth Ave, Suite 1000 Seattle Washington, 98121				INSURER(S) AFFORDING COVERAGE		NAIC #	
				INSURER A: Underwriters at Lloyd's London		15642	
				INSURER B: Hartford Underwriters Insurance Company		30104	
				INSURER C: Travelers Casualty and Surety Company of America		31194	
				INSURER D:			
				INSURER E:			
				INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.


INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE	\$
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$
							GENERAL AGGREGATE	\$
							PRODUCTS - COMP/OP AGG	\$
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTHER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
B	Employment Practices Liability			52SBABG9G2F	09/18/2024	09/18/2025	Each Claim	\$25,000.00
							General Aggregate	\$25,000.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

R0010864 Climate Impact and Resilience Planning with Comprehensive Plan Update
City of Spokane is an additional insured with regards to the general liability, with waiver of subrogation, when required in written agreement per policy provision. The general liability includes primary and non-contributory - other insurance condition.

CERTIFICATE HOLDER

CANCELLATION

City of Spokane 808 W Spokane Falls Blvd Spokane Washington, 99201	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  Phillip Naples
--	--



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/25/2024

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PRODUCER The Partners Group 11850 SW 67th Avenue, Suite 100 Portland Oregon, 97223	CONTACT NAME: Phillip Naples PHONE (A/C No. Ext): (360) 502-7815 FAX (A/C, No): E-MAIL ADDRESS: serviceteam@tpgrp.com														
INSURED BERK Consulting, Inc 2200 Sixth Ave, Suite 1000 Seattle Washington, 98121	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: Underwriters at Lloyd's London</td> <td style="text-align: center;">15642</td> </tr> <tr> <td>INSURER B: Hartford Underwriters Insurance Company</td> <td style="text-align: center;">30104</td> </tr> <tr> <td>INSURER C: Travelers Casualty and Surety Company of America</td> <td style="text-align: center;">31194</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Underwriters at Lloyd's London	15642	INSURER B: Hartford Underwriters Insurance Company	30104	INSURER C: Travelers Casualty and Surety Company of America	31194	INSURER D:		INSURER E:		INSURER F:	
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INSURER F:															

COVERAGES	CERTIFICATE NUMBER:	REVISION NUMBER:
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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y / <input type="checkbox"/> N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	ERISA Bond			106640464	03/01/2023	03/01/2026	Limit \$500,000.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

R0010864 Climate Impact and Resilience Planning with Comprehensive Plan Update
City of Spokane is an additional insured with regards to the general liability, with waiver of subrogation, when required in written agreement per policy provision. The general liability includes primary and non-contributory - other insurance condition.

CERTIFICATE HOLDER City of Spokane 808 W Spokane Falls Blvd Spokane Washington, 99201	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Phillip Naples
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Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd

11/13/2024

Clerk's File #

OPR 2024-1010

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept

NEIGHBORHOOD, HOUSING &

Bid #

Contact Name/Phone

SARA 509-507-0611

Requisition #

Contact E-Mail

SCLEMENTSSAMPSON@SPOKANECIT

Agenda Item Type

Contract Item

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

0450- NORTHEAST COMMUNITY CENTER CONTRACT

Agenda Wording

Community Centers receive annual contracts from the City of Spokane to support operational needs, historically these have been multi-year contracts. The Brown administration is proposing a one-year contract with Northeast Community Center.

Summary (Background)

One-year contract allowing us to facilitate round table discussions with community center directors, partners such as libraries and Spokane Public Schools, and City Council to establish clear and reasonable measurements and reporting processes. Allowing space for robust round table discussions and collaboration will create opportunities for improved contracts and regional impact.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 150,000

Current Year Cost \$ 125,905

Subsequent Year(s) Cost \$ 150,000

Narrative

Amount

Budget Account

Expense \$ 150,000

0350-57300-75500-54201-99999

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/24
Submitting Department	NHHS/CHHS/ONS
Contact Name	Sara Clements-Sampson
Contact Email & Phone	sclementssampson@spokanecity.org
Council Sponsor(s)	<u>Zappone, Bingle, Klitze</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Northeast Community Center Contract
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	Knowing that community centers play an invaluable role in our community the City needs to establish improved channels for partnership, develop clarity of impact and services, and support the identification and closure of gaps/needs. Allowing space for robust roundtable discussions and collaboration will create opportunities for improved contracts and regional impact. The City is asking each community center to present to Council bi-annually at Committee or Study Session on the impact their centers are having in their communities and to work with the City to establish improved communications, partnership, and contracts.
Summary (Background)	*use the Fiscal Impact box below for relevant financial information
Fiscal Impact	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: <u>150,000</u> Current year cost: 125,905 Subsequent year(s) cost: 150,000	
Narrative: <u>WCC: \$150,000, NECC: \$150,000, MLK: \$250,943, SWCC: \$32,057</u>	
Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Reallocation Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? A strategic plan could gain more perspective from historically excluded communities.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? Any data collected, analyzed or reported will be in coordination with e strategic planning process.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? A strategic planning process will set goals with accountability measures and reporting timelines.	
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?	

Community Centers' plans can help address the Neighborhood Master Plans for their respective neighborhoods.



City of Spokane
CONTRACT
Title: **NORTHEAST COMMUNITY CENTER FUNDING**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **NORTHEAST COMMUNITY CENTER**, a 501(C)(3) non-profit corporation, whose address is 4001 North Cook Street, Spokane, Washington 99207, as (“Center”). Individually hereafter referenced as a “Party”, and together as the “Parties”.

WHEREAS, the Center provides broad-based community services to the local neighborhood and serves as an integral part of the City of Spokane's safety net for our citizens; and

WHEREAS, it is the desire of the City to provide financial support to the Center for the purpose of serving the needs of the Center's surrounding neighborhood in the areas of health care, food security, education, employment, housing, family services and civic capital.

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

- 1. PERFORMANCE.** The Center shall provide services to meet the needs of the Center's surrounding neighborhood in the areas of health care, food security, education, employment, housing, family services and civic capital. In the case that the neighborhood may have unique needs not covered in the aforementioned categories of service, Center may use City funding to meet these needs with prior written approval from the City.
- 2. PERFORMANCE REPORTING.** The Center shall present at City Council biannually describing programmatic activities and accomplishments for the past quarter and highlighting upcoming events or milestones as well as facility updates and needs.
- 3. COMPENSATION.** Total compensation under this Contract shall not exceed **ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00)**, for everything furnished and done under this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 1 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Contract.

Acceptable expenditures may include program administration, building maintenance, program materials, and direct client assistance. City funds may be used as match dollars for third-party grants that support the services identified under the Performance section of this Contract. City funds may also be used to grow the capacity of the Center through donor development, grant writing, or any expense that can be demonstrated to increase the sustainability of the Center through increasing Center revenues from non-government sources or reducing Center expenses.

The City reserves the right to revise this amount in any manner in which the City may deem appropriate in order to take into account any future fiscal limitations affecting the City. The City shall give the Center (30) days written notice of any revision. The parties agree that this is an annual contract, and by no means a guarantee of future funding.

Requests for increases in funding must be received by June 1st for consideration in the next year's budget. Requests must thoroughly substantiate the need for additional funding. Requests for an increase in funding are not guaranteed and are based on budgetary constraints and are at the discretion of the City. Changes to the amount of compensation shall be set forth in an amendment to the contract.

Preventative maintenance of the HVAC system is required. If the City is required to perform this maintenance the costs quoted will be reduced from the original compensation amount when the maintenance is performed.

4. PAYMENT. The Center shall send general ledger descriptions for reimbursement of spent funds at minimum each month and no more than quarterly to the City's Community Engagement Programs Manager, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington, 99201-3317. Payment shall be made within thirty (30) days of receipt of the Center's reimbursement request.

5. TERM. This Contract shall begin January 1, 2025, and run through December 31, 2025, unless amended by written agreement or terminated earlier under the provisions. The contract may be renewed for one (1) additional one-year contract periods, subject to mutual agreement.

6. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Center agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Center.

7. TERMINATION. Either party may terminate this Contract upon sixty (60) days written notice to the other party.

8. TAXES. The Center shall be solely responsible for all pertinent taxes levied, assessed, or imposed upon the non-profit corporation and its operation.

9. INSURANCE. During the period of the Agreement, the Company shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to Title 48 RCW:

A. **Worker's Compensation Insurance** in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. **General Liability Insurance** on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Company's services to be provided under this Agreement;

- i. Acceptable supplementary Umbrella coverage in combination with Commercial General Liability policy shall be a minimum of \$2M in order to meet the minimum insurance coverages required under this contract;

C. **Automobile Liability Insurance** with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and

D. **Property Insurance** if materials and supplies are furnished by the Company. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

There shall be no cancellation, material change, or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Company or its insurer(s) or insurers authorized representative to the City. As evidence of the insurance coverages required by this Agreement, the Company shall furnish ACORD form insurance certificates to the City at the time it returns the signed Agreement. The certificate shall specify all of the parties who are additional insureds to the extent of Company's indemnify obligations, and include applicable blanket-form policy endorsements, including the blanket-form notice of cancellation endorsements (30 days). The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

10. AUDIT. The Center shall maintain for a minimum of three (3) years following final payment, all records related to its performance of the Contract. The Center shall provide access to authorized City representatives at reasonable times and in a reasonable manner to inspect and copy any such records. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

11. INTERNAL AUDITING CONTROL. The Center shall establish and maintain a system of internal accounting control which complies with applicable Generally Accepted Accounting Principles (GAAP) and non-profit accounting and financial reporting standards.

12. LIABILITY.

- A. The Center shall defend, indemnify, and hold harmless the City, its officers, employees and agents, from any claim, damage, loss, liability, injury, cost and expense arising out of the negligence of the Center its officers, employees, and agents in connection with the Contract, except to the extent of the negligence of the City, its officers, employees, and agents. If an action, claim or proceeding instituted by a third party is directed at work or action taken by the Center solely on behalf of the City, its officers, employees and agents, the City shall defend, indemnify and hold harmless the Center from any expenses connected with the defense, settlement, or monetary judgement ensuring from such actions, claims, or proceedings.
- B. Each party specifically assumes potential liability for actions brought by its own employees against the other party, and, solely for the purposes of this indemnification, each party specifically waives any immunity under Title 51 RCW. The parties have specifically negotiated this provision.

13. AMENDMENT. This Contract may be amended at any time by mutual written agreement and formalized with the same formality as this Contract.

14. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws, and regulations applicable to the subject matter of this Contract.

15. ASSIGNMENTS. Neither party may assign, transfer, or subcontract its interest, in whole or in part, without the other party's prior written consent. In the event of an assignment or transfer, the terms of this Contract shall continue to be in full force and effect.

16. NON-WAIVER. No delay or waiver by either party to exercise any contractual right shall be considered a future waiver of such right or any other right.

17. ENTIRE AGREEMENT. This written Contract constitutes an integration of the entire understanding of the parties. There are no promises, terms, conditions or obligations other than those written herein.

18. SEVERABILITY. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.

19. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted, or granted a present or future gift, favor, service, or other thing of value from or to any person involved in this Contract.

NORTHEAST COMMUNITY CENTER

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

N/A

24-236a



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd 11/13/2024

Clerk's File # OPR 2024-1011

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept	NEIGHBORHOOD, HOUSING &	Bid #	
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Contact Name/Phone	SARA 509-507-0611	Requisition #	25 BUDGET
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Contact E-Mail	SCLEMENTSSAMPSON@SPOKANECIT		
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	ZZAPPONE JBINGLE KKLITZKE		
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Agenda Item Name	0450- SOUTHWEST SPOKANE COMMUNITY CENTER CONTRACT		
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Agenda Wording

Community Centers receive annual contracts from the City of Spokane to support operational needs, historically these have been multi-year contracts. The Brown administration is proposing a one-year contract with Southwest Spokane Community Center.

Summary (Background)

Knowing that community centers play an invaluable role in our community the City needs to establish improved channels for partnership, develop clarity of impact and services, and support the identification and closure of gaps/needs. Allowing space for robust roundtable discussions and collaboration will create opportunities for improved contracts and regional impact.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 32,057

Current Year Cost \$ 0

Subsequent Year(s) Cost \$ 32,057

Narrative

Amount

Budget Account

Expense	\$ 32,057	# 0350-57400-75500-54201-99999
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/24
Submitting Department	NHHS/CHHS/ONS
Contact Name	Sara Clements-Sampson
Contact Email & Phone	sclementssampson@spokanecity.org
Council Sponsor(s)	<u>Zappone, Bingle, Klitze</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Southwest Spokane Community Center Contract
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	Knowing that community centers play an invaluable role in our community the City needs to establish improved channels for partnership, develop clarity of impact and services, and support the identification and closure of gaps/needs. Allowing space for robust roundtable discussions and collaboration will create opportunities for improved contracts and regional impact. The City is asking each community center to present to Council bi-annually at Committee or Study Session on the impact their centers are having in their communities and to work with the City to establish improved communications, partnership, and contracts.
Summary (Background)	*use the Fiscal Impact box below for relevant financial information
Fiscal Impact	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: <u>32,057</u> Current year cost: 0 Subsequent year(s) cost: 32,057	
Narrative: _One – year extension of previous contracts for WCCC: \$150,000, NECC: \$150,000, MLK: \$250,943, SWCC: \$32,057.	
Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Reallocation Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? A strategic plan could gain more perspective from historically excluded communities.	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? Any data collected, analyzed or reported will be in coordination with e strategic planning process.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? A strategic planning process will set goals with accountability measures and reporting timelines.	

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? Community Centers' plans can help address the Neighborhood Master Plans for their respective neighborhoods.



City of Spokane
CONTRACT
Title: **SOUTHWEST SPOKANE COMMUNITY
CENTER FUNDING**

This Contract is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **SOUTHWEST SPOKANE COMMUNITY CENTER**, a 501(C)(3) non-profit corporation, whose address is 310 South Spruce Street, Spokane, Washington 99201, as ("Center"). Individually hereafter referenced as a "Party", and together as the "Parties".

WHEREAS, the Center provides broad-based community services to the local neighborhood and serves as an integral part of the City of Spokane's safety net for our citizens; and

WHEREAS, it is the desire of the City to provide financial support to the Center for the purpose of serving the needs of the Center's surrounding neighborhood in the areas of health care, food security, education , employment, housing, family services and civic capital.

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

- 1. PERFORMANCE.** The Center shall provide services to meet the needs of the Center's surrounding neighborhood in the areas of health care, food security, education, employment, housing, family services and civic capital. In the case that the neighborhood may have unique needs not covered in the aforementioned categories of service, Center may use City funding to meet these needs with prior written approval from the City.
- 2. PERFORMANCE REPORTING.** The Center shall present at City Council biannually describing programmatic activities and accomplishments for the past quarter and highlighting upcoming events or milestones as well as facility updates and needs.
- 3. COMPENSATION.** Total compensation under this Contract shall not exceed **THIRTY-TWO THOUSAND AND FIFTY-SEVEN 00/100 DOLLARS (\$32,057.00)** from available City funds, for everything furnished and done under this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 1 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Contract.

Acceptable expenditures may include program administration, building maintenance, program materials, and direct client assistance. City funds may be used as match dollars for third-party grants that support the services identified under the Performance section of this Contract. City funds may also be used to grow the capacity of the Center through donor development, grant

writing, or any expense that can be demonstrated to increase the sustainability of the Center through increasing Center revenues from non-government sources or reducing Center expenses.

The City reserves the right to revise this amount in any manner in which the City may deem appropriate in order to take into account any future fiscal limitations affecting the City. The City shall give the Center (30) days written notice of any revision. The parties agree that this is an annual contract, and by no means a guarantee of future funding.

Requests for increases in funding must be received by June 1st for consideration in the next year's budget. Requests must thoroughly substantiate the need for additional funding. Requests for an increase in funding are not guaranteed and are based on budgetary constraints and are at the discretion of the City. Changes to the amount of compensation shall be set forth in an amendment to the contract.

4. PAYMENT. The Center shall send general ledger descriptions for reimbursement of spent funds at minimum each month and no more than quarterly to the City's Community Engagement Programs Manager, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington, 99201-3317. Payment shall be made within thirty (30) days of receipt of the Center's reimbursement request.

5. TERM. This Contract shall begin January 1, 2025, and run through December 31, 2025, unless terminated earlier, with the possibility of additional one-year extensions upon mutual agreement of the parties.

6. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Center agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Center.

7. TERMINATION. Either party may terminate this Contract upon sixty (60) days written notice to the other party.

8. TAXES. The Center shall be solely responsible for all pertinent taxes levied, assessed, or imposed upon the non-profit corporation and its operation.

9. INSURANCE. During the period of the Agreement, the Company shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to Title 48 RCW:

A. **Worker's Compensation Insurance** in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. **General Liability Insurance** on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Company's services to be provided under this Agreement;

- i. Acceptable supplementary Umbrella coverage in combination with Commercial General Liability policy shall be a minimum of \$2M in order to meet the minimum insurance coverages required under this contract;

C. **Automobile Liability Insurance** with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and

D. **Property Insurance** if materials and supplies are furnished by the Company. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

There shall be no cancellation, material change, or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Company or its insurer(s) or insurers authorized representative to the City. As evidence of the insurance coverages required by this Agreement, the Company shall furnish ACORD form insurance certificates to the City at the time it returns the signed Agreement. The certificate shall specify all of the parties who are additional insureds to the extent of Company's indemnify obligations, and include applicable blanket-form policy endorsements, including the blanket-form notice of cancellation endorsements (30 days). The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

10. AUDIT. The Center shall maintain for a minimum of three (3) years following final payment, all records related to its performance of the Contract. The Center shall provide access to authorized City representatives at reasonable times and in a reasonable manner to inspect and copy any such records. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

11. INTERNAL AUDITING CONTROL. The Center shall establish and maintain a system of internal accounting control which complies with applicable Generally Accepted Accounting Principles (GAAP) and non-profit accounting and financial reporting standards.

12. LIABILITY.

- A. The Center shall defend, indemnify, and hold harmless the City, its officers, employees and agents, from any claim, damage, loss, liability, injury, cost and expense arising out of the negligence of the Center its officers, employees, and agents in connection with the Contract, except to the extent of the negligence of the City, its officers, employees, and agents. If an action, claim or proceeding instituted by a third part is directed at work or action taken by the Center solely on behalf of the City, its officers, employees and agents, the City shall defend, indemnify and hold harmless the Center from any expenses connected with the defense, settlement, or monetary judgement ensuring from such actions, claims, or proceedings.
- B. Each party specifically assumes potential liability for actions brought by its own employees against the other party, and, solely for the purposes of this indemnification, each party specifically waives any immunity under Title 51 RCW. The parties have specifically negotiated this provision.

13. AMENDMENT. This Contract may be amended at any time by mutual written agreement and formalized with the same formality as this Contract.

14. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws, and regulations applicable to the subject matter of this Contract.

15. ASSIGNMENTS. Neither party may assign, transfer, or subcontract its interest, in whole or in part, without the other party's prior written consent. In the event of an assignment or transfer, the terms of this Contract shall continue to be in full force and effect.

16. NON-WAIVER. No delay or waiver by either party to exercise any contractual right shall be considered a future waiver of such right or any other right.

17. ENTIRE AGREEMENT. This written Contract constitutes an integration of the entire understanding of the parties. There are no promises, terms, conditions or obligations other than those written herein.

18. SEVERABILITY. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.

19. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted, or granted a present or future gift, favor, service, or other thing of value from or to any person involved in this Contract.

**SOUTHWEST SPOKANE
COMMUNITY CENTER**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

N/A



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd 11/13/2024

Clerk's File # OPR 2024-1012

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept	NEIGHBORHOOD, HOUSING &	Bid #	
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Contact Name/Phone	SARA 509.507.0611	Requisition #	25 BUDGET
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Contact E-Mail	SCLEMENTSSAMPSON@SPOKANECIT		
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	ZZAPPONE JBINGLE KKLITZKE		
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Agenda Item Name	0450- WEST CENTRAL COMMUNITY CENTER CONTRACT		
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Agenda Wording

Community Centers receive annual contracts from the City of Spokane to support operational needs, historically these have been multi-year contracts. The Brown administration is proposing a one-year contract with the West Central Community Center.

Summary (Background)

One-year contracts allow us to facilitate round table discussions with community center directors, partners such as libraries and Spokane Public Schools, and City Council to establish clear and reasonable measurements and reporting processes. Knowing that community centers play an invaluable role in our community the City needs to establish improved channels for partnership, develop clarity of impact and services, and support the identification and closure of gaps/needs.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 150,000

Current Year Cost \$ 111,940

Subsequent Year(s) Cost \$ 150,000

Narrative

Amount

Budget Account

Expense	\$ 150,000	# 0350-57200-75500-54201-99999
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

KINDER, DAWN

Division Director

KINDER, DAWN

Accounting Manager

ORLOB, KIMBERLY

Legal

MURAMATSU, MARY

For the Mayor

PICCOLO, MIKE

Additional Approvals

PURCHASING

NECHANICKY, JASON

Distribution List

dkinder@spokanecity.org

sclementssampson@spokanecity.org
dnorman@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/24
Submitting Department	NHHS/CHHS/ONS
Contact Name	Sara Clements-Sampson
Contact Email & Phone	sclementssampson@spokanecity.org
Council Sponsor(s)	<u>Zappone, Bingle, Klitze</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested:
Agenda Item Name	West Central Community Center Contract
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	Knowing that community centers play an invaluable role in our community the City needs to establish improved channels for partnership, develop clarity of impact and services, and support the identification and closure of gaps/needs. Allowing space for robust roundtable discussions and collaboration will create opportunities for improved contracts and regional impact. The City is asking each community center to present to Council bi-annually at Committee or Study Session on the impact their centers are having in their communities and to work with the City to establish improved communications, partnership, and contracts.
Fiscal Impact	<p>*use the Fiscal Impact box below for relevant financial information</p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>150,000</u></p> <p style="padding-left: 20px;">Current year cost: 111,940</p> <p style="padding-left: 20px;">Subsequent year(s) cost: 150,000</p> <p>Narrative: One – year extension of previous contracts for WCCC: \$150,000, NECC: \$150,000, MLK: \$250,943, SWCC: \$32,057.</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Reallocation</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>
Operations Impacts (If N/A, please give a brief description as to why)	What impacts would the proposal have on historically excluded communities? A strategic plan could gain more perspective from historically excluded communities.
	How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? Any data collected, analyzed or reported will be in coordination with e strategic planning process.
	How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? A strategic planning process will set goals with accountability measures and reporting timelines.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? Community Centers' plans can help address the Neighborhood Master Plans for their respective neighborhoods.



City of Spokane

CONTRACT

Title: **WEST CENTRAL COMMUNITY DEVELOPMENT ASSOCIATION FUNDING**

This Contract is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **WEST CENTRAL COMMUNITY DEVELOPMENT ASSOCIATION**, a 501(C)(3) non-profit corporation, whose address is 1603 North Belt, Spokane, Washington 99205, as ("West Central Community Center"). Individually hereafter referenced as a "Party", and together as the "Parties".

WHEREAS, the West Central Community Center provides broad-based community services to the local neighborhood and serves as an integral part of the City of Spokane's safety net for our citizens; and

WHEREAS, it is the desire of the City to provide financial support to the West Central Community Center for the purpose of serving the needs of the Southwest Community Center's surrounding neighborhood in the areas of health care, food security, education , employment, housing, family services and civic capital.

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. PERFORMANCE. The West Central Community Center shall provide services to meet the needs of the Center's surrounding neighborhood in the areas of health care, food security, education, employment, housing, family services and civic capital. In the case that the neighborhood may have unique needs not covered in the aforementioned categories of service, West Central Community Center may use City funding to meet these needs with prior written approval from the City.

2. PERFORMANCE REPORTING. The West Central Community Center shall present at City Council biannually describing programmatic activities and accomplishments for the past quarter and highlighting upcoming events or milestones as well as facility updates and needs.

3. COMPENSATION. Total compensation under this Contract shall not exceed **ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00)**, for everything furnished and done under this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 1 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Contract.

Acceptable expenditures may include program administration, building maintenance, program materials, and direct client assistance. City funds may be used as match dollars for third-party grants that support the services identified under the Performance section of this Contract. City funds may also be used to grow the capacity of the West Central Community Center through donor development, grant writing, or any expense that can be demonstrated to increase the sustainability of the Center through increasing Center revenues from non-government sources or reducing Center expenses.

The City reserves the right to revise this amount in any manner in which the City may deem appropriate in order to take into account any future fiscal limitations affecting the City. The City shall give the West Central Community Center (30) days written notice of any revision. The parties agree that this is an annual contract, and by no means a guarantee of future funding.

Requests for increases in funding must be received by June 1st for consideration in the next year's budget. Requests must thoroughly substantiate the need for additional funding. Requests for an increase in funding are not guaranteed and are based on budgetary constraints and are at the discretion of the City. Changes to the amount of compensation shall be set forth in an amendment to the contract.

Preventative maintenance of the HVAC system is required. If the City is required to perform this maintenance the costs quoted will be reduced from the original compensation amount when the maintenance is performed.

4. PAYMENT. The West Central Community Center shall send general ledger descriptions for reimbursement of spent funds at minimum each month and no more than quarterly to the City's Community Engagement Programs Manager, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington, 99201-3317. Payment shall be made within thirty (30) days of receipt of the West Central Community Center's reimbursement request.

5. TERM. This Contract shall begin January 1, 2025, and run through December 31, 2025, unless amended by written agreement or terminated earlier under the provisions. The contract may be renewed for one (1) additional one-year contract periods, subject to mutual agreement.

6. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The West Central Community Center agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Center.

7. TERMINATION. Either party may terminate this Contract upon sixty (60) days written notice to the other party.

8. TAXES. The West Central Community Center shall be solely responsible for all pertinent taxes levied, assessed, or imposed upon the non-profit corporation and its operation.

9. INSURANCE. During the period of the Agreement, the Company shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to Title 48 RCW:

A. **Worker's Compensation Insurance** in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. **General Liability Insurance** on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Company's services to be provided under this Agreement;

- i. Acceptable supplementary Umbrella coverage in combination with Commercial General Liability policy shall be a minimum of \$2M in order to meet the minimum insurance coverages required under this contract;

C. **Automobile Liability Insurance** with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and

D. **Property Insurance** if materials and supplies are furnished by the Company. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

There shall be no cancellation, material change, or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Company or its insurer(s) or insurers authorized representative to the City. As evidence of the insurance coverages required by this Agreement, the Company shall furnish ACORD form insurance certificates to the City at the time it returns the signed Agreement. The certificate shall specify all of the parties who are additional insureds to the extent of Company's indemnify obligations, and include applicable blanket-form policy endorsements, including the blanket-form notice of cancellation endorsements (30 days). The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

10. AUDIT. The West Central Community Center shall maintain for a minimum of three (3) years following final payment, all records related to its performance of the Contract. The West Central Community Center shall provide access to authorized City representatives at reasonable times and in a reasonable manner to inspect and copy any such records. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

11. INTERNAL AUDITING CONTROL. The West Central Community Center shall establish and maintain a system of internal accounting control which complies with applicable Generally Accepted Accounting Principles (GAAP) and non-profit accounting and financial reporting standards.

12. LIABILITY.

- A. The West Central Community Center shall defend, indemnify, and hold harmless the City, its officers, employees and agents, from any claim, damage, loss, liability, injury, cost and expense arising out of the negligence of the West Central Community Center its officers, employees, and agents in connection with the Contract, except to the extent of the negligence of the City, its officers, employees, and agents. If an action, claim or proceeding instituted by a third part is directed at work or action taken by the West Central Community Center solely on behalf of the City, its officers, employees and agents, the City shall defend, indemnify and hold harmless the West Central Community Center from any expenses connected with the defense, settlement, or monetary judgement ensuring from such actions, claims, or proceedings.
- B. Each party specifically assumes potential liability for actions brought by its own employees against the other party, and, solely for the purposes of this indemnification, each party specifically waives any immunity under Title 51 RCW. The parties have specifically negotiated this provision.

13. AMENDMENT. This Contract may be amended at any time by mutual written agreement and formalized with the same formality as this Contract.

14. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws, and regulations applicable to the subject matter of this Contract.

15. ASSIGNMENTS. Neither party may assign, transfer, or subcontract its interest, in whole or in part, without the other party's prior written consent. In the event of an assignment or transfer, the terms of this Contract shall continue to be in full force and effect.

16. NON-WAIVER. No delay or waiver by either party to exercise any contractual right shall be considered a future waiver of such right or any other right.

17. ENTIRE AGREEMENT. This written Contract constitutes an integration of the entire understanding of the parties. There are no promises, terms, conditions or obligations other than those written herein.

18. SEVERABILITY. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.

19. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted, or granted a present or future gift, favor, service, or other thing of value from or to any person involved in this Contract.

**WEST CENTRAL COMMUNITY
DEVELOPMENT ASSOCIATION**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

N/A

24-235b



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Discussion

Date Rec'd	11/13/2024
Clerk's File #	OPR 2024-1013
Cross Ref #	
Project #	

Council Meeting Date: 11/25/2024

Submitting Dept	NEIGHBORHOOD, HOUSING &	Bid #	
Contact Name/Phone	SARA 509-507-0611	Requisition #	25 BUDGET
Contact E-Mail	SCLEMENTSSAMPSON@SPOKANECIT		
Agenda Item Type	Contract Item		
Council Sponsor(s)	ZZAPPONE JBINGLE KKLITZKE		
Agenda Item Name	0450- MARTIN LUTHER KING JR. OUTREACH CENTER OPERATING AT ECCC		

Agenda Wording

Community Centers receive annual contracts from the City of Spokane to support operational needs, historically these have been multi-year contracts. The Brown administration is proposing a one-year contract.

Summary (Background)

One-year contracts allowing us to facilitate roundtable discussions with community center directors. Knowing that community centers play an invaluable role in our community the City needs to establish improved channels for partnership, develop clarity of impact and services, and support the identification and closure of gaps/needs.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 250,943

Current Year Cost \$ 264,150

Subsequent Year(s) Cost \$ 250,943

Narrative

Amount

Budget Account

Expense	\$ 250,943	# 0350-57110-75500-54201-99999
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



City of Spokane
CONTRACT
**Title: Martin Luther King Jr. Center Operating at
East Central Community Center Funding**

This Contract is made and entered into by and between the **City of Spokane** as (“City”), a Washington municipal corporation, and **MARTIN LUTHER KING JR. FAMILY OUTREACH CENTER**, a 501(C)(3) non-profit corporation, whose address is 500 South Stone Street, Spokane, Washington 99202, as (“Center”). Individually hereafter referenced as a “Party”, and together as the “Parties”.

WHEREAS, the Center provides broad-based community services to the local neighborhood and serves as an integral part of the City of Spokane's safety net for our citizens; and

WHEREAS, the City is requiring as preventative maintenance, Task Assignment #4.1 is hereby incorporated as a requirement of said Contract, see attached Exhibit A; and

WHEREAS, it is the desire of the City to provide financial support to the Center for the purpose of serving the needs of the Center's surrounding neighborhood in the areas of health care, food security, education , employment, housing, family services and civic capital.

-- NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. PERFORMANCE. The Center shall provide services to meet the needs of the Center's surrounding neighborhood in the areas of health care, food security, education, employment, housing, family services and civic capital. In the case that the neighborhood may have unique needs not covered in the aforementioned categories of service, Center may use City funding to meet these needs with prior written approval from the City.

2. PERFORMANCE REPORTING. The Center shall present at City Council biannually describing programmatic activities and accomplishments for the past quarter and highlighting upcoming events or milestones as well as facility updates and needs.

3. COMPENSATION. Total compensation under this Contract shall not exceed **TWO HUNDRED FIFTY THOUSAND NINE HUNDRED FORTY-THREE AND NO/100 DOLLARS (\$250,943.00)** from available City funds, for everything furnished and done under this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 1 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Contract.

Acceptable expenditures may include program administration, building maintenance, program materials, and direct client assistance. City funds may be used as match dollars for third-party grants that support the services identified under the Performance section of this Contract. City funds may also be used to grow the capacity of the Center through donor development, grant writing, or any expense that can be demonstrated to increase the sustainability of the Center through increasing Center revenues from non-government sources or reducing Center expenses.

The City reserves the right to revise this amount in any manner in which the City may deem appropriate in order to take into account any future fiscal limitations affecting the City. The City shall give the Center (30) days written notice of any revision. The parties agree that this is an annual contract, and by no means a guarantee of future funding.

Requests for increases in funding must be received by June 1st for consideration in the next year's budget. Requests must thoroughly substantiate the need for additional funding. Requests for an increase in funding are not guaranteed and are based on budgetary constraints and are at the discretion of the City. Changes to the amount of compensation shall be set forth in an amendment to the contract.

Preventative maintenance of the HVAC system shall align with Exhibit 1: Task Assignment #4.1 and #4.1 HVAC Maintenance Labor. If the City is required to perform this maintenance the costs quoted will be reduced from the original compensation amount each month as maintenance is performed.

4. PAYMENT. The Center shall send general ledger descriptions for reimbursement of spent funds at minimum each month and no more than quarterly to the City's Community Engagement Programs Manager, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington, 99201-3317. Payment shall be made within thirty (30) days of receipt of the Center's reimbursement request.

5. TERM. This Contract shall begin January 1, 2025, and run through December 31, 2025, unless amended by written agreement or terminated earlier under the provisions. The contract may be renewed for one (1) additional one-year contract periods, subject to mutual agreement.

6. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Center agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Center.

7. TERMINATION. Either party may terminate this Contract upon sixty (60) days written notice to the other party.

8. TAXES. The Center shall be solely responsible for all pertinent taxes levied, assessed, or imposed upon the non-profit corporation and its operation.

9. INSURANCE. During the period of the Agreement, the Company shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to Title 48 RCW:

A. **Worker's Compensation Insurance** in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;

B. **General Liability Insurance** on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Company's services to be provided under this Agreement;

- i. Acceptable supplementary Umbrella coverage in combination with Commercial General Liability policy shall be a minimum of \$2M in order to meet the minimum insurance coverages required under this contract;

C. **Automobile Liability Insurance** with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and

D. **Property Insurance** if materials and supplies are furnished by the Company. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

There shall be no cancellation, material change, or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Company or its insurer(s) or insurers authorized representative to the City. As evidence of the insurance coverages required by this Agreement, the Company shall furnish ACORD form insurance certificates to the City at the time it returns the signed Agreement. The certificate shall specify all of the parties who are additional insureds to the extent of Company's indemnify obligations, and include applicable blanket-form policy endorsements, including the blanket-form notice of cancellation endorsements (30 days). The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

10. AUDIT. The Center shall maintain for a minimum of three (3) years following final payment, all records related to its performance of the Contract. The Center shall provide access to authorized City representatives at reasonable times and in a reasonable manner to inspect and copy any such records. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

11. INTERNAL AUDITING CONTROL. The Center shall establish and maintain a system of internal accounting control which complies with applicable Generally Accepted Accounting Principles (GAAP) and non-profit accounting and financial reporting standards.

12. LIABILITY.

- A. The Center shall defend, indemnify, and hold harmless the City, its officers, employees and agents, from any claim, damage, loss, liability, injury, cost and expense arising out of the negligence of the Center its officers, employees, and agents in connection with the Contract, except to the extent of the negligence of the City, its officers, employees, and agents. If an action, claim or proceeding instituted by a third part is directed at work or action taken by the Center solely on behalf of the City, its officers, employees and agents, the City shall defend, indemnify and hold harmless the Center from any expenses connected with the defense, settlement, or monetary judgement ensuring from such actions, claims, or proceedings.
- B. Each party specifically assumes potential liability for actions brought by its own employees against the other party, and, solely for the purposes of this indemnification, each party specifically waives any immunity under Title 51 RCW. The parties have specifically negotiated this provision.

13. AMENDMENT. This Contract may be amended at any time by mutual written agreement and formalized with the same formality as this Contract.

14. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws, and regulations applicable to the subject matter of this Contract.

15. ASSIGNMENTS. Neither party may assign, transfer, or subcontract its interest, in whole or in part, without the other party's prior written consent. In the event of an assignment or transfer, the terms of this Contract shall continue to be in full force and effect.

16. NON-WAIVER. No delay or waiver by either party to exercise any contractual right shall be considered a future waiver of such right or any other right.

17. ENTIRE AGREEMENT. This written Contract constitutes an integration of the entire understanding of the parties. There are no promises, terms, conditions or obligations other than those written herein.

18. SEVERABILITY. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.

19. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted, or granted a present or future gift, favor, service, or other thing of value from or to any person involved in this Contract.

**MARTIN LUTHER KING JR.
FAMILY OUTREACH CENTER**

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

Exhibit A – Preventative Maintenance Task Assignment #4.1 dated October 23, 2024.

24-233



Task Assignment #4.1

HVAC Maintenance Labor

MLK Community Center HVAC Control System Service:

Database Backups (4 times per year)

Control System Analysis on one (1) Global Controllers (once per year)

Communication Optimization on one communication trunk (once per year)

Flex Time (8 Hours)

Annual Functional Performance Testing

- Three (3) Air Handlers
- Two (2) Boilers

HVAC Mechanical Service:

Annual service for the following deliverables where applicable.

- Boilers (qty of 2)
 - Condensing Units (qty of 3)
 - Air Handling Units (qty of 3)
 - Roof Top Units (qty of 10)
 - Fan Coil Units (qty of 4)
 - Energy Recovery Ventilator (qty of 1)
 - Exhaust Fans (qty of 11)
1. TESTING for excessive vibration; motor winding resistance; refrigerant charge; fan RPM; refrigerant oil (acid); water condition; flue gas analysis; safety controls, combustion and draft; crankcase heaters.
 2. INSPECTING for worn, failed or doubtful parts; mountings, drive couplings; oil level; rotation; soot; flame composition and shape; pilot and igniter; steam, water, oil and/or refrigerant leaks.
 3. CLEANING coil surfaces; fan impellers and blades; electrical contacts; burner orifices; passages and nozzles; pilot and igniter; cooling tower baffles, basin, sump and float; chiller, condenser and boiler tubes.
 4. ALIGNING belt drives; drive couplings; coil fins.
 5. CALIBRATING safety controls; temperature and pressure controls.
 6. TIGHTENING electrical connections; mounting bolts; pipe clamps; refrigerant piping fittings; damper sections.
 7. ADJUSTING belt tension; refrigerant charge; super heat; fan RPM; water chemical feed and feed rate; burner fuel/air ratios; gas pressure; set point of controls and limits; compressor cylinder unloaders; damper close-off; sump floats.
 8. LUBRICATING motors; fan and damper bearings; valve stems; damper linkages; fan vane linkages, etc.

Mechanical Maintenance Schedule

Assets									
Qty	Unit Desc.	Type	Spring	Summer	Fall	Winter	Coil Cleaning	Annual Filter Changes	Annual Belt Changes
1	AHU-1	AHU-DX	1	1	1	1	0	4	1
1	CU-1	SPLIT-CND-AIR	1	1	0	0	1	0	0
1	AHU-2	AHU-DX	1	1	1	1	0	4	1
1	CU-2	SPLIT-CND-AIR	1	1	0	0	1	0	0
1	AHU-3	AHU-DX	1	1	1	1	0	4	1
1	CU-3	SPLIT-CND-AIR	1	1	0	0	1	0	0
1	BLR-1	BLR-GAS-HW	1	1	1	1	0	0	0
1	BLR-2	BLR-GAS-HW	1	1	1	1	0	0	0
1	RTU-1	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-2	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-3	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-4	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-5	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-6	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-7	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-8	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-9	PKG-DX-GAS	1	1	1	1	1	4	1
1	RTU-10	PKG-DX-GAS	1	1	1	1	1	4	1
4	VESTIBULE FAN COILS	PKG FC	0	0	1	1	0	2	0
1	ERV-1	PKG-ERV	1	1	1	1	0	4	1
11	EXFAN	FAN-EX	1	0	1	0	0	0	1

Assumptions / Clarifications

- 1) Proposal excludes applicable taxes.
- 2) Proposal excludes repair of mechanical part failures beyond the services listed above.
- 3) Annual maintenance plan described above will take effect the month that follows the date of approval of this task assignment.

- **Annual pricing for above mentioned project = \$30,030**

Hourly Rate: \$165 Hours Billed: 182



Task Assignment #4.1

HVAC Maintenance Parts for MLK Community Center

Line Item 206: Fan Coil Filter 14x20x1 (qty of 8)	\$78.16
Line Item 207: Air Handler Filter 16x25x2 (qty of 208)	\$2,052.96
Line Item 208: Air Handler Filter 16x20x2 (qty of 24)	\$210.72
Line Item 209: Air Handler Filter 20x25x2 (qty of 8)	\$89.12
Line Item 210: 36" Belt (qty of 9)	\$135.00
Line Item 211: 26" Belt (qty of 11)	\$140.25
Line Item 212: 40" Belt (qty of 1)	\$19.29
Line Item 213: 47" Belt (qty of 2)	\$35.70
Line Item 214: 63" Belt (qty of 3)	\$75.51
Line Item 215: 65" Belt (qty of 2)	\$51.66

Assumptions / Clarifications

- 1) Proposal excludes applicable taxes.
- 2) Quantities listed above are for 1 year of maintenance.
- 3) Maintenance parts described above will be allotted to start the month that follows the date of approval of this task assignment.

- Annual pricing for above mentioned project = \$2,888.37

Paul Bonner

ATS Inland NW



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd	11/13/2024
Clerk's File #	OPR 2024-1014
Cross Ref #	
Project #	

Council Meeting Date: 11/25/2024

Submitting Dept	NEIGHBORHOOD, HOUSING &	Bid #	
Contact Name/Phone	SARA 509.507.0611	Requisition #	
Contact E-Mail	SCLEMENTSSAMPSON@SPOKANECIT		
Agenda Item Type	Contract Item		
Council Sponsor(s)	ZZAPPONE JBINGLE KKLITZKE		
Agenda Item Name	0450- CHASE YOUTH COMMISSION CONTRACT		

Agenda Wording

MOU between the City of Spokane and Chase Youth Foundation for contract in amount of \$45,000 per year for four years, a total of \$180,000.

Summary (Background)

The City of Spokane provides supplemental funding to the Chase Youth Foundation, fiscal agent of the Chase Youth Commission. This contract will provide funding in the amount of \$45,000 for the Chase Youth Commission for services provided by the Chase Youth Commission for the four-year MOU.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 180,000

Current Year Cost \$ 45,000

Subsequent Year(s) Cost \$ 45,000

Narrative

Amount

Budget Account

Expense	\$ 180,000	# 0580-53110-71230-54201-99999
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

KINDER, DAWN

Division Director

KINDER, DAWN

Accounting Manager

BROWN, SKYLER

Legal

KAPAUN, MEGAN

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

	sclementssampson@spokanecity.org
dkinder@spokanecity.org	dnorman@spokanecity.org
sbrown@spokanecity.org	

Committee Agenda Sheet

Urban Experience Committee

Committee Date	11/11/24
Submitting Department	NHHS
Contact Name	Sara Clements-Sampson
Contact Email & Phone	Sclementssampson@spokanecity.org
Council Sponsor(s)	<u>Zappone, Bingle, Klitze</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: 10
Agenda Item Name	Chase Youth Commission Contract
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only NOT SURE
Summary (Background) *use the Fiscal Impact box below for relevant financial information	The City of Spokane provides supplemental funding to the Chase Youth Foundation, fiscal agent of the Chase Youth Commission. The renewal of this contract will provide funding in the amount of \$45,000 per year for the Chase Youth Commission for services provided by the Chase Youth Commission for the four-year MOU renewal. The Chase Youth Commission serves as to provide an opportunity for youth to participate in government by advising and making recommendations to the City regarding policies and programs that improve quality of life for children and youth in Spokane. The City has contracted with Chase Youth Foundation, the fiscal agent to the Chase Youth Commission over the past many years for an annual amount of \$45,000. In 2020, we contracted with Chase Youth for a 5-year period (through 2024) to reduce the number of contract renewals and/or amendments needed to be brought forth for approval. This renewal continues for a 4-year period, as requested by Chase Youth Foundation.
Fiscal Impact	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: Current year cost: 45,000 Subsequent year(s) cost: 45,000	
Narrative: <u>City and County both fund one paid position, youth awards recognition, and various service projects.</u>	
Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? The Chase Youth Commission is an opportunity for youth to engage with local electeds in both city and county government. The Chase Youth Awards is an opportunity to highlight the work youth are doing in our community, which could be from historically excluded communities.	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? No data collection. Anecdotal data collected through experience with youth from electeds.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? No data collection. Anecdotal data collected through experience with youth from electeds.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? This is an excellent step in engaging youth in our community and highlighting the youth who are doing great things to address any of the listed plans, programs or policies.



City of Spokane

**MEMORANDUM OF UNDERSTANDING
CITY OF SPOKANE AND
JAMES E. CHASE YOUTH COMMISSION AND
CHASE YOUTH FOUNDATION**

THIS MEMORANDUM OF UNDERSTANDING is between the **CITY OF SPOKANE**, a Washington State municipal corporation, located at City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201 (“City”), and the **JAMES E. CHASE YOUTH COMMISSION**, organized pursuant to section 4.23.010 of the Spokane Municipal Code, located in Spokane, Washington (“Chase Youth Commission”); and the **CHASE YOUTH FOUNDATION**, a non-profit corporation, located at P.O. Box 8771, Spokane, Washington 99203 (“Chase Youth Foundation”).

***WHEREAS**, for the general purpose of providing a structure within local government to serve as a voice for youth, the City established the James E. Chase Youth Commission, to advise and make recommendations to the City regarding policies, programs, planning, budgets, staffing and other matters relating to the quality of life of Spokane area children and youth; and*

***WHEREAS**, the Chase Youth Foundation was formed to be a fund-raising arm of the Youth Department and the Chase Youth Commission; and*

***WHEREAS**, due to funding cuts, the City eliminated its Youth Department, but is committed to promoting programs for the youth of the Spokane area;*

-- NOW, THEREFORE,

The parties agree as follows:

1. **TERM.** This MOU shall take effect January 1, 2025, and shall terminate on December 31, 2029. It is the intent of the parties to continue this MOU in future years, subject to funding allocations. This MOU may be terminated earlier, by mutual consent of all parties. In the event of termination, the Chase Youth Foundation shall provide the City with an accounting of all funds in its possession and transfer those receipts, along with any restrictions thereon, to the Chase Youth Commission.
2. **CHASE YOUTH COMMISSION MISSION AND GOALS.**
 - A. The intent of the Chase Youth Commission is to improve the quality of life for children and youth in the Spokane area by creating and maintaining a positive environment for all Spokane area youth through partnerships that foster community resources for youth involvement, leadership, recognition and empowerment.
 - B. The goals of the Youth Commission are to:

- 1) Be a community leader in the identification of issues affecting youth;
 - 2) Serve as an advocate for youth needs and improvement in youth policies, and to directly engage the community in this process;
 - 3) Involve youth in the community decision-making process;
 - 4) Recognize accomplishments of children and youth and promote the value of youth in our community; and
 - 5) Develop new programs, initiatives and resources for youth.
3. **CHASE YOUTH FOUNDATION REPRESENTATIONS.** The Chase Youth Foundation represents and acknowledges the following with regard to its operation, creation and purposes:
- A. The Chase Youth Foundation is created and operated primarily in support of the Chase Youth Commission's vision, mission and goals, and its work will be compatible with these interests and goals;
 - B. The Chase Youth Foundation will have as its purpose to secure, purchase, manage and invest privately raised funds for the benefit of the Chase Youth Commission's programs;
 - C. The Chase Youth Foundation will operate as a private legal entity separate and apart from the City and the Chase Youth Commission;
 - D. The Chase Youth Foundation will use sound fiscal and auditing procedures;
 - E. The Chase Youth Foundation will not interfere with day-to-day Youth Commission operations; and
 - F. The Chase Youth Foundation will maintain its status as a tax-exempt, charitable organization under state and federal income tax laws to ensure that gifts and bequests received may qualify as deductible, charitable contributions for the donor.
4. **PROGRAMS.**
- A. Programs and services must be designed to recognize and honor contributions of area youth to community, schools and/or government, provide opportunities for youth to become involved in local and state governmental activities, including shaping public policy, developing opportunities for youth to advance leadership skills and facilitate personal growth;
 - B. The Chase Youth Commission shall submit semi-annual reports detailing program activities (deliverables) to the Mayor or designee; and
 - C. In addition to general support for youth engagement and skill building as in Section 3, the Chase Youth Commission will at a minimum host:
 - 1) One (1) event, open to the general public, which recognize teen's positive attributes and contributions to our community; and

- 2) A youth led public policy forum on a topic impacting youth and the broader community.
- D. Provide meeting support and direction for the Teen Advisory Council (TAC) which currently meets monthly as a regular body, plus meets with Chase Youth Commission to work on projects; and
5. **FUNDING.** The City agrees to provide funding in the amount of **FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00) per year** to the Chase Youth Foundation as fiscal agent for the Chase Youth Commission for services provided by the Chase Youth Commission during the terms of the MOU. The amount shall not be increased without written agreement of the parties. Payment shall be made quarterly in arrears of services performed.
6. **ACCOUNTABILITY AND STEWARDSHIP.** As the parties want to maintain the highest levels of accountability and stewardship, the parties shall share information with the each other as reasonably requested, develop reporting processes and institute compliance and auditing procedures that ensure programs are successfully provided, donated funds are accounted for, and expenditures are made in accordance with donors' wishes. The Chase Youth Commission and Chase Youth Foundation shall provide a current list of their officers and directors to the City.
7. **FINANCIAL PROCEDURES.**
 - A. **FINANCIAL STATEMENTS.** The Chase Youth Foundation shall maintain financial records in accordance with Generally Accepted Accounting Principles (GMP); and
 - B. **INSPECTION OF CHASE YOUTH FOUNDATION RECORDS.** Because private funds are raised to support public projects, the Chase Youth Foundation will permit, on reasonable notice, authorized City officials or their designees to inspect all Chase Youth Foundation books and records, except to the extent the inspection violates rights to privacy or confidential donor information.
8. **CITY'S ASSISTANCE TO THE YOUTH COMMISSION AND YOUTH FOUNDATION.** As long as the Chase Youth Commission and Chase Youth Foundation comply with all provisions of this MOU, the City will assist them in the following manner:
 - A. Allow the Chase Youth Commission and Chase Youth Foundation to use the name and images of the City of Spokane;
 - B. Provide the Chase Youth Commission with assistance in Youth Commission activities at the discretion of the Mayor or designee, and consistent with what is permitted under state and federal law; and
 - C. Assist the Chase Youth Foundation by suggesting and recommending donors and contributions to the Chase Youth Foundation.
9. **ENTIRE AGREEMENT.** This MOU represents a full integration of the parties' entire agreement with respect to the matters specified herein.
10. **GOVERNING LAW AND VENUE.** It is understood that this MOU shall be governed by, construed under and in accordance with the laws of the State of Washington. Venue for any

actions arising under this MOU shall be in a court of competent jurisdiction located in the County of Spokane, Washington.

11. **SEVERABILITY.** Any provision of the MOU which is prohibited or unenforceable shall be ineffective only to the extent of the prohibition or unenforceability without invalidating the remaining provisions thereof.
12. **NONDISCRIMINATION.** No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The parties agree to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the parties.
13. **ANTI-KICKBACK.** No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this MOU shall have or acquire any interest in the agreement, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this MOU.
14. **LIABILITY.** The Chase Youth Foundation shall indemnify and hold harmless the City, its officers and employees, from and against all claims for damages, liability, cost and expense arising out of the negligent conduct of the Chase Youth Foundation's performance of this MOU, except to the extent of those claims arising from the sole negligence of the City, its officers and employees. The Chase Youth Foundation's liability shall be limited to the maximum amounts of insurance coverage in section 15 (below).
15. **INSURANCE.** During the term of the MOU, the Chase Youth Foundation shall maintain in force at its own expense, the following types and amounts of insurance:
 - A. General Liability Insurance on an occurrence basis, with a combined single limit, of not less than \$1,000,000 each occurrence for Bodily Injury and Property Damage. It shall provide that the City, its agents, officers and employees are Additional Insureds but only with respect to the Chase Youth Foundation's services to be provided under this MOU; and
 - B. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage owned, hired or non-owned vehicles. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Chase Youth Foundation or its insurer(s) to the City. As evidence of the insurance coverages required by this MOU, the Chase Youth Foundation shall furnish an acceptable insurance certificate to the City at the time the Chase Youth Foundation returns the signed MOU.

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Dated: _____

JAMES E. CHASE YOUTH COMMISSION

By: _____

Title: _____

Dated: _____

CHASE YOUTH FOUNDATION

By: _____

Title: _____



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd	11/13/2024
Clerk's File #	RES 2024-0110
Cross Ref #	OPR 2016-0987
Project #	

Council Meeting Date: 11/25/2024

Submitting Dept	DEVELOPMENT SERVICES CENTER	Bid #	
Contact Name/Phone	MELISSA OWEN 6063	Requisition #	
Contact E-Mail	MOWEN@SPOKANECITY.ORG		
Agenda Item Type	Resolutions		
Council Sponsor(s)	JBINGLE ZZAPPONE KKLITZKE		
Agenda Item Name	4700 - VISTAS AT BEACON HILL DEVELOPMENT AGREEMENT, EXTENSION NO.		

Agenda Wording

Resolution approving a 1-yr development agreement extension for Vistas at Beacon Hill between the City of Spokane and property owners Nationwide Capital Investments, LLC and Howard Capital Group, LLC.

Summary (Background)

On November 29, 2021, pursuant to Resolution 2021-0097, Council Approved Amendment no. 1 to the Vista's at Beacon Hill Development Agreement which extended the term of the agreement to December 14, 2024. As the expiration date of the extension is approaching the developer and staff processing the final PUD/Plat and associated building/construction permits propose a 1-yr extension. Amendment No. 2 will extend the term to December 14, 2025 in order that all conditions of the preliminary approval

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost	\$
Current Year Cost	\$
Subsequent Year(s) Cost	\$

Narrative

Amount	Budget Account
Neutral \$	#
Select \$	#
Select \$	#
Select \$	#
Select \$	#
Select \$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

and former developer agreements are met.

Approvals		Additional Approvals	
<u>Dept Head</u>	PALMQUIST, TAMI		
<u>Division Director</u>	MACDONALD, STEVEN		
<u>Accounting Manager</u>	ORLOB, KIMBERLY		
<u>Legal</u>	SCHOEDEL, ELIZABETH		
<u>For the Mayor</u>	PICCOLO, MIKE		

Distribution List

	mowen@spokanecity.org
tpalmquist@spokanecity.org	smacdonald@spokanecity.org
akiehn@spokanecity.org	

Committee Agenda Sheet

Select Committee Name

Committee Date	11/11/24
Submitting Department	Developer Services
Contact Name	Melissa Owen
Contact Email & Phone	mowen@spokanecity.org (X6063)
Council Sponsor(s)	Please enter the name of the Council Sponsor(s)
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Vistas at Beacon Hill Development Agreement, Extension No.
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The Vistas at Beacon Hill Findings, Conclusions and Decision dated December 14, 2005, File No. Z2005-68-PP/PUD, the City of Spokane Hearing Examiner granted preliminary approval of a plat and planned unit development (PUD) in order to allow subdivision of property into 35 lots for multi-family development (total 276 units).</p> <p>The preliminary approval was granted a one-year time extension pursuant to Resolution 2016-0101, extending the preliminary approval until December 14, 2021. Subsequently a development agreement extension was adopted by City Council under Resolution 2021-0097 to extend the preliminary approval expiration to December 14, 2024. The 1st amendment to the development agreement was intended to provide the time necessary to submit a final Plat and PUD meeting all of the requirements of the Preliminary Approval (and requirements under development agreements).</p> <p>The PUD overlay was adopted by City Council on July 8, 2024. The final PUD application included required information for a detailed development plan pursuant to 17G.070.200 including proposed phasing of the associated final plat (Phases I and II). Final Plat review for Phase I is in progress along with building permits for apartment and townhome style residential units within the boundaries of Phase I. Minor corrections to the final plat map and dedication pages as well as completion of infrastructure required to serve the development are required to be addressed before the plat may be recorded and building permits issued. This request for a one-year extension is to ensure that all conditions of the preliminary approval and development agreement extensions are met.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: Click or tap here to enter text.</p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p>	

Specify funding source: Select Funding Source*

Is this funding source sustainable for future years, months, etc? [Click or tap here to enter text.](#)

Expense Occurrence One-time Recurring N/A

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impacts (If N/A, please give a brief description as to why)

What impacts would the proposal have on historically excluded communities?

N/A – this proposal extends an existing development agreement for a PUD/Plat originally approved in 2005.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A – no data collection proposed/required.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

N/A

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The proposal extends the development agreement for Vista’s at Beacon Hill preliminary PUD/Plat approved with conditions in 2005. The preliminary plat approval includes subdivision of land into 35 lots for development of up to 276 residential living units.

Additional housing constructed in the Hillyard Neighborhood with further Comp Plan goals and policies related to Housing, Land Use, Urban Design, etc. and is supported by the City of Spokane Housing Action plan intended to meet both affordable and market rate housing including goals such as the proposed multi-family rental housing to be constructed at Vistas at Beacon Hill.

RESOLUTION NO. 2024-0110

A RESOLUTION APPROVING AN EXTENSION OF A DEVELOPMENT AGREEMENT REGARDING THE PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT REFERRED TO AS THE VISTAS AT BEACON HILL

A. WHEREAS, Nationwide owns Spokane County Parcel No. 35022.0114; and

B. WHEREAS, Howard owns Spokane County Parcel No. 35022.0115; and

C. WHEREAS, Howard owns Spokane County Parcel No. 35022.0101; and

D. WHEREAS, collectively the Owners own that certain real property which is located in the Beacon Hill area of Spokane, generally located east of Havana Street, north of Longfellow Avenue, and south of Valley Springs Road, which property is further described in Exhibit "A," attached hereto and incorporated by reference herein (hereafter the "Property");

E. WHEREAS, pursuant to Findings, Conclusions, and Decision dated December 14, 2005, File No. 22005-68-PP/PUD, the City of Spokane Hearing Examiner granted preliminary approval of a plat and planned unit development (PUD) in order to allow subdivision of the Property into 35 lots for multi-family development (the "Project" or "Preliminary Approval"). The Project is known as Vistas at Beacon Hill and the preliminary approval has been granted a one-year time extension, extending expiration of the preliminary approval until December 14, 2016;

F. WHEREAS, on or about December 12, 2016, pursuant to Resolution 2016-0101, the City Council approved a Development Agreement extending the expiration of the preliminary approval until December 14, 2021 (the "Development Agreement");

G. WHEREAS, on or about November 29, 2021, pursuant to Resolution 2021-0097, the City Council approved a Development Agreement extending the expiration of the preliminary approval until December 14, 2024 (the "Development Agreement");

H. WHEREAS, the Owners have requested an additional one-year extension of the Development Agreement in order to extend the time to file a final plat as set forth herein;

I. WHEREAS, the City is a Washington Municipal Corporation with land use planning and permitting authority over all land within its corporate limits and has the authority to enter into Development Agreements pursuant to RCW 36.70B.170(1);

J. WHEREAS, The City has promulgated regulations for Development Agreements in Section 17A.060 of the Spokane Municipal Code (SMC) and the Development Agreement was prepared in accordance with those provisions; and

K. Pursuant to RCW 36.70B.200, the City held a public hearing with respect to consideration and approval of this Extension of the Development Agreement.

NOW, THEREFORE -- it is hereby resolved by the Spokane City Council;

1. The foregoing recitals and the contents of the attached 2nd Amendment of Development Agreement are hereby adopted as the Council's findings in support of this Resolution.
2. The 2nd Amendment of Development Agreement, which provides for an additional 1-year extension of the preliminary approval, is hereby approved and the Mayor is hereby authorized to execute it on behalf of the City.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Exhibit A

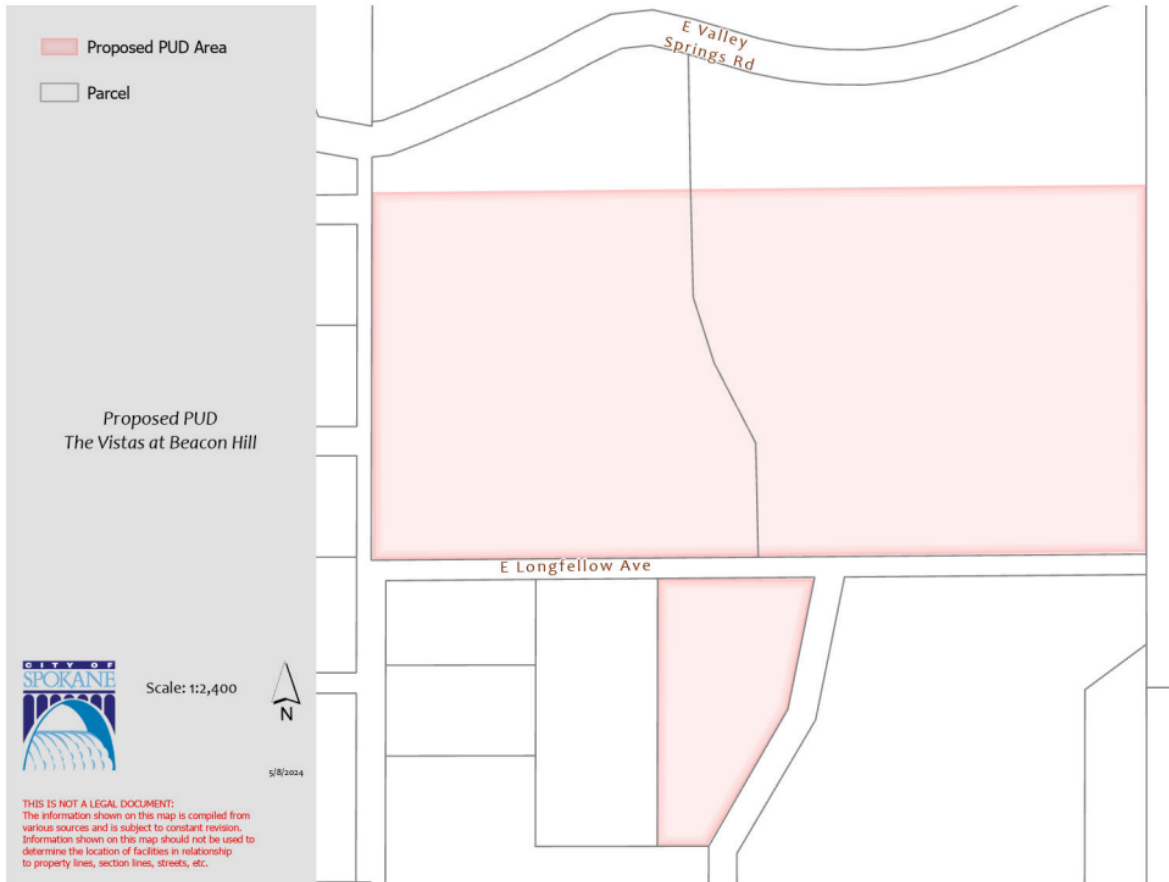
Legal Description with Map

THE SOUTH 629.25 FEET OF THE NORTH 1000 FEET OF GOVERNMENT LOT 4 IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 25 NOETH, RANGE 43 EAST, WILLAMETTE MERIDIAN;

TOGETHER WITH LOT 1, BLOCK 8, HILLYARD ORCHARD HEIGHTS, ACCORDING TO THE PLAT RECORDING IN VOLUME "E" OF PLATS, PAGE 82;

SITUATE IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON.

21.201 ACRES



When recorded return to:
City of Spokane
Attn: Planning Services Department
808 W Spokane Falls Blvd
Spokane, WA 99201

2nd AMENDMENT OF DEVELOPMENT AGREEMENT

This 2nd Amendment of Development Agreement (“Agreement”) is entered into this _____ day of _____, 20____ (the “Effective Date”) by and between the CITY OF SPOKANE, a Washington Municipal Corporation (the “City”), Nationwide Capital Investments, LLC, a Washington limited liability company (as “Nationwide”) and Howard Capital Group, LLC, a Washington limited liability company (as “Howard”). Nationwide and Howard are collectively referred to herein as the “Owners.” The Owners and the City are collectively referred to herein as the “Parties.”

RECITALS

- A. WHEREAS, Nationwide owns Spokane County Parcel No. 35022.0114; and
- B. WHEREAS, Howard owns Spokane County Parcel No. 35022.0115; and
- C. WHEREAS, Howard owns Spokane County Parcel No. 35022.0101; and
- D. WHEREAS, collectively the Owners own that certain real property which is located in the Beacon Hill area of Spokane, generally located east of Havana Street, north of Longfellow Avenue, and south of Valley Springs Road, which property is further described in Exhibit “A,” attached hereto and incorporated by reference herein (hereafter the “Property”);
- E. WHEREAS, pursuant to Findings, Conclusions, and Decision dated December 14, 2005, File No. Z2005-68-PP/PUD, the City of Spokane Hearing Examiner granted preliminary approval of a plat and planned unit development (PUD) in order to allow subdivision of the Property into 35 lots for multi-family development (the “Project” or “Preliminary Approval”). The Project is known as Vistas at Beacon Hill and the preliminary approval has been granted a one-year time extension, extending expiration of the preliminary approval until December 14, 2016;
- F. WHEREAS, on or about December 12, 2016, pursuant to Resolution 2016-0101, the City Council approved a Development Agreement extending the expiration of the preliminary approval until December 14, 2021 (the “Development Agreement”);

G. WHEREAS, on or about November 29, 2021, pursuant to Resolution 2021-0097, the City Council approved a Development Agreement extending the expiration of the preliminary approval until December 14, 2024 (the “Development Agreement”);

H. WHEREAS, the Owners have requested an additional one-year extension of the Development Agreement in order to extend the time to file a final plat as set forth herein;

I. WHEREAS, in support of their request for an additional extension, Owners have represented that all new streets within and serving the Project will be public streets built to the City’s current public street standards, and that they will dedicate land or cause the same to be dedicated for a park and ride facility in close proximity to the project that will accommodate approximately 50 cars;

J. WHEREAS, Owners have made substantial progress on construction of required infrastructure, have finalized the PUD overlay zone (ORD C36536), and have submitted application for Phase I Final Plat currently in review by applicable staff and departments under Z23- 473FPLT.

K. WHEREAS, The Vistas at Beacon Hill Final Plat Z23-473 cannot be authorized for printing, signature collection, and recording until all corrections on the plat are made and all conditions of the preliminary plat and prior development agreements are met;

L. WHEREAS, the City is a Washington Municipal Corporation with land use planning and permitting authority over all land within its corporate limits and has the authority to enter into Development Agreements pursuant to RCW 36.70B.170(1);

M. WHEREAS, The City has promulgated regulations for Development Agreements in Section 17A.060 of the Spokane Municipal Code (SMC) and the Development Agreement was prepared in accordance with those provisions; and

NOW, THEREFORE, based on the foregoing Recitals, the Parties agree as follows:

TERMS

1. Development Agreement. The Development Agreements approved by the City Council pursuant to Resolutions 2016-0101 and 2021-0097 are incorporated by reference into this document as though written in full and shall, together with the Preliminary Approval, remain in full force and effect except as provided herein.
2. Extension of Time. Unless terminated earlier as provided herein, the duration of the Development Agreement shall be extended and shall remain in effect until amended in writing by the Parties or until December 14, 2024 (hereinafter, “Term”). Unless the Development Agreement is terminated earlier as provided therein, the expiration date (or the time by which the Owners must submit a final plat and PUD meeting all of the requirements of the Preliminary Approval) of the Project is extended until December

14, 2024. Provided, pursuant to RCW 36.70B.170, the city reserves the right to impose new or different regulations to the extent required by a serious threat to public health and safety.

3. Public Streets. The Preliminary Approval is hereby modified to require all new streets and roads within and serving the Project to be public streets built to the City's current public road standards. The Project shall no longer include any private streets.
4. Park and Ride. The Preliminary Approval is further modified as follows: Prior to, and as a condition of the approval and recording of a final plat, the Owners/applicants, or the Owners'/applicant's successors or assigns, shall dedicate land no further than one half mile from the final plat to the Spokane Transit Authority for a park and ride facility that will accommodate approximately fifty (50) cars, or shall have entered into a binding agreement with a third party providing for the same, acceptable to the City, which approval shall not be unreasonably withheld.
5. Recordation of Agreement. The Owners shall cause this Agreement and any amendment(s) or termination to it to be recorded with the Spokane County Auditor.
5. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and shall constitute one and the same instrument. All Exhibits hereto are hereby incorporated by specific reference into this Agreement, and their terms are made a part of this Agreement as though fully recited herein.
6. Termination. This Agreement shall be deemed terminated and of no further effect upon the entry of a final judgment (and the exhaustion of all appeals setting aside such final judgment), voiding this Agreement, if appealed, or on December 14, 2025, whichever occurs first. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder.
7. Appeal. Without limiting any appeal rights, and subject to SMC 17G.060.210, a person with standing, as defined in Washington land use case law, may appeal to the hearing examiner a project permit or project permits issued pursuant to this Agreement by filing with the permit application department a written appeal within fourteen days of the date of the written decision on the project permit.

CITY OF SPOKANE, WASHINGTON

By: _____
Title: _____

Attest:

Approved as to form:

Clerk

Assistant City Attorney

NATIONWIDE CAPITAL INVESTMENTS, LLC

By: _____

Its: _____

HOWARD CAPITAL GROUP, LLC

By: _____

Its: _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

I certify that I know or have satisfactory evidence that _____ and TERRI L. PFISTER, are the persons who appeared before me and said persons acknowledged that they signed this document, on oath stated that they were authorized to sign it and acknowledged it as the _____ and the City Clerk, respectively, of the CITY OF SPOKANE, a municipal corporation, to be the free and voluntary act of such party for the uses and purposes therein mentioned.

DATED: _____

Notary Public in and for Washington State,
residing at _____

My appointment expires _____

STATE OF WASHINGTON :
: ss.
County of Spokane :

I hereby certify that I know or have satisfactory evidence that, on this _____ day of _____, 20_____, _____ signed this instrument,
(Print name)
on oath state that (she/he/they) is/are authorized to execute the instrument as a _____ of _____
(Position/Title) (Name of entity)
and acknowledge it to be (her/his/their) free and voluntary act of such party for uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for the State of
Washington, residing at Spokane
My commission expires: _____

STATE OF WASHINGTON :
: ss.
County of Spokane :

I hereby certify that I know or have satisfactory evidence that, on this _____ day of _____, 20_____, _____ signed this instrument,
(Print name)
on oath state that (she/he/they) is/are authorized to execute the instrument as a _____ of _____
(Position/Title) (Name of entity)
and acknowledge it to be (her/his/their) free and voluntary act of such party for uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for the State of
Washington, residing at Spokane
My commission expires: _____



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 11/04/2024

Committee Agenda type: Discussion

Date Rec'd 10/24/2024

Clerk's File # ORD C36608

Cross Ref #

Project #

Council Meeting Date: 11/18/2024

Submitting Dept MAYOR

Bid #

Contact Name/Phone ADAM 6779

Requisition #

Contact E-Mail AMCDANIEL@SPOKANECITY.ORG

Agenda Item Type First Reading Ordinance

Council Sponsor(s) PDILLON BWILKERSON MCATHCART

Agenda Item Name ORDINANCE UPDATING THE PENALTIES FOR ILLEGAL DUMPING

Agenda Wording

Code Enforcement reports, on average, over 20 tons of garbage is illegally dumped and discarded throughout the city of Spokane every month.

Summary (Background)

The Washington State Legislature unanimously adopted HB 2207 adding criminal penalties for illegal dumping. The new penalties are: • Litter less than or equal to one cubic foot is a Class 3 Civil Infraction (\$50); • Litter in an amount greater than one cubic foot but less than 10 cubic yards is a misdemeanor; and • Litter in an amount greater than 10 cubic yards is a gross misdemeanor

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Amount

Budget Account

Select \$ #

Select \$ #

Select \$ #

Select \$ #

\$ #

\$ #



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

JONES, GARRETT

Division Director

Accounting Manager

ORLOB, KIMBERLY

Legal

SCHOEDEL, ELIZABETH

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

amcdaniel@spokanecity.org

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	November 4, 2024
Submitting Department	Mayor's Office
Contact Name	Adam McDaniel
Contact Email & Phone	amcdaniel@spokanecity.org
Council Sponsor(s)	Please enter the name of the Council Sponsor(s)
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested 5 minutes
Agenda Item Name	Ordinance updating the penalties for illegal dumping
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Code Enforcement reports, on average, over 20 tons of garbage is illegally dumped and discarded throughout the city of Spokane every month.</p> <p>The Washington State Legislature unanimously adopted HB 2207 adding criminal penalties for illegal dumping. The new penalties are:</p> <ul style="list-style-type: none"> • Litter less than or equal to one cubic foot is a Class 3 Civil Infraction (\$50); • Litter in an amount greater than one cubic foot but less than 10 cubic yards is a misdemeanor; and • Litter in an amount greater than 10 cubic yards is a gross misdemeanor <p>This ordinance removes our existing Litter and Rubbish code chapter and adopts by reference the state's litter law reflecting these updated penalties.</p>
Fiscal Impact	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: \$ Subsequent year(s) cost:	
Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Reallocation Is this funding source sustainable for future years, months, etc?	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

N/A

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Code Enforcement tracks illegal dumping by pounds [here](#). Revised penalties adopted by the state legislature are intended to deter illegal dumping practices taking place across the state.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

- RCW 70A.200.060
- Spokane County Comprehensive Solid Waste Management Plan

ORDINANCE NO. C36608

An ordinance relating to Littering and Illegal Dumping; repealing Chapter 10.62 of the Spokane Municipal Code; amending Section 10.58.020 of the Spokane Municipal Code.

WHEREAS, Code Enforcement reports, on average, over 20 tons of garbage is illegally dumped and discarded throughout the city of Spokane every month; and

WHEREAS, the Washington State Legislature unanimously adopted HB 2207, adding criminal penalties for illegal dumping greater than 1 cubic foot; and

WHEREAS, the City intends to update the Spokane Municipal Code to reflect the new criminal penalties for illegal dumping provided by state law.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That Chapter 10.62 of the Spokane Municipal Code is hereby repealed.

Section 2. That Section 10.58.020 of Chapter 10.58 of the Spokane Municipal Code is amended to read follows:

Section 10.58.020 Statutes Adopted by Reference

All statutes within the Revised Code of Washington are hereby adopted by reference. They include, but are not limited to, the following

1. RCW Title 7 Special Proceedings and Actions

- RCW 7.21.010 Definitions.
- RCW 7.21.020 Sanctions - Who may impose.
- RCW 7.21.030 Remedial sanctions - Payment for losses.
- RCW 7.21.040 Punitive Sanctions - Fines.
- RCW 7.21.050 Sanctions - Summary imposition - procedure.
- RCW 7.21.070 Appellate review.
- RCW 7.80.120 Monetary penalties – Restitution.
- RCW 7.80.150 Notices - Record of - Cancellation prohibited, penalty – Audit.
- RCW 7.80.160 Failure to exercise notice options - Failure to satisfy penalty.
- RCW 7.84.060 Response to notice - Contesting determination - Mitigating Circumstances - Hearing - Failure to respond or appear - Penalty.

- RCW 7.84.100 Monetary penalties.
- RCW 7.84.130 Failure to pay or complete community restitution – Penalty.
- RCW 7.105 ch. Civil protection orders – Jurisdiction and venue, filing, service, hearings, orders, duration, relief and remedies
- RCW 7.105.450 Enforcement and penalties – Other than anti-harassment protection orders and extreme risk protection orders.
- RCW 7.105.455 Enforcement and penalties – Antiharassment protection orders.
- RCW 7.105.460 Enforcement and penalties – Extreme risk protection orders – false petitions.
- RCW 7.105.465 Enforcement and penalties—Knowledge of order.
- RCW 7.105.470 Enforcement—Prosecutor assistance.
- RCW 7.105.565 Proceedings additional—Filing of criminal charges not required.
- RCW 7.105.570 Other authority retained.
- RCW 7.105.575 Liability

2. RCW Title 9 Crimes and Punishments

- RCW 9.03.010 Abandoning, discarding refrigeration equipment
- RCW 9.03.020 Permitting Unused Equipment to Remain on Premises
- RCW 9.03.030 Violation of RCW 9.03.010 or 9.03.020.
- RCW 9.03.040 Keeping or Storing Equipment for Sale
- RCW 9.04.010 False advertising
- RCW 9.04.090 Advertising fuel prices by service stations
- RCW 9.08.030 False Certificate of Registration of Animals—False Representation as to Breed
- RCW 9.08.070 Pet Animals-Taking, concealing, injuring, killing, etc.
- RCW 9.08.072 Transferring stolen pet animal to a research institution
- RCW 9.12.010 Barratry
- RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy
- RCW 9.16.020 Imitating lawful brand
- RCW 9.16.035 Counterfeiting-penalties
- RCW 9.16.060 Fraudulent registration of trademark
- RCW 9.16.080 Petroleum products improperly labeled or graded-penalty
- RCW 9.16.100 Use of the words “sterling silver,” etc.
- RCW 9.16.110 Use of the words “coin silver,” etc.
- RCW 9.16.120 Use of the word “sterling” on mounting
- RCW 9.16.130 Use of the words “coin silver” on mounting
- RCW 9.16.140 Unlawfully marking article made of gold
- RCW 9.18.120 Suppression of competitive bidding
- RCW 9.18.130 Collusion to prevent competitive bidding-Penalty
- RCW 9.24.010 Fraud in stock subscription
- RCW 9.24.040 Corporation Doing business without a license

RCW 9.26A.090 Telephone company credit cards-Prohibited acts
RCW 9.26A.110 Fraud in obtaining telecommunications service-Penalty
RCW 9.26A.120 Fraud in operating coin-box telephone or other receptacle
RCW 9.26A.130 Penalty for manufacture of sale of slugs to be used for coin
RCW 9.26A.140 Unauthorized sale or procurement of telephone records-penalties-
Definitions
RCW 9.27.015 Interference, obstruction of any court, building, or residence—
Violations
RCW 9.35.020 Identity Theft
RCW 9.35.030 Soliciting undesired mail
RCW 9.38.010 False representation concerning credit
RCW 9.38.015 False statement by deposit account applicant
RCW 9.38.020 False representation concerning title
RCW 9.40.040 Operating engine or boiler without spark arrester
RCW 9.40.100 Tampering with fire alarm or firefighting equipment—False alarm—
Penalties
RCW 9.41.050 Carrying firearms-loaded pistol in vehicle
RCW 9.41.115 Unlawful sale or transfer of firearm
RCW 9.41.140 Alteration of identifying marks – Exceptions.
RCW 9.41.171 Alien possession of firearms - Requirements – Penalty.
RCW 9.41.173 Alien possession of firearms - Alien firearm license - Political
subdivisions may not modify requirements - Penalty for false
statement.
RCW 9.41.175 Alien possession of firearms - Possession without license -
Conditions
RCW 9.41.230 Aiming or discharging firearms, dangerous weapons
RCW 9.41.240 Possession of pistol or semiautomatic assault rifle by person
from eighteen to twenty-one.
RCW 9.41.250 Dangerous weapons-penalty
RCW 9.41.260 Dangerous exhibitions
RCW 9.41.270 Weapons apparently capable of producing bodily harm-unlawful
carrying or handling-penalty-Exceptions
RCW 9.41.280 Possessing dangerous weapons on school facilities
RCW 9.41.282 Possessing dangerous weapons on child care premises—
Penalty—Exceptions
RCW 9.41.284 Possessing dangerous weapons at voting facilities - Penalty -
Exceptions.
RCW 9.41.300 Weapons prohibited in certain places—Local laws and
ordinances—Exceptions—Penalty
RCW 9.41.305 Open carry of weapons prohibited on state capitol grounds and
municipal buildings.
RCW 9.41.325 Undetectable or untraceable firearms—Penalties
RCW 9.41.326 Untraceable firearms - Exceptions – Penalties.

RCW 9.41.327 Unfinished frames or receivers - Exceptions – Penalties.
 RCW 9.41.335 Failure to register as felony firearm offender
 RCW 9.41.360 Unsafe storage of a firearm
 RCW 9.41.810 Violation of requirement to surrender firearms and other violations
 of chapter 9.41 RCW
 RCW 9.44.080 Misconduct in signing a petition
 RCW 9.45.060 Encumbered, leased, or rented personal property—Construction
 RCW 9.45.070 Mock auctions
 RCW 9.45.080 Fraudulent removal of property
 RCW 9.45.090 Knowingly receiving fraudulent conveyance
 RCW 9.45.100 Fraud in assignment for benefit of creditors
 RCW 9.45.270 Fraudulent filing of vehicle report of sale
 RCW 9.46.170 False or misleading entries or statements, refusal to produce
 records
 RCW 9.46.185 Causing person to violate rule or regulation
 RCW 9.46.195 Obstruction of public servant—Penalty
 RCW 9.46.1962 Cheating in the second degree
 RCW 9.46.198 Working in gambling activity without license as violation—Penalty
 RCW 9.46.217 Gambling records—Penalty—Exceptions
 RCW 9.46.222 Professional gambling in the third degree
 RCW 9.47A.050 Offenses relating to inhaling toxic fumes
 RCW 9.51.010 Misconduct of officer drawing jury
 RCW 9.51.020 Soliciting jury duty
 RCW 9.51.030 Misconduct of officer in charge of jury
 RCW 9.51.040 Grand juror acting after challenge allowed
 RCW 9.51.050 Disclosing transaction of grand jury
 RCW 9.51.060 Disclosure of deposition returned by grand jury
 RCW 9.61.230 Telephone harassment
 RCW 9.61.240 Telephone harassment—Permitting telephone to be used
 RCW 9.62.010 Malicious prosecution
 RCW 9.62.020 Instituting suit in name of another
 RCW 9.66.030 Maintaining or permitting nuisance
 RCW 9.66.050 Deposit of unwholesome substance
 RCW 9.68.030 Indecent articles, etc.
 RCW.9.68.060 Offenses related to "erotic material"—Determination by court—
 Labeling—Penalties.
 RCW 9.68.130 Unlawful display of sexually explicit material
 RCW 9.68A.053 Minor dealing in depictions of another minor or selling
 RCW 9.68A.080 Failing to report depictions of minor engaged in sexually explicit
 conduct
 RCW 9.68A.090 Communication with minor for immoral purposes-penalties
 RCW 9.68A.103 Permitting commercial sexual abuse of a minor —Penalty—
 Consent of minor does not constitute defense

RCW 9.68A.150 Allowing minor on premises of live erotic performance—
Definitions—Penalty

RCW 9.68.100 Duty of witness of offense against child or any violent offense—
Penalty.

RCW 9.73.010 Divulging telegram

RCW 9.73.020 Opening sealed letter

RCW 9.73.030 Intercepting, recording, or divulging private communication—
Consent required—Exceptions.

RCW 9.73.080 Alteration, erasure or wrongful disclosure of a recording and other
penalties for violations of RCW 9.73.030

RCW 9.73.260 Unauthorized use of trap and trace devices, cell site simulator

RCW 9.86.020 Improper use of a flag

RCW 9.86.030 Desecration of flag

RCW 9.91.010 Denial of civil rights

RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated

RCW 9.91.025 Unlawful transit conduct

RCW 9.91.060 Leaving children unattended in parked automobile

RCW 9.91.130 Disposal of trash in charity donation receptacle

RCW 9.91.140 Unlawful sale of food stamps

RCW 9.91.142 Food stamps-Trafficking

RCW 9.91.150 Tree spiking

RCW 9.91.170 Violations related to Interfering with dog guide or service animal

RCW 9.91.175 Violations related to Interfering with search and rescue dog

RCW 9.94A.835 Special allegation—Sexual motivation—Procedures

3. **RCW Title 9A Washington Criminal Code**

RCW 9A.36.041 Assault in the fourth degree

RCW 9A.36.050 Reckless endangerment

RCW 9A.36.070 Coercion

RCW 9A.36.150 Interference with the reporting of domestic violence

RCW 9A.40.070 Custodial interference in the second degree

RCW 9A.42.035 Criminal mistreatment in the third degree

RCW 9A.42.037 Criminal mistreatment in the fourth degree

RCW 9A.42.080 Abandonment of a dependent person in the third degree

RCW 9A.42.110 Leaving a child in the care of a sex offender

RCW 9A.44.096 Sexual misconduct with a minor in the second degree

RCW 9A.44.115 Voyeurism in the second degree

RCW 9A.44.132 Failure to register as sex offender or kidnapping offender

RCW 9A.44.170 Custodial sexual misconduct in the second degree

RCW 9A.46.020 Harassment: Definition-Penalties

RCW 9A.46.040 Court-ordered requirements-person charged with crime.

RCW 9A.46.080 Order restricting contact-Violation
RCW 9A.46.110 Stalking
RCW 9A.48.050 Reckless burning in the second degree
RCW 9A.48.090 Malicious mischief in the third degree
RCW 9A.48.105 Criminal street gang tagging and graffiti
RCW 9A.48.110 Defacing a state monument
RCW 9A.49.030 Unlawful discharge of a laser in the second degree
RCW 9A.50.020 Interference with health care facilities and providers
RCW 9A.50.030 Interference with health care facilities and providers-Penalty
RCW 9A.52.060 Making or having burglar tools
RCW 9A.52.070 Criminal trespass in the first degree
RCW 9A.52.080 Criminal trespass in the second degree
RCW 9A.52.100 Vehicle prowling in the second degree
RCW 9A.52.115 False swearing-Penalty
RCW 9A.56.050 Theft in the third degree
RCW 9A.56.060 Unlawful issuance of checks or drafts
RCW 9A.56.063 Making or possessing motor vehicle theft tools
RCW 9A.56.096 Theft of rental, leased, lease-purchased, or loaned property
RCW 9A.56.170 Possessing stolen property in the third degree
RCW 9A.56.180 Obscuring the identity of a machine
RCW 9A.56.220 Theft of subscription television services
RCW 9A.56.270 Shopping cart theft
RCW 9A.56.330 Possession of another's identification
RCW 9A.60.045 Criminal impersonation in the second degree
RCW 9A.60.050 False certification
RCW 9A.60.070 Offenses related to false academic credentials
RCW 9A.60.080 Impersonating a census taker
RCW 9A.61.050 Defrauding a public utility in the third degree
RCW 9A.72.040 False swearing
RCW 9A.72.140 Jury tampering
RCW 9A.72.150 Tampering with physical evidence
RCW 9A.76.020 Obstructing a law enforcement officer
RCW 9A.76.030 Refusing to summon aid for a peace officer
RCW 9A.76.040 Resisting arrest
RCW 9A.76.070 Rendering criminal assistance in the first degree
RCW 9A.76.080 Rendering criminal assistance in the second degree
RCW 9A.76.090 Rendering criminal assistance in the third degree
RCW 9A.76.100 Compounding
RCW 9A.76.130 Escape in the third degree
RCW 9A.76.160 Introducing contraband in the third degree
RCW 9A.76.170 Bail jumping
RCW 9A.76.175 Making a false or misleading statement to a public servant
RCW 9A.76.190 Failure to appear or surrender—Affirmative defense—Penalty.

RCW 9A.80.010 Official misconduct
RCW 9A.82.160 Criminal profiteering lien—Trustee's failure to comply, evasion of procedures or lien
RCW 9A.82.170 Financial institution records—Inspection and copying—Wrongful disclosure
RCW 9A.84.010 Criminal mischief (riot)
RCW 9A.84.020 Failure to disperse
RCW 9A.84.030 Disorderly conduct
RCW 9A.84.040 False reporting
RCW 9A.86.010 Disclosing intimate images
RCW 9A.88.010 Indecent exposure
RCW 9A.88.030 Prostitution
RCW 9A.88.090 Permitting prostitution
RCW 9A.88.110 Patronizing a prostitute
RCW 9A.90.050 Computer trespass in the second degree
RCW 9A.90.070 Spoofing
RCW 9A.90.090 Electronic data tampering in the second degree
RCW 9A.90.130 Cyberstalking
RCW 13.32A.080 Unlawful harboring of a minor—Penalty—Defense—Prosecution of adult for involving child in commission of offense.

4. RCW Title 10 Criminal Procedure

RCW 10.01 General provisions.
RCW 10.05 Deferred prosecution—Courts of limited jurisdiction.
RCW 10.19 Bail and appearance bonds.
RCW 10.21 Bail determinations under Article I, section 20—Conditions of release.
RCW 10.22 Compromise of misdemeanors.
RCW 10.25 Jurisdiction and venue.
RCW 10.27 Grand juries—Criminal investigations.
RCW 10.29 Statewide special inquiry judge act.
RCW 10.31 Warrants and arrests.
RCW 10.34 Fugitives of this state.
RCW 10.37 Accusations and their requisites.
RCW 10.40 Arraignment.
RCW 10.43 Former acquittal or conviction.
RCW 10.52 Witnesses—Generally.
RCW 10.55 Witnesses outside the state (uniform act).
RCW 10.56 Witnesses—Eyewitnesses and informants.
RCW 10.58 Evidence.
RCW 10.61 Verdicts.
RCW 10.64 Judgments and sentences.

RCW 10.66 Drug traffickers—Off-limits orders.
RCW 10.70 Commitments.
RCW 10.73 Criminal appeals.
RCW 10.77 Criminally insane—Procedures.
RCW 10.79 Searches and seizures.
RCW 10.82 Collection and disposition of fines and costs.
RCW 10.85 Rewards.
RCW 10.88 Uniform criminal extradition act.
RCW 10.89 Uniform act on fresh pursuit.
RCW 10.91 Uniform rendition of accused persons act.
RCW 10.92 Tribal police officers.
RCW 10.93 Washington mutual aid peace officers powers act.
RCW 10.96 Criminal process records.
RCW 10.97 Washington state criminal records privacy act.
RCW 10.98 Criminal justice information act.
RCW 10.99 Domestic violence—Official response.
RCW 10.101 Indigent defense services.
RCW 10.105 Property involved in a felony.
RCW 10.108 Blue alert system.
RCW 10.109 Use of body worn cameras.
RCW 10.110 Individuals in custody—Health care services.
RCW 10.112 Sexual exploitation of children.
RCW 10.114 Use of deadly force by peace officer.
RCW 10.116 Peace officers—Tactics and equipment.
RCW 10.118 Law enforcement—Use of force—Data collection.
RCW 10.120 Law enforcement and correctional officers—Permissible uses of force.
RCW 10.122 Uniform electronic recordation of custodial interrogations act.

5. RCW Title 16 Animals and livestock

RCW 16.08.100 Dangerous dogs—Confiscation—Conditions—Duties of animal control authority—Penalties and affirmative defenses for owners of dogs that attack.
RCW 16.24.040 Violation of Order re Stock restricted areas
RCW 16.36.110 Animal health violations, gross misdemeanor—Injunction—Denial, revocation, or suspension of license
RCW 16.50.170 Humane slaughter of livestock - Penalty for violations
RCW 16.52.090 Docking horses
RCW 16.52.095 Cutting ears
RCW 16.52.225 Non-ambulatory livestock-transporting or accepting delivery
RCW 16.52.305 Unlawful use of hook
RCW 16.57.120 Removal or alteration of brand—Penalty
RCW 16.52.207 Animal cruelty in the second degree—Penalty.

RCW 16.52.225 Non-ambulatory livestock—Transporting or accepting delivery—
Gross misdemeanor—Definition.
RCW 16.57.280 Possession of cattle or horse marked with another's brand—
Penalty
RCW 16.57.320 Disposition of proceeds of sale when no proof of ownership—
Penalty for accepting proceeds after sale, barter, trade
RCW 16.57.405 Microchip in a horse—Removal with intent to defraud
RCW 16.58.170 identification of cattle through licensing of certified feed lots General
penalties—Subsequent offenses
RCW 16.65.440 Public livestock markets – Penalty
RCW 16.68.180 Disposal of dead animals
RCW 16.70.050 Control of pet animals infected with diseases communicable to
humans - Violations-Penalty

6. RCW Title 19 Business Regulations – Miscellaneous

RCW 19.02.115 Licensing information—Authorized disclosure—Penalty
RCW 19.06.040 Blind made products-services – Penalty
RCW 19.09.275 Charitable solicitations - Violations—Penalties
RCW 19.25.020 Reproduction of sound without consent of owner unlawful—Fine and
penalty
RCW 19.25.030 Use of recording of live performance without consent of owner
unlawful—Fine and penalty
RCW 19.25.040 Failure to disclose origin of certain recordings unlawful—Fine and
penalty
RCW 19.27A.120 Energy-related building standards - Violations—Penalty
RCW 19.29.060 Electrical construction - Violation of rules by agent, employee or
officer—Penalty
RCW 19.30.150 Farm labor contractors – Penalties
RCW 19.31.080 Employment agencies - License required—Penalty
RCW 19.48.110 Obtaining hotel, restaurant, lodging house, ski area, etc.,
accommodations by fraud—Penalty
RCW 19.60.066 Pawnbrokers and secondhand dealers - Prohibited acts—Penalty
RCW 19.60.067 Secondhand precious metal dealers—Prohibited acts—Penalty
RCW 19.68.010 Rebating by Practitioners of Healing Professions - Rebating
prohibited—Disclosure—List of alternative facilities
RCW 19.76.130 Refilling bottles, etc.-Penalty
RCW 19.83.050 Trading stamp licenses – Penalty
RCW 19.84.040 Trading stamps and premiums – Criminal Penalty
RCW 19.86.110 Demand to produce documentary materials for inspection, answer
written interrogatories, or give oral testimony—Contents—Service—
Unauthorized disclosure—Return—Modification, vacation—Use—
Penalty

RCW 19.105.470 Camping resorts - Violations—As gross misdemeanors—Statute of limitations

RCW 19.105.520 Camping resorts unlawful to represent director's administrative approval as determination as to merits of resort—Penalty

RCW 19.110.075 Business opportunity fraud – Penalties

RCW 19.112.060 Motor fuel quality act - Penalties

RCW 19.122.090 Underground Utilities – Excavation without a valid confirmation code – Penalty

RCW 19.122.110 False excavation confirmation code—Penalty

RCW 19.134.070 Credit services organizations act - Waiver of rights—Violations—Enforcement—Unfair business practice

RCW 19.138.270 Sellers of travel violations—Giving false information—Criminal penalties

RCW 19.146.110 Mortgage broker practices act - Criminal penalty

RCW 19.154.100 Immigration services fraud prevention act - Penalty

RCW 19.158.150 Commercial telephone solicitation – Registration required-penalty

RCW 19.158.160 Commercial telephone solicitation-Penalties

RCW 19.166.090 International student exchange – Violations-Misdemeanor

RCW 19.170.070 Promotional advertising of prizes – Violation-Penalty

RCW 19.178.120 Going out of business sales – Violation-False or incorrect notice-Penalty

RCW 19.194.030 Trade-in or exchange of computer hardware - Prohibited acts-Gross misdemeanor

RCW 19.210.040 Unused property merchants – Penalties

RCW 19.230.300 Uniform money services act – Criminal Penalties

RCW 19.235.010 Motion picture-Unauthorized recording-Penalty

RCW 19.265.060 Tax refund anticipation loans-Violation of chapter-Penalty

RCW 19.290.070 Metal property – Violations-Penalty

RCW 19.290.100 Scrap metal license-Penalties

RCW 19.310.130 Exchange facilitators – Violations-Misdemeanor

7. Title 46 Motor Vehicle Dealers and Manufacturers

RCW 46.70.021 License required for dealers or manufacturers—Penalties

RCW 46.70.051 Issuance of license—Private party dissemination of vehicle database

RCW 46.70.140 Handling "hot" vehicles—Unreported motor "switches"—Unauthorized use of dealer plates—Penalty

RCW 46.82.390 Driver Training Schools-Penalty

8. RCW Title 26 Domestic Relations

RCW 26.44.030 Abuse of children-Reports-Duty and authority to make, etc.

RCW 26.44.060 Abuse of children-False report of abuse
RCW 26.44.063 Abuse of children-Violation of court order
RCW 26.44.067 Abuse of children-Refusal to comply with restraining order
RCW 26.44.080 Abuse of children-Failure to make a report-Violation-Penalty
RCW 26.44.150 Violation of restraining order – Persons accused of sexually or physically abusing a child-Penalty

9. Miscellaneous Provisions

RCW 26.28.080 Selling or giving tobacco to minor—Belief of representative capacity, no defense—Penalty
RCW 38.40.120 Authorized military organizations

10. RCW Title 66 Alcoholic Beverage Control

RCW 66.20.200 Liquor permits-Unlawful acts relating to identification or certification card— Penalties
RCW 66.20.340 Alcohol servers-Violation of rules-Penalties
RCW 66.24.481 Licenses-Stamp taxes-Public place or club-License or permit required-Penalty
RCW 66.28.200 Keg registration-Special endorsement for grocery store licensee-Requirements of seller
RCW 66.28.210 Keg registration-Requirements of purchaser
RCW 66.28.220 Keg registration—Identification of containers—Rules—Fees—Sale in violation of rules unlawful
RCW 66.28.230 Keg registration—Furnishing to minors—Penalties
RCW 66.44.090 Acting without license
RCW 66.44.100 Opening or consuming liquor in public place—Penalty.
RCW 66.44.120 Unlawful use of seal
RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal—Unlawful operation, possession of still or mash
RCW 66.44.150 Buying liquor illegally
RCW 66.44.180 General penalties-Jurisdiction for violations
RCW 66.44.200 Sales to persons apparently under the influence of liquor— Purchases or consumption by persons apparently under the influence of liquor on licensed premises—Penalty—Notice— Separation of actions.
RCW 66.44.240 Drinking in public conveyance-Penalty against carrier-Exception
RCW 66.44.250 Drinking in public conveyance-Penalty against individual-Restricted application
RCW 66.44.270 Furnishing liquor to minors, minor in possession, use -Penalties-Exhibition of effects-Exceptions
RCW 66.44.290 Minor purchasing or attempting to purchase liquor-Penalty

- RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least twenty-one, in public place where liquor sold
- RCW 66.44.310 Minors frequenting off-limits area—Misrepresentation of age—Penalty—Classification of licensees
- RCW 66.44.325 Unlawful transfer to minor of age identification
- RCW 66.44.328 Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card—Penalty
- RCW 66.44.380 Powdered alcohol

11. RCW Title 68 Cemeteries, Morgues and Human Remains

- RCW 68.05.115 Sale or transfer of cemetery authority or creation of a new cemetery—Penalty for noncompliance
- RCW 68.05.240 Interment, certificate of authority required—Penalty
- RCW 68.24.130 Cemetery property-Sale for resale prohibited—Penalty
- RCW 68.24.140 Commission on sales prohibited—Penalty
- RCW 68.24.150 Unlawful employment of others to dispose of human remains
- RCW 68.24.190 Opening road through cemetery—Penalty
- RCW 68.28.060 Mausoleums-Improper construction a nuisance—Penalty
- RCW 68.40.085 Endowment and Non-endowment care-Representing fund as perpetual—Penalty
- RCW 68.40.090 Endowment and Non-endowment care-Penalty
- RCW 68.50.020 Notice to coroner or medical examiner—Penalty
- RCW 68.50.050 Removal or concealment of body—Penalty
- RCW 68.50.100 Dissection, when permitted—Autopsy of person under the age of three years
- RCW 68.50.108 Autopsies, postmortems—Consent to embalm, cremate body, or make final disposition—Time limitation
- RCW 68.50.120 Holding body for debt—Penalty
- RCW 68.50.130 Unlawful disposal of remains
- RCW 68.50.185 Individual final disposition—Exception—Penalty
- RCW 68.50.645 Skeletal human remains—Duty to notify—Ground disturbing activities—Coroner determination—Definitions
- RCW 68.50.010 Unlawful damage to graves, markers, shrubs, etc.—Interfering with funeral
- RCW 68.50.040 Nonconforming cemetery a nuisance—Penalty
- RCW 68.60.040 Protection of cemeteries—Penalties
- RCW 68.60.055 Skeletal human remains—Duty to notify—Ground disturbing activities—Coroner determination—Definitions

12. RCW Title 69 Food, Drugs, Cosmetics, and Poisons

RCW 69.04.060 Intrastate commerce in drugs and cosmetics criminal penalty for violations

RCW 69.04.070 Intrastate commerce in drugs and cosmetics additional penalty

RCW 69.06.060 Food and beverage establishment workers' permits-Penalty

RCW 69.07.150 Washington Food Processing Act-Violations-Penalties

RCW 69.22.090 Cottage food operations-Penalty

RCW 69.25.150 Washington Wholesome Eggs And Egg Products Act- Penalties—Liability of employer—Defense

RCW 69.28.185 Honey-Penalty

RCW 69.30.140 Sanitary control of shellfish-Penalties

RCW 69.36.060 Washington Caustic Poison Act of 1929-Penalty

RCW 69.38.040 Inspection of poison register-Penalty for failure to maintain register

RCW 69.38.040 False representation-Penalty

RCW 69.38.060 Manufacturers and sellers of poisons—License required—Penalty

RCW 69.40.055 Selling repackaged poison without labeling—Penalty

RCW 69.41.030 Legend drugs-Prescription drugs- Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions—Penalty

RCW 69.41.050 Legend drugs-Prescription drugs - Labeling requirements—Penalty

RCW 69.41.170 Coercion of pharmacist prohibited—Penalty

RCW 69.41.320 Legend drugs-Prescription drugs - Practitioners—Restricted use—Medical records

RCW 69.41.350 Possessing steroid without a valid prescription

RCW 69.50.4011 Possession of counterfeit substance

RCW 69.50.4013 Possession of controlled substance

RCW 69.50.4014 Possession of forty grams or less of marijuana

RCW 69.50.412 Unlawful use of drug paraphernalia

RCW 69.50.475 Marijuana retail outlets—Sale to persons under the age of twenty-one—Penalty

RCW 69.50.560 Controlled purchase programs—Persons under age twenty-one—Violation—Criminal penalty—Exceptions

RCW 69.90.020 Sale of "kosher" and "kosher style" food products prohibited if not kosher—Representations—Penalty

13. RCW Title 70 Public Health and Safety

RCW 70.02.330 Obtaining confidential records under false pretenses - Penalty

RCW 70.05.120 Local health departments, boards, officers-regulations, violations—remedies—Penalties

RCW 70.24.022 Interviews, examination, counseling, or treatment of infected persons or persons believed to be infected—Dissemination of false information—Penalty

RCW 70.24.025 Violations of health order—Penalties

RCW 70.24.027 Intentional transmission of HIV—Penalties
RCW 70.24.080 Control and treatment of sexually transmitted diseases—Penalty
RCW 70.28.033 Treatment, isolation, or examination order of health officer—
Violation—Penalty
RCW 70.41.170 Operating or maintaining unlicensed hospital or unapproved tertiary
health service—Penalty
RCW 70.42.180 Operating without a license—Injunctions or other remedies—
Penalty
RCW 70.54.010 Polluting water supply—Penalty
RCW 70.54.020 Furnishing impure water—Penalty
RCW 70.54.030 Pollution of watershed of city in adjoining state—Penalty
RCW 70.54.050 Exposing contagious disease—Penalty
RCW 70.54.065 Ambulances and drivers—Penalty.
RCW 70.54.070 Door of public buildings to swing outward—Penalty
RCW 70.54.080 Liability of person handling steamboat or steam boiler
RCW 70.54.090 Attachment of objects to utility poles—Penalty
RCW 70.54.160 Public restrooms—Pay facilities—Penalty
RCW 70.54.350 Electrology and tattooing—Practitioners to comply with rules—
Penalty
RCW 70.54.400 Retail restroom access—Customers with medical conditions—
Penalty
RCW 70.58.280 Vital statistics—Penalty
RCW 70.58A.590 Vital statistics—Penalties
RCW 70.62.280 Transient accommodations—licensing—inspections—Violations—
Penalty
RCW 70.74.160 Unlawful access to explosives
RCW 70.74.295 Abandonment of explosives
RCW 70.74.300 Explosive containers to be marked—Penalty
RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.

RCW 70.155.080 Tobacco – Purchasing, possessing by persons under eighteen—
Civil infraction—Jurisdiction.

RCW 70.160.030 Smoking prohibited in public places or places of employment.

RCW 70.160.075 Smoking prohibited within twenty-five feet of public places or
places of employment—Application to modify presumptively
reasonable minimum distance.

RCW 70.345.140 Vapor products - Purchase or possession by persons under
eighteen—Penalty—Jurisdiction.

14. RCW Title 70A Environmental Health and Safety

RCW 70A.200.060 Littering Prohibited – Penalties – Litter cleanup restitution payment

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd 11/13/2024

Clerk's File # ORD C36609

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept PLANNING & ECONOMIC

Bid #

Contact Name/Phone BRANDON (509) 625 - 6846

Requisition #

Contact E-Mail BWHITMARSH@SPOKANECITY.ORG

Agenda Item Type First Reading Ordinance

Council Sponsor(s) ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name 0650 - Z23-474COMP – MISSION & SINTO – COMPREHENSIVE PLAN

Agenda Wording

A city-sponsored proposal, Z23-474COMP, seeking to amend the Land Use Plan Map and Zoning Map for 1.5 acres in the Chief Garry Park Neighborhood. This proposal is being considered as part of the Annual Comprehensive Plan Amendment Work Program.

Summary (Background)

The proposal concerns 2002, 2012, 2018, and 2028 E Mission Ave and 2007 E Sinto Ave (Parcels 35162.0121, 35162.0122, 35162.0111, 35162.0105, and 35162.0110) in the Chief Garry Park Neighborhood. Application Z23-474COMP seeks to amend the Comprehensive Plan Land Use Plan Map from "Neighborhood Mini-Center" and "Residential Low" to "Neighborhood Mini-Center" and "Office" and amend the Zoning Map from "Neighborhood Retail, 35-foot height limit (NR-35)" and "R1" to "Neighborhood Retail,

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.

Amount

Budget Account

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

, 40-foot height limit (NR-40)" and "Office Retail, 40-foot height limit (OR-40)." This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal. Please note that, per RES 2024-0029, this is a city-sponsored application.

Approvals

<u>Dept Head</u>	GARDNER, SPENCER
<u>Division Director</u>	MACDONALD, STEVEN
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	SCHOEDEL, ELIZABETH
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

Distribution List

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sgardner@spokanecity.org	smacdonald@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	November 11, 2024
Submitting Department	Planning & Economic Development
Contact Name	Brandon Whitmarsh
Contact Email & Phone	Bwhitmarsh@spokanecity.org , (509) 625 - 6846
Council Sponsor(s)	<u>CM Zack Zappone, CM Jonathan Bingle, and CM Kitty Klitzke</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Z23-474COMP – Mission & Sinto – Comprehensive Plan Amendment
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The proposal concerns 2002, 2012, 2018, and 2028 E Mission Ave and 2007 E Sinto Ave (Parcels 35162.0121, 35162.0122, 35162.0111, 35162.0105, and 35162.0110) in the Chief Garry Park Neighborhood.</p> <p>Application Z23-474COMP seeks to amend the Comprehensive Plan Land Use Plan Map from “Neighborhood Mini-Center” and “Residential Low” to “Neighborhood Mini-Center” and “Office” and amend the Zoning Map from “Neighborhood Retail, 35-foot height limit (NR-35)” and “R1” to “Neighborhood Retail, 40-foot height limit (NR-40)” and “Office Retail, 40-foot height limit (OR-40).”</p> <p>This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.</p> <p>Please note that, per RES 2024-0029, this is a city-sponsored application.</p>
Fiscal Impact	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Subsequent year(s) cost:	
Narrative: <u>Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.</u>	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	

What impacts would the proposal have on historically excluded communities?

The proposal is a city-sponsored proposal to amend the land use and zoning map and is not directly related to historically excluded communities. However, the proposal will allow more flexibility in the use of the subject parcels, most of which are owned by Family Promise of Spokane, which could aid operations in support of families experiencing homelessness.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The proposal is a land use and zoning map change and does not guarantee future development of the subject properties. No data is directly collected or analyzed on the listed topics, however the Planning & Economic Development Department generally follows these proposals to track whether the subject properties develop in the future.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

As stated above, the department generally tracks these proposals to see if they develop. Doing so allows for educated revisions to ensure the efficacy of the program if they are warranted.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

*This proposal is consistent with, and implements elements of, the Chief Garry Park Neighborhood Action Plan adopted by Council in 2017 (RES 2017-0056) as well as Comprehensive Plan Policies **LU 1.5 Office Uses**, **LU 1.7 Neighborhood Mini-Centers**, and **LU 4.6 Transit-Supported Development**. After reviewing the criteria set forth in SMC 17G.020.030, Plan Commission found the proposal consistent with the Comprehensive Plan and all applicable review criteria, voting to recommend City Council approval of the proposal.*

Ordinance No. C36609

AN ORDINANCE RELATING TO APPLICATION FILE Z23-474COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "NEIGHBORHOOD MINI CENTER" AND "RESIDENTIAL LOW" TO "NEIGHBORHOOD MINI CENTER" AND "OFFICE" FOR APPROXIMATELY 1.5 ACRES IN THE CHIEF GARRY PARK NEIGHBORHOOD; AND AMENDING THE ZONING MAP FROM "NEIGHBORHOOD RETAIL, 35-FOOT HEIGHT LIMIT (NR-35)" AND "R1" TO "NEIGHBORHOOD RETAIL, 40-FOOT HEIGHT LIMIT(NR-40) AND "OFFICE RETAIL, 40-FOOT HEIGHT LIMIT (OR-40)."

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 Z23-474COMP was submitted in a timely manner for review during the City's 2023/2024 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z23-474COMP sought to amend the Land Use Plan Map of the City's Comprehensive Plan for 1.3 acres from "Neighborhood Mini-Center" and "Residential Low" to "Neighborhood Mini-Center" at 2002 E Mission Ave and from "Residential Low" to "Office" at 2012 and 2018 E. Mission Ave and 2007 E. Sinto Ave;

WHEREAS, the corresponding zoning designation requested was "Neighborhood Retail, 40-foot height limit (NR-40)" (2002 E Mission Ave) and "Office Retail, 40-foot height limit (OR-40)" (2012 and 2018 E. Mission Ave and 2007 E. Sinto Ave); and

WHEREAS, City Council adopted RES 2024-0029 on March 25,2024, including Application Z23-474COMP in the 2024 Comprehensive Plan Amendment Work Program, expanding the proposal to include consideration of 2028 E Mission Ave, and converting the Application to a city-sponsored proposal; and

WHEREAS, staff requested comments from agencies and departments on May 7, 2024, and a public comment period ran from June 10, 2024 to August 9, 2024; and

WHEREAS, the Spokane Plan Commission held a workshop to study the application on June 26, 2024; 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 September 17, 2024; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Determination of Non-Significance was issued on September 16, 2024, for the amendment to the Comprehensive Plan, the comment period for which ended on October 8, 2024; and

WHEREAS, a staff report for Application Z23-474COMP reviewing all the criteria relevant to consideration of the application was published on September 20, 2024, and sent to all applicants, commenters, and the Plan Commission; and

WHEREAS, notice of the SEPA Checklist and Determination and announcement of the Plan Commission Hearing for the application was published in the Spokesman-Review on September 25, 2024 and October 2, 2024; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners, occupants, and taxpayers of record, as shown in the most recent Spokane County Assessor’s record for all properties within 400 linear feet of any portion of the boundary of the subject properties, pursuant to Spokane Municipal Code 17G.020.070, on September 25, 2024; and

WHEREAS, the Spokane Plan Commission held a public hearing on October 9, 2024, including a staff presentation, taking of public testimony, closing of the verbal and written public record, and deliberations; and

WHEREAS, the Spokane Plan Commission found that Application Z23-474COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Spokane Plan Commission found that Application Z23-474COMP meets the final review criteria for Comprehensive Plan Amendments delineated in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission voted 9 to 0 to recommend approval of Application Z23-474COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes.

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z23-474COMP is approved.

2. Amendment of the Land Use Map. Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from “Neighborhood Mini-Center” and “Residential Low” to “Neighborhood Mini-Center” and “Office” for 1.5 acres, as shown in Exhibit B.

3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from “Neighborhood Retail, 35-foot height limit (NR-35)” and “R1” to “Neighborhood Retail, 40-foot height limit (NR-40)” and “Office Retail, 40-foot height limit (OR-40),” as shown in Exhibit C.

PASSED BY THE CITY COUNCIL ON _____, 2024.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

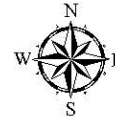
Date

Effective Date



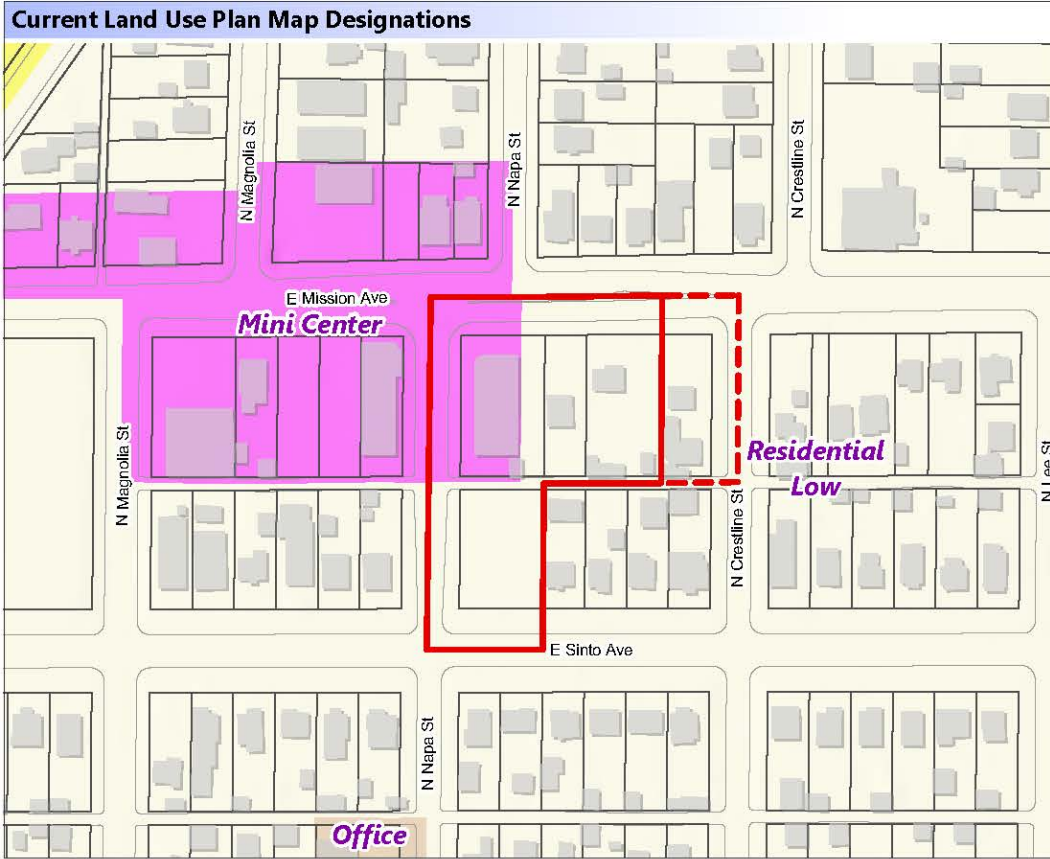
Exhibit B: Land Use Plan Map Changes

Department of Planning & Economic Development

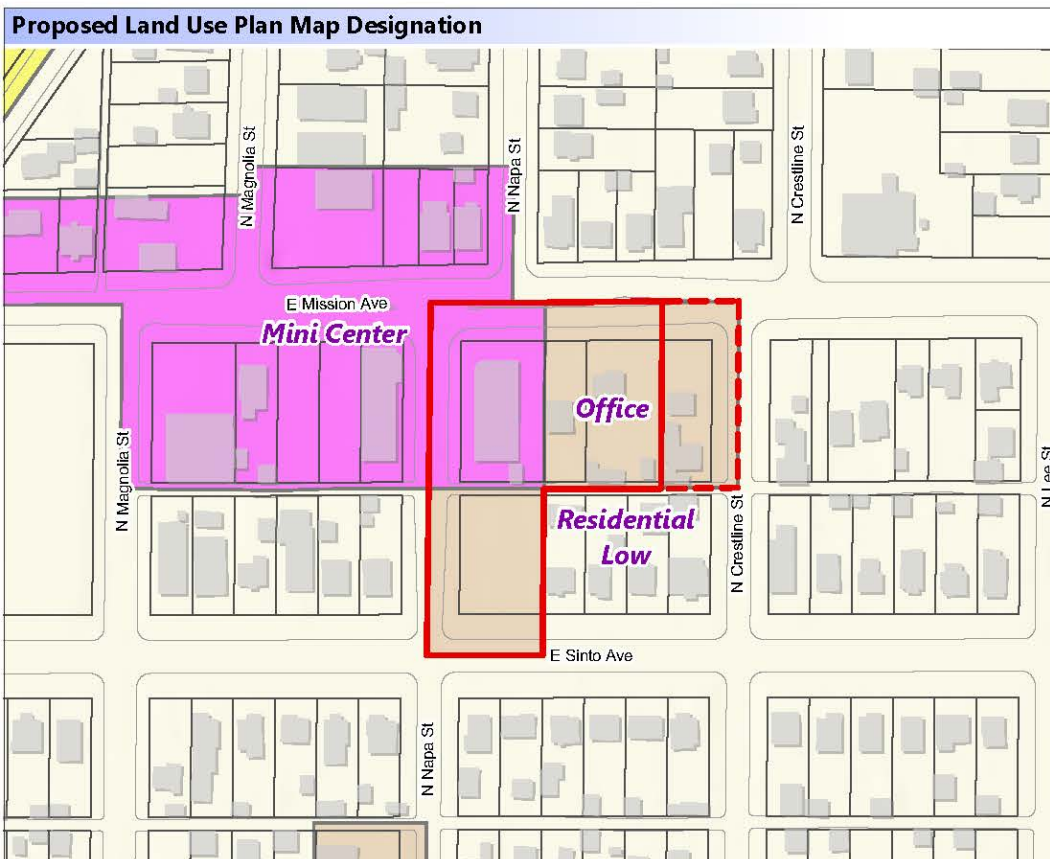


Draw Date: 3/27/2024

THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
- Expanded Area
- Parcel
- Buildings
- Curb Line



Applicant: City of Spokane
Parcels: 35162.0105
 35162.0110
 35162.0111
 35162.0121
 35162.0122
Size: 1.5 acres
 (Size is Approximate)

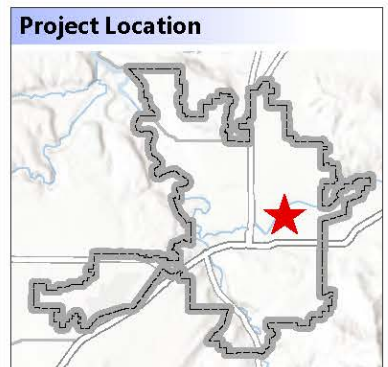
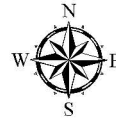




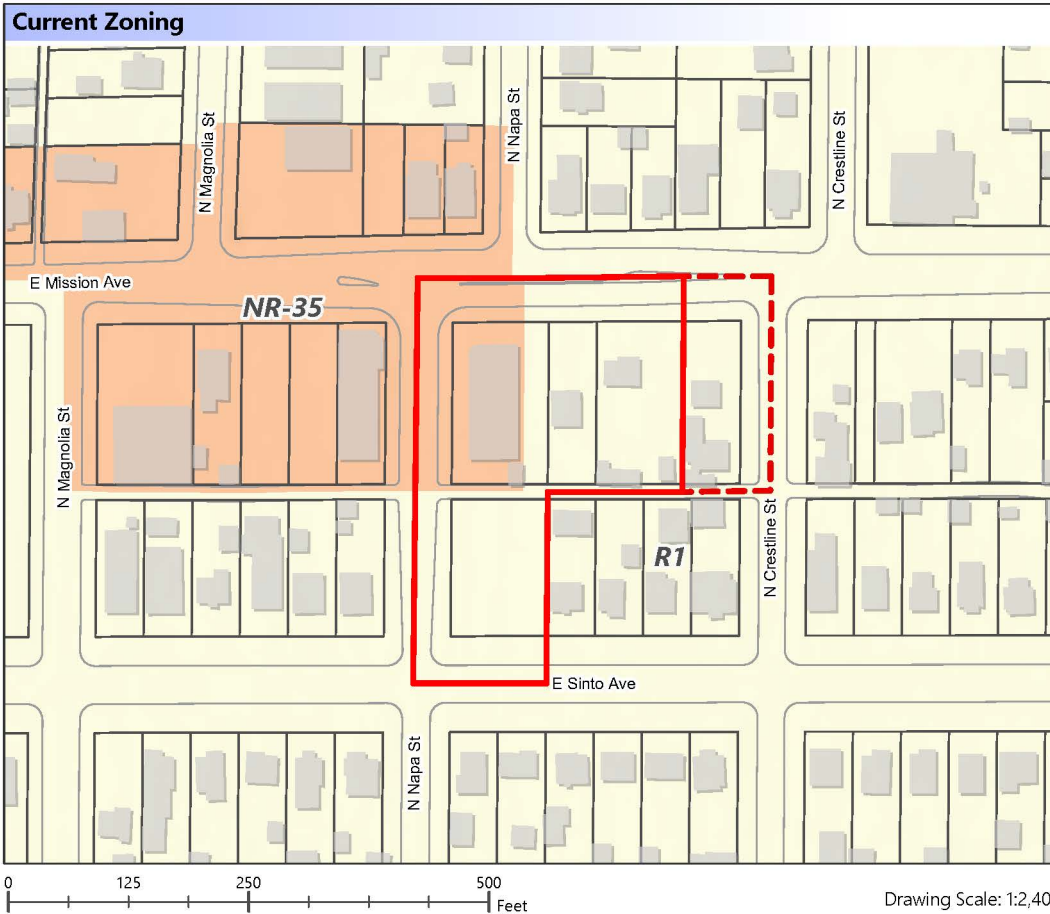
Exhibit C: Zoning Changes

Department of Planning & Economic Development



Draw Date: 3/27/2024

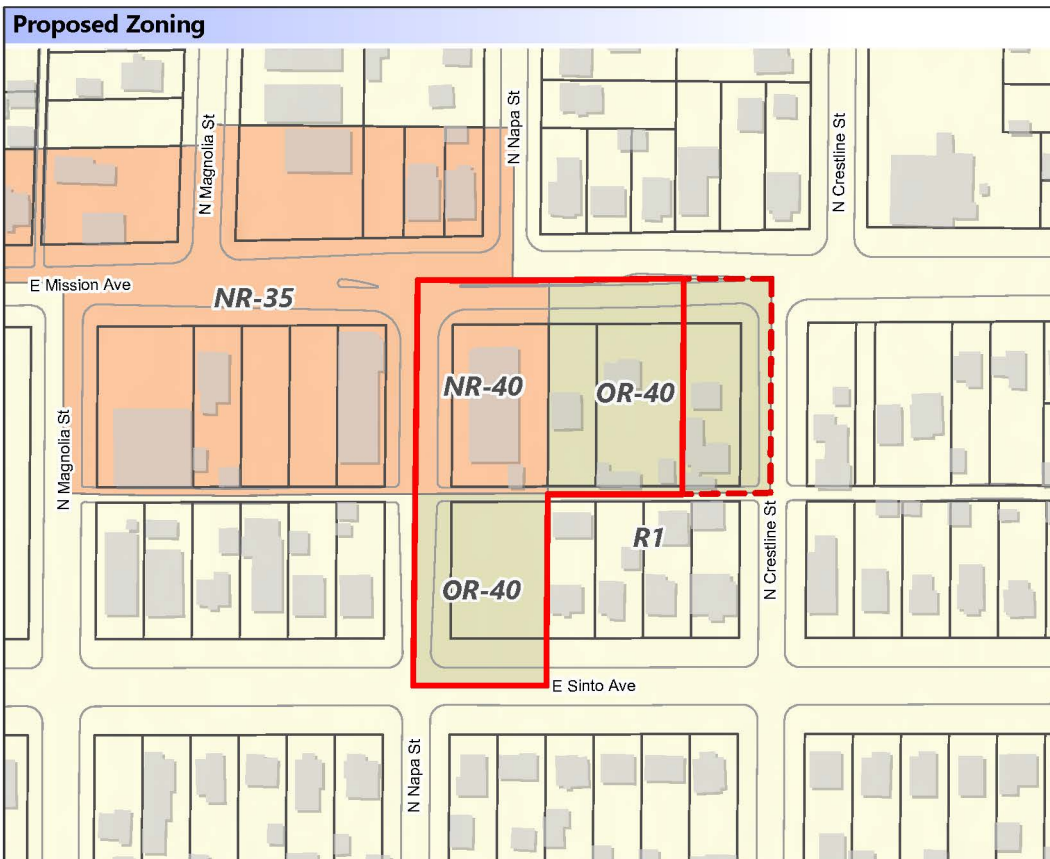
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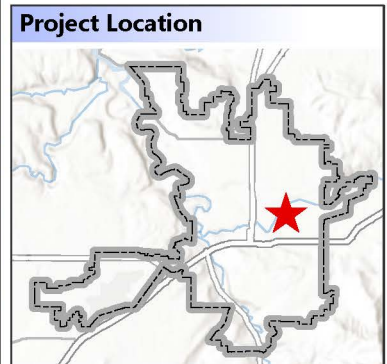
- Project Area
- Expansion Area
- Parcel
- Buildings
- Curb Line

Zoning

- Neighborhood Retail
- Residential 1



Applicant: City of Spokane
Parcels: 35162.0105
 35162.0110
 35162.0111
 35162.0121
 35162.0122
Size: 1.5 acres
 (Size is Approximate)





**PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT
FILE Z23-474COMP (MISSION & SINTO)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application seeking to amend the land use plan map designation from “Neighborhood Mini-Center” and “Residential Low” to “Neighborhood Mini-Center” and “Office” for five parcels totaling 1.5 acres located at 2002, 2012, 2018, and 2028 E. Mission Ave and 2007 E. Sinto Ave. The zoning designation requested is Neighborhood Retail, 40-foot height limit (NR-40) and Office Retail, 40-foot height limit (OR-40).

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. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z23-474COMP (the “Application”) was submitted in a timely manner for review during the City’s 2023/2024 amendment cycle.
- D. The Application sought to amend the land use plan map designation for four parcels totaling 1.3 acres located at 2002, 2012, and 2018 E. Mission Ave and 2007 E. Sinto Ave, from “Neighborhood Mini-Center” and “Residential Low” to “Neighborhood Mini-Center” and “Office” with a corresponding change in zoning from “Neighborhood Retail, 35-foot height limit (NR-35)” and “R1” to “Neighborhood Retail, 40-foot height limit (NR-40)” and “Office Retail, 40-foot height limit (OR-40).”
- E. The subject properties are urban in development pattern and contain three single-unit homes, a parking lot, and a commercial building with the offices of Family Promise of Spokane.
- F. Annual amendment applications were subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- G. On January 22, 2024, the City Council adopted Resolution RES 2024-0002 establishing the City Council members of the Ad Hoc City Council Threshold Committee.
- H. On February 9, 2024, an Ad Hoc City Council Threshold Committee reviewed the applications that had been submitted and forwarded its recommendation to City Council regarding the applications.

- I. On March 25, 2024, the City Council adopted Resolution RES 2024-0029 establishing the 2024 Comprehensive Plan Amendment Work Program, including the Application. RES 2024-0029 also converted the Application to a city-sponsored application and added 2028 E. Mission Ave for consideration as an expansion to the Application.
 - 1. 2028 E. Mission Ave was included to establish consistency in Land Use and Zoning along the block face on E. Mission Ave.
- J. Geographic expansion of applications for Comprehensive Plan Amendments by City Council is allowed within the Spokane Municipal Code (“SMC”) under Title 17G.020.025.A.1.a.
- K. On March 28, 2024, staff presented the 2023/2024 Comprehensive Plan Amendment Work Program to the Community Assembly Land Use Subcommittee on, including details regarding the Application, and provided information on the required process, upcoming Plan Commission Workshops, and how to submit comments.
- L. On May 7, 2024, staff requested comments from agencies, departments, and neighborhood councils. The comment period ended May 21, 2024. By the end of the comment period, comments were received from the Chief Garry Park Neighborhood Council, the Spokane Tribe, and Spokane Transit Authority.
- M. On June 10, 2024, a Notice of Application was mailed to all properties, owners, and taxpayers within a 400-foot radius of the subject parcels and any adjacent properties with the same ownership. Signs were also placed on the subject parcels in plain view of the public. Notice was published in the Spokesman Review on both June 10, 2024, and June 17, 2024.
- N. The Notice of Application initiated a 60-day public comment period from June 10, 2024, to August 9, 2024, during which no comments were received.
- O. No additional public comments on the Application were received by October 8, 2024, at 5pm.
- P. On June 26, 2024, the Spokane Plan Commission held a public workshop to study the Application.
- Q. On September 16, 2024, a State Environmental Policy Act (“SEPA”) Checklist and Determination of Non-Significance were issued for the Application. The deadline to appeal the SEPA determination was October 8, 2024. No comments on the SEPA determination were received.
- R. On September 17, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- S. On September 20, 2024, staff published a report addressing SEPA and providing staff’s analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff’s analysis of the Application recommended approval of the Application.
- T. A Notice of SEPA Determination of Non-Significance and Plan Commission Hearing was published on September 25, 2024, in the Official Gazette and on September 25, 2024, and October 2, 2024, in the Spokesman Review.

- U. On September 25, 2024, a Notice of Public Hearing and SEPA Determination was posted on the subject parcels, City Hall, and the Central Library, as well as mailed to all property owners and taxpayers of record and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject Properties.
- V. On October 9, 2024, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, closing the verbal and written record, conducting deliberation on the application, and voting to recommend the City Council Approve this application.
 - 1. No members of the public testified on this Application during the Plan Commission Hearing.
- W. 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.
- X. Except as may be otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").
- Y. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically policies LU 1.7 Neighborhood Mini-Centers, LU 1.5 Office Uses, and LU 4.6 Transit-Supported Development.
- Z. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, 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. Z23-474COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

- 1. The Application was submitted in a timely manner and added to the 2023/2024 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
- 2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
- 3. The Application is consistent with the goals and purposes of GMA.
- 4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
- 5. As outlined in above in the Findings of Fact, the Application is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.

6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2024 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application.
9. The Application will 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.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z23-474COMP, a request by Joe Ader on behalf of Family Promise of Spokane, which was expanded and converted to a city-sponsored application during the docketing stage, to change the land use plan designation of 1.5 acres of land from “Neighborhood Mini-Center” and “Residential Low” to “Neighborhood Mini-Center” and “Office” “Neighborhood Retail, 35-foot height limit (NR-35)” and “R1” to “Neighborhood Retail, 40-foot height limit (NR-40)” and “Office Retail, 40-foot height limit (OR-40)”. Based upon the above listed findings and conclusions, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendment to the Land Use Plan Map of the City’s Comprehensive Plan with corresponding amendment to the City’s Zoning Map and authorizes the President to prepare and sign on the Commission’s behalf a written decision setting forth the Commission’s findings, conclusions, and recommendation on the application.

Greg Francis
Greg Francis (Oct 22, 2024 15:03 PDT)

Greg Francis, President
Spokane Plan Commission
Date: Oct 22, 2024







PC Findings and Conclusions - Z23-474COMP

Final Audit Report

2024-10-22

Created:	2024-10-22
By:	Angela McCall (amccall@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAgC2Oef_FI24IERk3IfUCH-PxqnAvjb14

"PC Findings and Conclusions - Z23-474COMP" History

-  Document created by Angela McCall (amccall@spokanecity.org)
2024-10-22 - 5:14:47 PM GMT
-  Document emailed to gfrancis@spokanecity.org for signature
2024-10-22 - 5:15:40 PM GMT
-  Email viewed by gfrancis@spokanecity.org
2024-10-22 - 9:59:08 PM GMT
-  Signer gfrancis@spokanecity.org entered name at signing as Greg Francis
2024-10-22 - 10:03:10 PM GMT
-  Document e-signed by Greg Francis (gfrancis@spokanecity.org)
Signature Date: 2024-10-22 - 10:03:12 PM GMT - Time Source: server
-  Agreement completed.
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2023/2024 Comprehensive Plan Amendments

STAFF REPORT FOR FILE Z23-474COMP (MISSION & SINTO)

Department of Neighborhood and Planning Services

The following staff report concerns a proposed amendment to the City's current Comprehensive Plan. The proposal is to amend the land use plan map designation and zoning of one or more parcels in the City of Spokane. Amendments to the Comprehensive Plan are enabled by Spokane Municipal Code (SMC) 17G.020 and Revised Code of Washington (RCW) 36.70A.130.

I. PROPERTY SUMMARY

Parcel(s):	35162.0110, 35162.0111, 35162.0121, & 35162.0122 (Original application) 35162.0105 (City expansion)
Address(es):	2002, 2012, and 2018 E. Mission Ave.; 2007 E. Sinto Ave. (Original application) 2028 E. Mission Ave (City expansion)
Property Size:	1.33 Acres (Original application) 0.23 Acres (City expansion)
Legal Description:	Multiple – see Exhibit J
General Location:	South of E Mission Ave between N Napa St and N Crestline St
Current Use:	Commercial building/emergency shelter (35162.0121), single-unit homes (35162.0122, 35162.0111, and 35162.0105), and a parking lot (35162.0110)

II. APPLICANT SUMMARY

This application has two applicants—a private applicant and the City of Spokane itself. The following information regards the original private applicant:

Applicant:	Joe Ader, Family Promise of Spokane
Property Owner:	Family Promise of Spokane (35162.0110, 35162.0111, 35162.0121, and 35162.0122)

The private application was converted to a city-sponsored application by City Council, with a city-sponsored expansion. The representative below is acting for all portions of the application. The property information regards the one property added by the City:

Representative:	Brandon Whitmarsh, Planning & Economic Development, City of Spokane
Expansion Property Owner:	Kathleen Kendall (35162.0105)

III. PROPOSAL SUMMARY

Current Land Use Designation:	Mini Center and Residential Low
Proposed Land Use Designation:	Mini Center and Office
Current Zoning:	Neighborhood Retail (NR-35) and R1
Proposed Zoning:	Neighborhood Retail (NR-40) and Office Retail (OR – 40)
SEPA Status:	A SEPA threshold determination of Non-Significance (DNS) was made on September 16, 2024. The appeal deadline is 5:00 PM on October 8, 2024.
Plan Commission Hearing Date:	October 9, 2024
Staff Contact:	Brandon Whitmarsh, Planner I, bwhitmarsh@spokanecity.org
Staff Recommendation:	Approve

IV. BACKGROUND INFORMATION

- 1. General Proposal Description:** Pursuant to the procedures established by SMC 17G.020, enabled by RCW 36.70A.130, the applicant asked the City of Spokane to amend the land use plan map designation (Map LU-1 of the Comprehensive Plan) from Mini Center and Residential Low to Mini Center and Office and zoning designation (Official Zoning Map of the City of Spokane) from Neighborhood Retail (NR-35) and R1 to Neighborhood Retail (NR-40) and Office Retail (OR-40) for four parcels located in the Chief Garry Park Neighborhood.

While this proposal began as a private application submitted by Family Promise of Spokane (the property owner), City Council converted this application to a city-sponsored proposal at the same time they established the Comprehensive Plan Amendment Work Program for 2024. Accordingly, while this application includes an applicant and application materials (see **Exhibit F**), the proposal is now functionally a proposal of the City of Spokane.

Also during the threshold review process, City Council added one additional property to the proposal. The additional parcel is also designated Residential Low and zoned R1, consistent with the majority of the parcels from the original application. No specific development is proposed on the original properties or additional property at this time. Rather, City Council included it in the application to consider making the entire block face conform with similar land use designation and zoning.

- 2. Site Description and Physical Conditions:** The original application sites contain a commercial building, two single-unit dwellings, and a parking lot which are used collectively by the original applicant as an emergency shelter and office space. The lots are generally flat with vegetation consistent with urban residential development with a mix of trees, smaller vegetation, and lawns. The parcel added by City Council also contains a single-unit home on a flat lot with a large tree and a grass lawn.
- 3. Property Ownership:** The original proposal area is entirely owned by Family Promise of Spokane. The parcel added to the proposal by City Council is owned by Kathleen Kendall (35162.0105). City staff spoke with Ms. Kendall regarding her property's inclusion in the proposal. She was originally

supportive of the proposal, but has grown apprehensive, citing loss of privacy, property value impacts, and safety concerns, though no official public comment was received from Ms. Kendall on the proposal.

4. **Adjacent Property Improvements and Uses:** The proposal parcels are surrounded by existing development of the following nature:

Boundary	Land Use	Zone	Use
North	Residential Low and Mini Center	R1 and NR -35	Single-unit homes and a gas station
East	Residential Low	R1	Single-unit homes
South	Residential Low	R1	Single-unit homes
West	Residential Low and Mini Center	R1 and NR -35	Single-unit homes and a mini mart

For an aerial view, see **Exhibit A**.

5. **Street Class Designations:** E Mission Ave is classified as an Urban Principal Arterial. N Napa St, E Sinto Ave, and N Crestline St are all classified as Urban Local Access.
6. **Current Land Use Designation and History:** As shown in **Exhibit B**, the current land use plan map designation of the original application and expansion area includes Residential Low and Mini Center. The land use plan map designation has remained unchanged since the City's adoption of the Growth Management Act (GMA) compliant Comprehensive Plan in 2001.
7. **Proposed Land Use Designation:** As shown in **Exhibit B**, the proposal is to amend the land use plan map designation to Mini Center and Office. The only portion to be designated Mini Center is the remaining portion of parcel 35162.0121 that became split zoned as the result of a Boundary Line Adjustment in 2022 (Z21-109BLA), bringing the entire parcel into the same land use and zoning designation.
8. **Current Zoning and History:** As shown in **Exhibit C**, the current zoning of the original application parcels and expansion parcel is a mix of Neighborhood Retail (NR-35) and R1. The proposal parcels have been classified the same since the adoption of the current zoning map. The historical zoning, prior to 2006, is shown in the table below.

Year	Zone	Description
1958	Class I and Class III	Residential District and Local Business District zones.
1975	R2 and B1	Two-Family Residence and Local Business zones.
After 1975, Prior to 2006	R2 and NR	Two-Family Residence and neighborhood serving business zones.

9. **Proposed Zoning:** As shown in **Exhibit C**, the proposal seeks to amend the Neighborhood Retail (NR-35) zoning to Neighborhood Retail (NR-40), increasing the buildable height by five feet, and from R1

zoning to Office Retail (OR-40). The parcel with the proposed NR-40 zoning designation would ensure that the entire parcel has one zoning designation, eliminating it’s current split-zoned state.

V. APPLICATION PROCESS AND PUBLIC COMMENT

1. Key Steps: The application is being processed according to SMC 17G.060, including the following steps:

Application Submitted	October 31, 2023
Threshold Application Certified Complete	November 30, 2023
Council Threshold Subcommittee Established ¹	January 22, 2024
Council Threshold Subcommittee Met	February 9, 2024
Annual Work Program Set ²	March 25, 2024
Agency/Department Comment Period Ended	May 21, 2024
Notice of Application Posted	June 10, 2024
Plan Commission Workshop	June 26, 2024
60-Day Public Comment Period Ended	August 9, 2024
SEPA Determination Issued	September 16, 2024
Notice of Public Hearing Posted	September 25, 2024
Plan Commission Hearing Date (Scheduled)	October 9, 2024

2. Agency Comments Received: During the agency comment period, comments were received from the Spokane Tribe regarding inadvertent discovery as well as STA regarding coordination of future construction on the site. A letter of support for the proposal was also received from the Chief Garry Park Neighborhood Council. Agency comments can be found in full in **Exhibit I**.

3. Public Comments Received: A Notice of Application was issued for the proposal on June 10, 2024, initiating a public comment period that ended August 9, 2024. No comments were received by the City during the public comment period.

4. Public Workshop: A public workshop with the Spokane Plan Commission was held on June 26, 2024, during which the particulars of the proposal were presented to the Plan Commission for their consideration and discussion. No public comment was taken.

VI. APPLICATION REVIEW AND ANALYSIS

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

¹Spokane City Council Resolution 2024-0002

²Spokane City Council Resolution 2024-0029

- A. Keep the comprehensive plan alive and responsive to the community.
 - B. 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.
 - C. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 - D. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 - E. 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.
 - F. Amendments to the comprehensive plan must result in a net benefit to the general public.
2. **Review Criteria:** SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, by the Plan Commission making a recommendation on a proposal, and by the City Council in making a decision on the proposal. Following each of the considerations is staff's analysis relative to the proposed amendment.
- 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 reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal.

The proposal satisfies this criterion.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), which guided the City's development of its own comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA.

The proposal satisfies this criterion.

- 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 City did not require, nor did any Agency or City Department comment request or require a traffic impact analysis for the proposal. The subject properties are already served by water, sewer, bus rapid transit service, and adjacent existing City streets. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020. Accordingly, there are no known infrastructure implications of this proposal.

The proposal satisfies this criterion.

- 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: No evidence of a potential funding shortfall from this proposal exists.

The proposal satisfies this criterion.

E. Internal Consistency:

1. *The requirement for internal consistency pertains to the comprehensive plan as it relates to all 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: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

- *Development Regulations.* As a non-project proposal, there are no specific plans for development of these sites. Additionally, any future development will be required to be consistent with the current development regulations at the time of application submittal. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and concurrent zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations.
- *Capital Facilities Program.* As described in the staff analysis of Criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.
- *Neighborhood Planning Documents Adopted after 2001.* As adopted by City Council in 2017 via Resolution 2017-0056, the Chief Garry Park neighborhood updated its 20-year vision with the Chief Garry Park Neighborhood Action Plan. Goal 1 of the Action Plan specifically identifies support for mixed use

development within the activity center at the intersection of Napa and Mission. The Action Plan also identifies support for the integration of transportation and supportive land uses surrounding City Line stations on Mission Ave. Finally, the plan identifies a category of priority projects focused on retail and activity centers like the intersection of Napa and Mission, calling out that expansion of mixed use in these areas may require changes to the Comprehensive Plan policies and City regulations. Accordingly, this proposal is consistent with, and works to implement, the Chief Garry Park Neighborhood Action Plan.

- *Miscellaneous Comprehensive Plan Goals and Policies.* Staff have compiled a list of Comprehensive Plan Goals and Policies which bear on the proposal in **Exhibit H** of this report. Further discussion of these policies is provided under section K.2 below.

The proposal satisfies this criterion.

2. *If a proposed amendment is significantly inconsistent with current policy within 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: The proposal is generally consistent with current comprehensive plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary.

The proposal satisfies this criterion.

- 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: The proposed change in land use designation affects a relatively small area within an existing urbanized area, with no foreseeable implications to regional or inter-jurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent. Additionally, the proposal will expand mixed-use development capacity at a City Line station, supporting STA's investment in bus rapid transit service along E Mission Ave.

The proposal satisfies this criterion.

- 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.*

1. **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.*

2. **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: The City is concurrently reviewing this application and five other applications for Comprehensive Plan amendments as part of an annual plan amendment cycle. All six applications are for amendments to the land use plan map (LU-1) and concurrent rezones. When considered together, these various applications do not interact, nor do they augment or detract from each other. Thus, the cumulative effects of these various applications are minor.

The proposal satisfies this criterion.

H. SEPA: *SEPA³ Review must be completed on all amendment proposals and is described in Chapter 17E.050.*

1. **Grouping:** *When possible, the SEPA review process should be combined for related land use types or affected geographic sectors 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 to allow adequate time for generating and processing the required environmental impact statement (EIS).*

Staff Analysis: The application is under review 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 the information contained in the environmental checklist (see **Exhibit G**), written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on September 16, 2024 (**Exhibit H**).

The proposal satisfies this criterion.

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: The proposal would change the land-use designation of a predominantly developed area served by public facilities and services. To ensure that this proposal would not adversely affect the provision of public facilities, either existing or planned, the proposal was routed to City departments for review early in the application process. No comments were

³ State Environmental Protection Act

received from those departments that adverse impacts on our systems or facilities would occur. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020, thereby implementing the policy set forth in policy CFU 2.2.

The proposal satisfies this criterion.

- 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 include an expansion to the UGA.

This criterion does not apply.

K. Demonstration of Need:

- 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.*

Staff Analysis: The proposal does not include a policy adjustment nor is one required.

This criterion does not apply.

- 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: The proposal seeks to designate a few properties for possible future mixed-use development through the Mini-Center and Office Land Use Plan Map Designations. When considering the locational requirements of the Comprehensive Plan, there are three specific policies that guide this proposal: LU 1.7 Neighborhood Mini-Centers, LU 1.5 Office Uses, and LU 4.6 Transit-Supported Development.

Comprehensive Plan Policy LU 1.7, Neighborhood Mini-Centers, which guides the designation of Mini-Centers, states:

The Neighborhood Mini-Center designation recognizes the existence of small neighborhood-serving businesses in locations that are two to five acres in size that lie outside Centers and Corridors designated on the Land Use Plan Map... Consequently, the Mini-Center designation limits mixed-

use development to the boundaries of the existing Mini-Center designation.⁴ (Full text in **Exhibit E**)

This policy articulates that the Mini-Center designation is intended to be applied to existing businesses at the time of the designation and is not intended to expand beyond the original designation extent. The parcel at the corner of E Mission Ave and N Napa St, which is home to the offices of Family Promise, is designated primarily Mini-Center with a sliver of the parcel designated Residential Low. The sliver of Residential Low is an artifact of a recent boundary line adjustment (Z21-109BLA), which expanded the parcel, but did not change the land use or zoning boundaries. With the existing neighborhood-serving commercial use on the property, the proposal aims to designate the remainder of the parcel as Mini-Center. This minimal expansion ensures consistency of land use and zoning designations for the parcel, while also respecting the intended extent of the Neighborhood Mini-Center designation when it was established.

Additionally, the proposal seeks to designate the remaining parcels as Office. Comprehensive Plan Policy LU 1.5, Office Uses, states that new Office uses should be directed toward Centers and Corridors.⁵ However, the Policy does also recognize that the Office designation serves as a transitional land use between higher intensity commercial uses and residential uses.

The proposal area is situated between the more intense Mini-Center designation to the west and Residential Low areas to the east and south, offering an opportunity to use Office as a transitional land use and buffer the more intense uses of the Mini-Center. The Policy's discussion additionally states that "arterial frontages that are predominantly developed with single-family residences should not be disrupted with office use." While three of the properties included in this proposal have single-unit residences, it is also important to recognize the pattern of commercial uses present along E Mission Ave to the west of the proposal. With predominantly commercial frontage to the west of the proposal area, this proposal could be seen as an expansion of existing mixed-use development potential along E Mission Ave that is intended to be more compatible with the surrounding residential uses, rather than a 'disruption' of the residential uses.

Finally, the proposal relates to Policy LU 4.6, Transit-Supported Development. The City Line Bus Rapid Transit Line, which opened in the Summer of 2023, provides 7.5-minute peak time bus service along E Mission Ave. Policy LU 4.6, Transit-Supported Development, states:

⁴ Shaping Spokane, the Comprehensive Plan for the City of Spokane, page 3-12.

⁵ Ibid., page 3-10.

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.⁶

The City Line stations directly adjacent to the proposal area are served by the City's highest performance transit line in operation. Minimal expansion of Office uses onto a few parcels which contain single-unit homes opens the door to future development that could effectively contribute to transit ridership and the accessibility of goods and services for both residents of the proposal sites and the community as a whole.

Considering the policies above collectively, the proposal is in conformance with the locational requirements of the Comprehensive Plan.

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

Staff Analysis: The properties are flat and urban in current development pattern and exhibit adequate access to public services. The properties are situated on major arterials E Mission Ave and N Napa St with adjacent STA bus rapid transit service and have access to all major utilities. There is no indication that the proposal properties would not be able to support development under the proposed land use and zoning.

c. *The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.*

Staff Analysis: See the discussion under E.1 and K.2 above. This proposal serves to implement the envisioned expansion of mixed-use land use and zoning designations at the arterial intersection of E Mission Ave and N Napa St, which was called for in the recent Neighborhood Action Plan as a priority that would likely need a Comprehensive Plan Amendment to accomplish. This proposal also establishes a transition between the higher intensity commercial uses and residential uses along Mission Ave through the Office designation while recognizing STA's investment in the City Line and supporting transit ridership and access to goods and services.

As with most proposals, not every Comprehensive Plan Policy applies directly to the specifics of this proposal, but the intended outcomes of the Comprehensive Plan Policies and the goals outlined in the Chief Garry Park Neighborhood Action Plan, when viewed holistically, appear to be achieved with this proposal.

The proposal satisfies this criterion.

- 3. Rezones, Land Use Plan 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*

⁶ Ibid., page 3-28

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 this proposal is adopted by City Council, changes to the Land Use Plan Map in the Comprehensive Plan and the Zoning Map will occur concurrently, ensuring consistency between the Comprehensive Plan and applicable development regulations.

The proposal satisfies this criterion.

VII. CONCLUSION

The proposal has been processed and considered according to the requirements of the Spokane Municipal Code. According to the information provided above and the whole of the administrative record, the proposal appears to meet the criteria for a comprehensive plan amendment as provided in SMC 17G.020.030.

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 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.

VIII. STAFF RECOMMENDATION

Staff recommends the Plan Commission and City Council **approve** the proposal.

IX. LIST OF EXHIBITS

- A. Aerial Photos
- B. Existing and Proposed Land Use Plan Map
- C. Existing and Proposed Zoning Map
- D. Application Notification Area
- E. List of Relevant Comp Plan Policies
- F. Application Materials
- G. SEPA Checklist
- H. SEPA Determination of Non-Significance
- I. Agency Comments
- J. Legal Description of Proposal Area



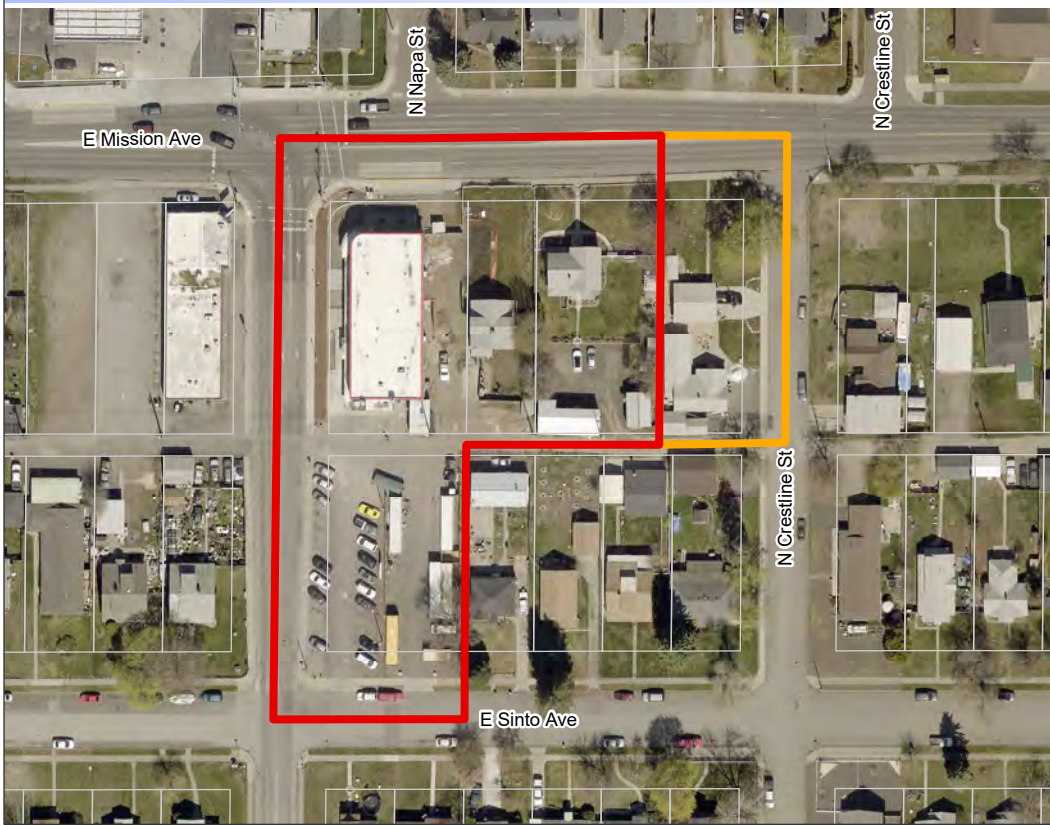
Exhibit A: Aerial Photos



Department of Planning & Economic Development



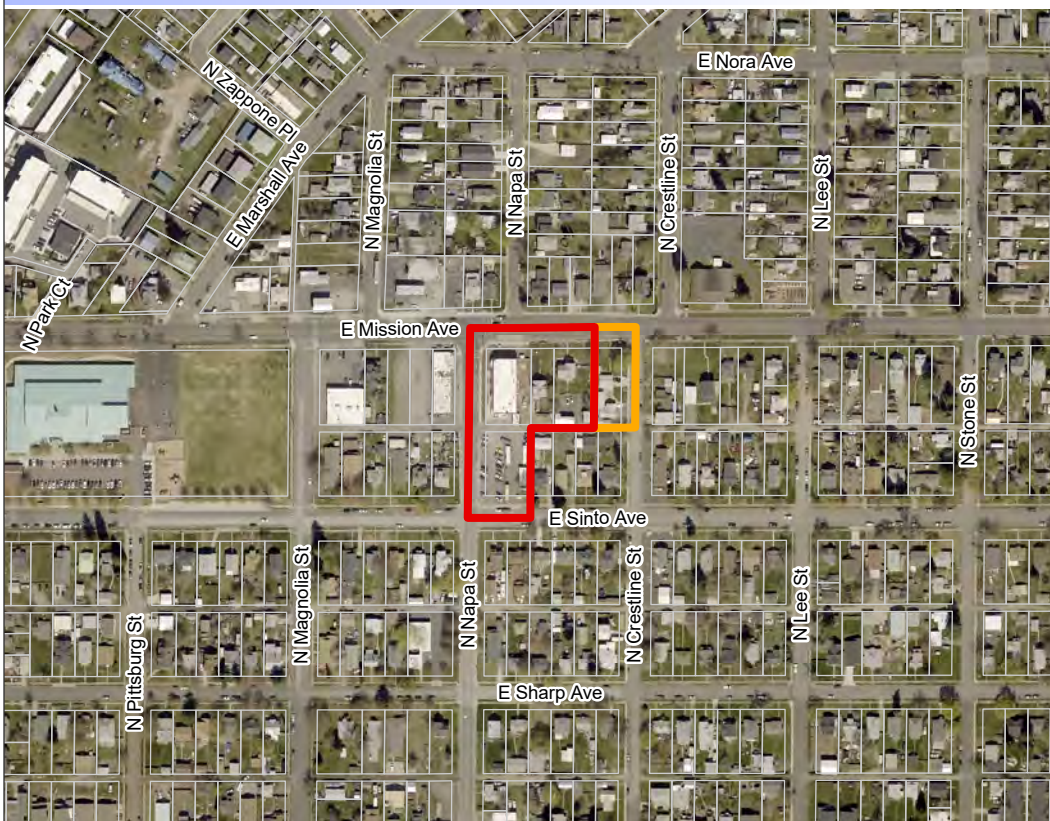
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Detailed Aerial Photo (2022)



-  Proposal Area
-  City-Added Areas

Wide Area Aerial Photo (2022)



Applicant: City of Spokane
Parcels: 35162.0105
 35162.0110
 35162.0111
 35162.0121
 35162.0122
Size: 1.5 acres
 (Size is Approximate)

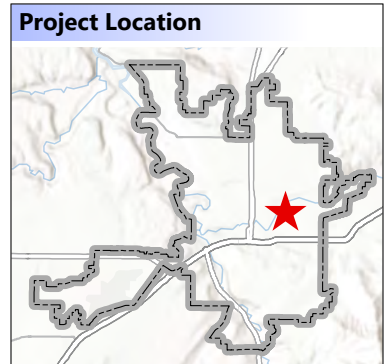




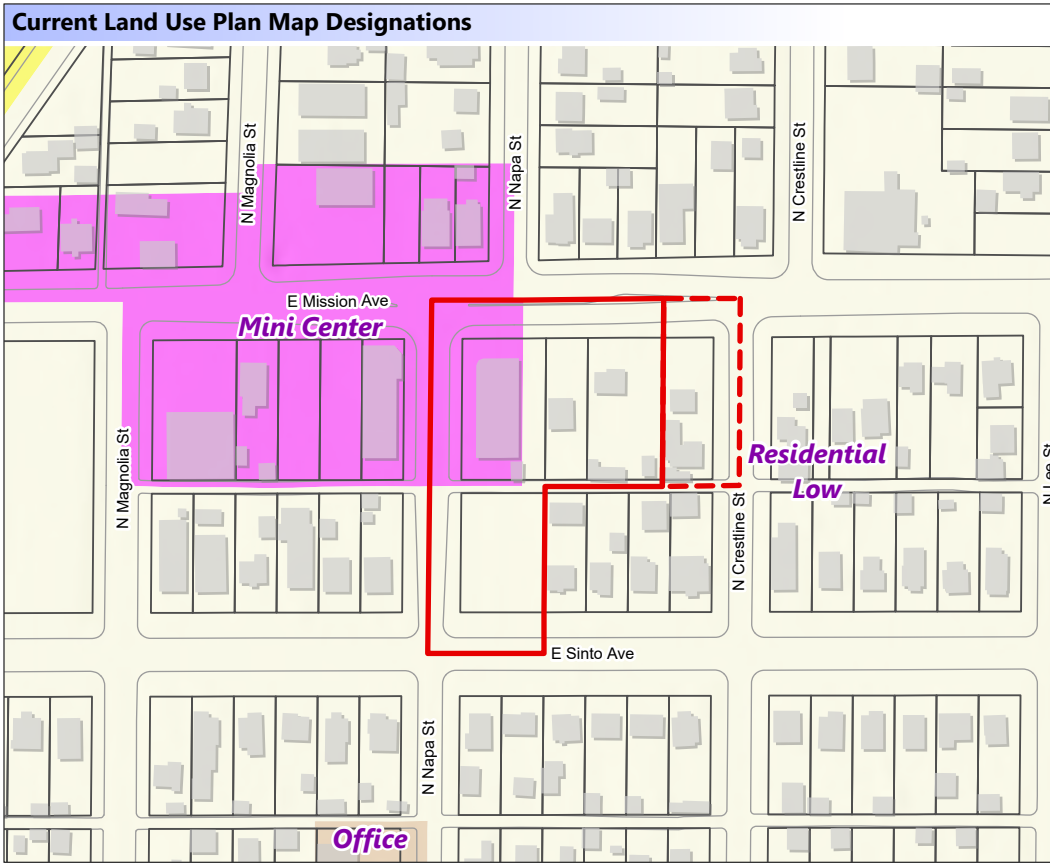
Exhibit B: Land Use Plan Map Changes

Department of Planning & Economic Development

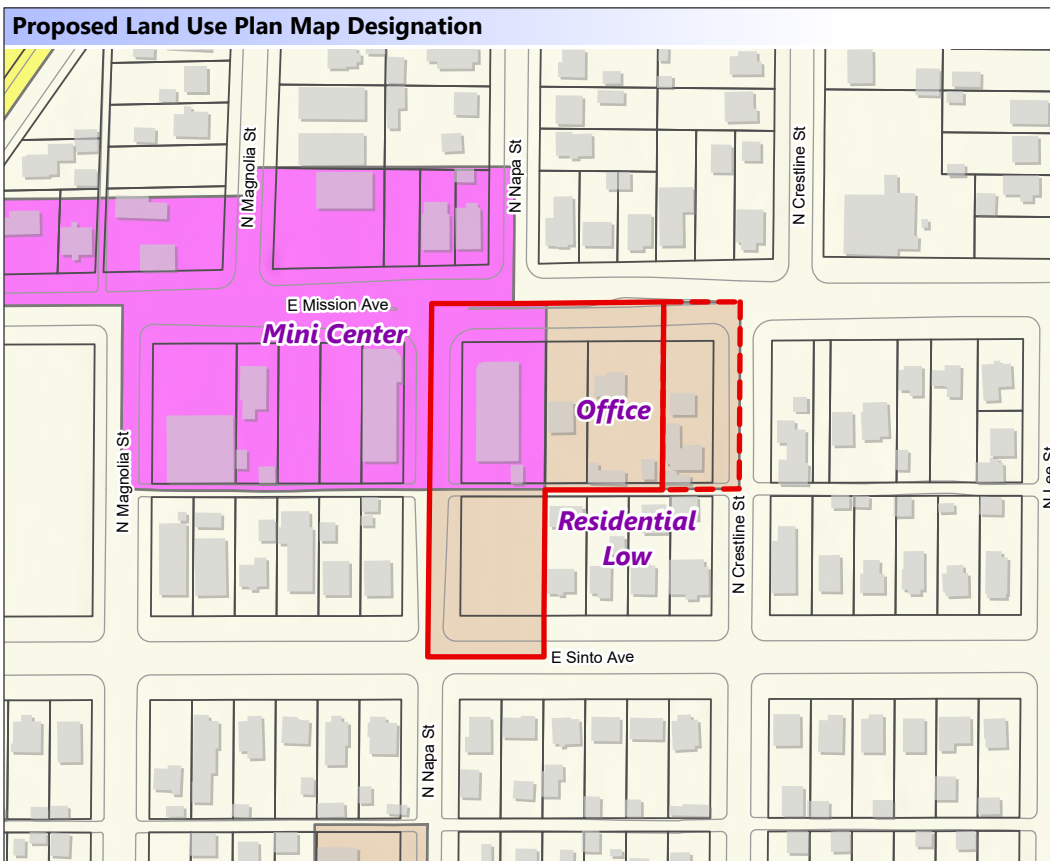


Draw Date: 3/27/2024

THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
- Expanded Area
- Parcel
- Buildings
- Curb Line



Applicant: City of Spokane
Parcels: 35162.0105
 35162.0110
 35162.0111
 35162.0121
 35162.0122
Size: 1.5 acres
 (Size is Approximate)

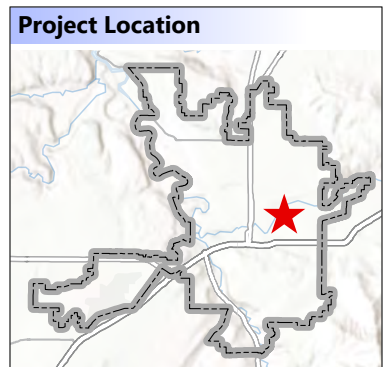




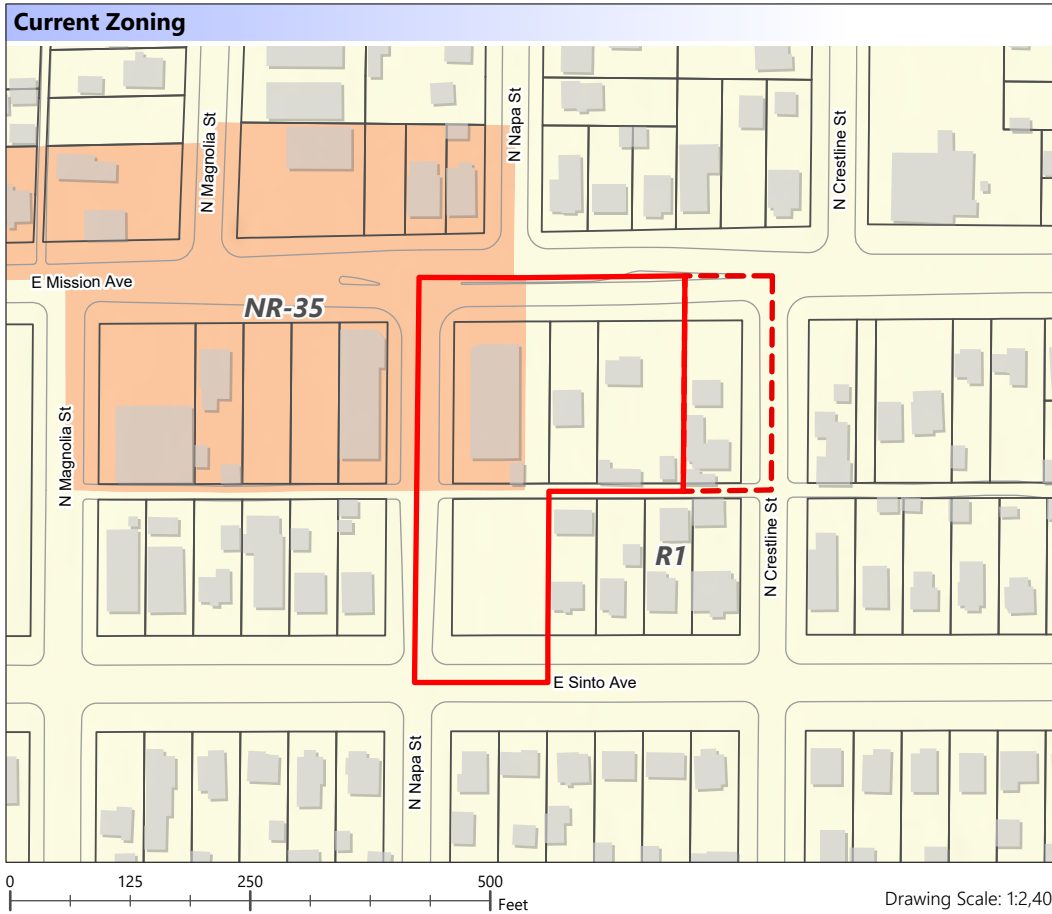
Exhibit C: Zoning Changes

Department of Planning & Economic Development

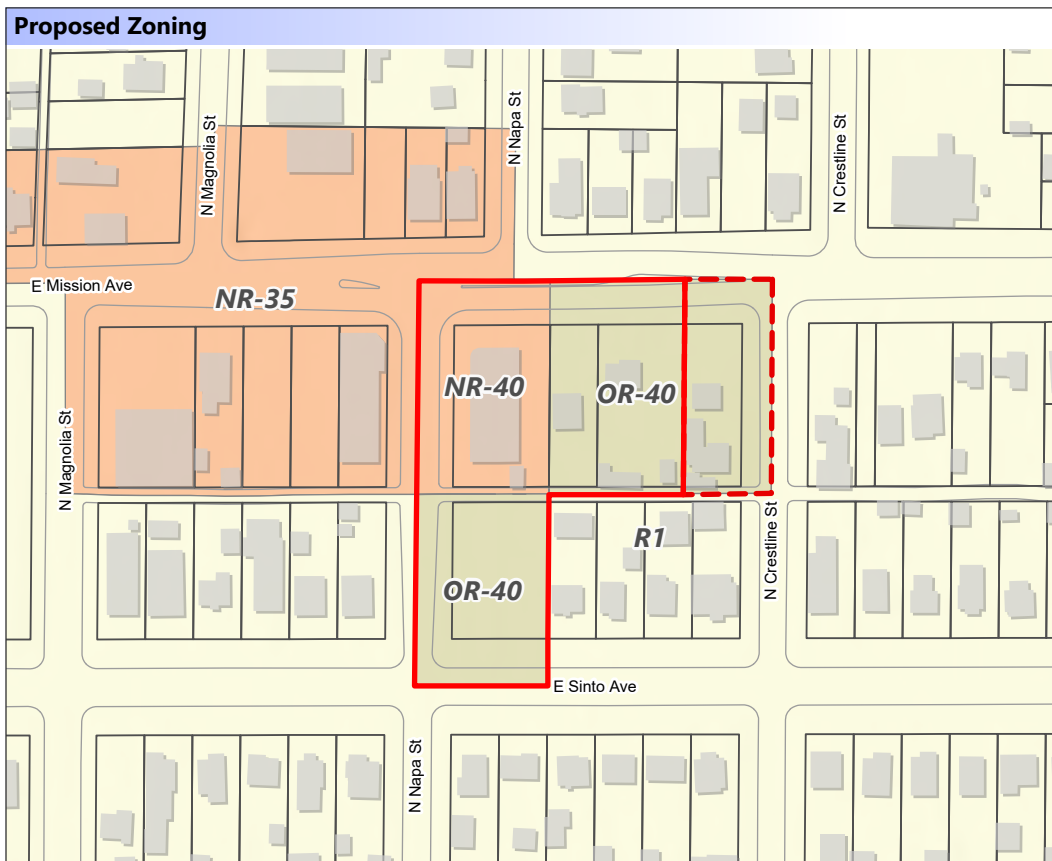


Draw Date: 3/27/2024

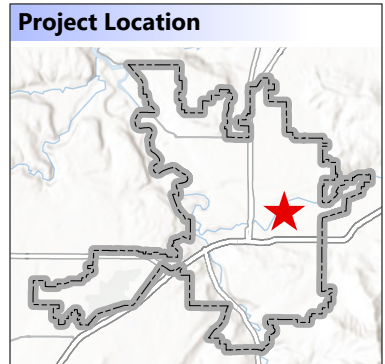
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- Project Area
 - Expansion Area
 - Parcel
 - Buildings
 - Curb Line
- Zoning**
- Neighborhood Retail
 - Residential 1



Applicant: City of Spokane
Parcels: 35162.0105
 35162.0110
 35162.0111
 35162.0121
 35162.0122
Size: 1.5 acres
 (Size is Approximate)



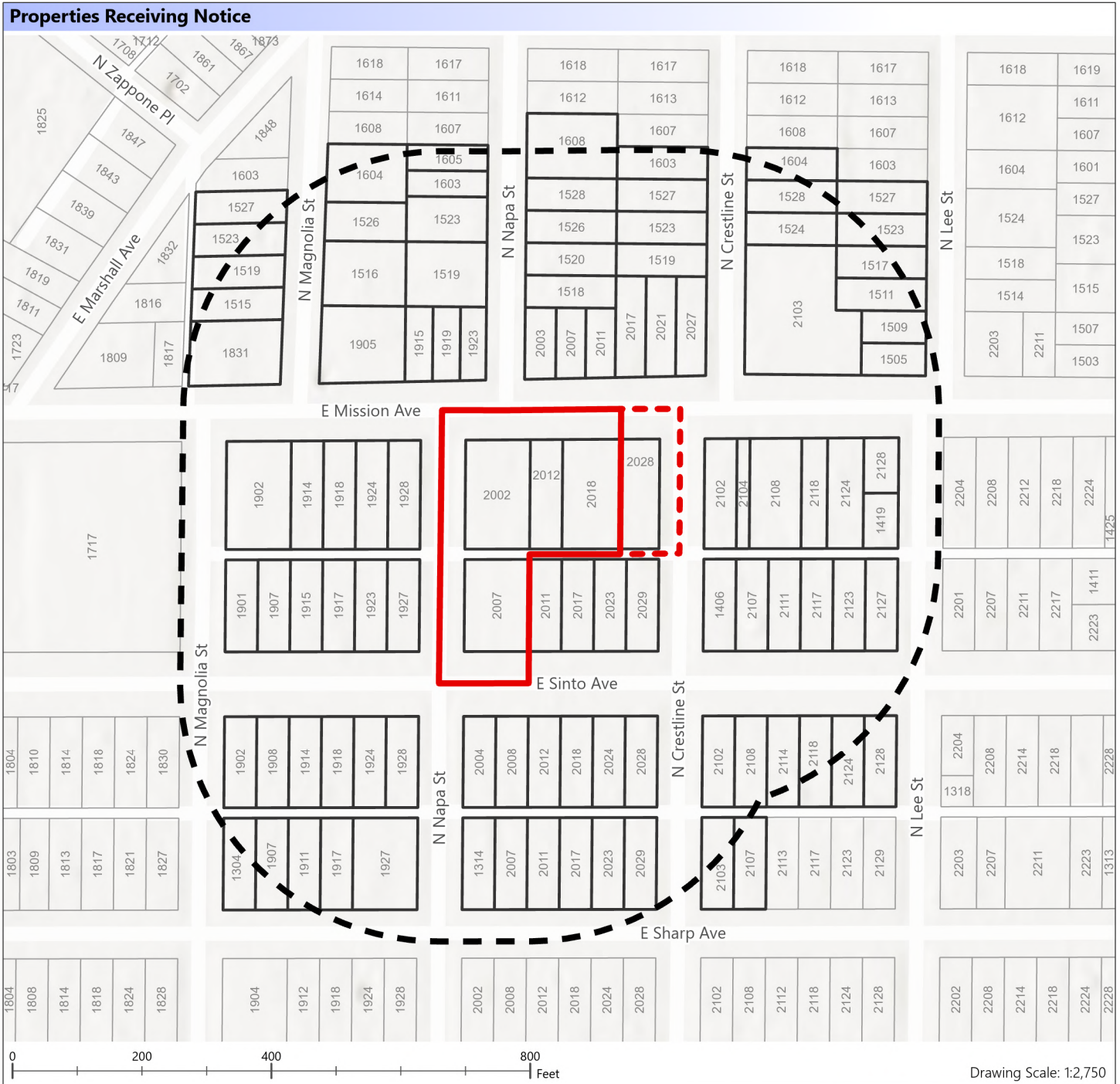


Notification Map - Comprehensive Plan Amendment

Department of Planning & Economic Development



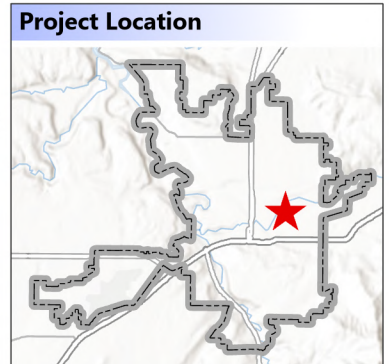
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



Drawing Scale: 1:2,750

Applicant: City of Spokane
Parcels: 35162.0105, 35162.0110, 35162.0111, 35162.0121, 35162.0122
Size: 1.5 acres (Size is Approximate)

- 400' Notification Area
- Proposal Area
- Also Under Consideration
- Parcels



This Proposal Would: Amend the Land Use Plan Map designation and Zoning for five (5) parcels in the Chief Garry Park Neighborhood. Parcels outlined in bold will receive notice of the proposal and the eventual Plan Commission hearing. Numbers indicate the parcel address.



Comprehensive Plan Policies Related to the Proposal

The following goals and policies are taken directly from the Comprehensive Plan and comprise those goals and policies that staff feels bears most directly on the proposal. The entire Comprehensive Plan is available for review and consideration at www.shapingspokane.org as well.

LU 1 CITYWIDE LAND USE

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane’s role as a vibrant urban center.

LU 1.1 Neighborhoods

Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.

Discussion: Neighborhoods generally should have identifiable physical boundaries, such as principal arterial streets or other major natural or built features. Ideally, they should have a geographical area of approximately one square mile and a population of around 3,000 to 8,000 people. 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.

A coordinated system of open space, nature space, parks, and trails should be furnished with a neighborhood park within walking distance or a short transit ride of all residences. A readily accessible elementary school should be available for neighborhood children. Neighborhood streets should be narrow and tree-lined with pedestrian buffer strips (planting strips) and sidewalks. They should be generally laid out in a grid pattern that allows easy access within the neighborhood. Alleys are used to provide access to garages and the rear part of lots. Pedestrian amenities like bus shelters, benches, and fountains should be available at transit stops.

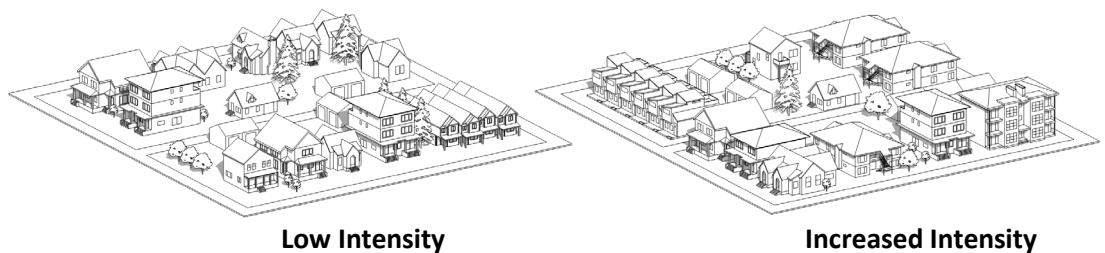
LU 1.3 Lower Intensity Residential Areas

Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.

Discussion: The city’s residential neighborhoods are one of its most valuable assets. Diversity in both housing type and residents in these areas is essential for the wellbeing and health of the city’s neighborhoods. Lower intensity residential uses, from detached homes to middle housing types, are generally compatible with each other and can be incorporated effectively into all neighborhoods. Accordingly, some residential areas would benefit from slightly increased intensities of residential use (e.g., somewhat taller buildings, more lot coverage), dependent on the context and nature of the surrounding neighborhood. These areas of increased residential development should focus on those parts of the neighborhood where proximity to adequate transportation (such as frequent transit), parks, schools, shopping, and other services already exists and where conditions allow for accommodation of increased utility/service needs and other impacts such as parking or the need for public green space.

Complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate. Complementary uses include those serving daily needs of residents, including schools, places of worship, grocery stores, recreation facilities, and small-format retail and medical uses. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the Land Use Plan Map designations guided by this policy—“Residential Low” and “Residential Plus”—see Section 3.4 below.

Policy LU 1.3 amended by Ordinance C36414 on September 7, 2023.

LU 1.5 Office Uses

Direct new office uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: Office use of various types is an important component of a Center. Offices provide necessary services and employment opportunities for residents of a Center and the surrounding neighborhood. Office use in Centers may be in multi-story structures in the core area of the Center and transition to low-rise structures at the edge.

To ensure that the market for office use is directed to Centers, future office use is generally limited in other areas. The Office designations located outside Centers are generally confined to the boundaries of existing Office designations. Office use within these boundaries is allowed outside of a Center.

The Office designation is also located where it continues an existing office development trend and serves as a transitional land use between higher intensity commercial uses on one side of a principal arterial street and a lower density residential area on the opposite side of the street. Arterial frontages that are predominantly developed with single-family residences should not be disrupted with office use. For example, office use is encouraged in areas designated Office along the south side of Francis Avenue between Cannon Street and Market Street to a depth of not more than approximately 140 feet from Francis Avenue.

Drive-through facilities associated with offices such as drive-through banks should be allowed only along a principal arterial street subject to size limitations and design guidelines. Ingress and egress for office use should be from the arterial street. Uses such as freestanding sit-down restaurants or retail are appropriate only in the Office designation located in higher intensity office areas around downtown Spokane.

Residential uses are permitted in the form of single-family homes on individual lots, upper-floor apartments above offices, or other higher density residential uses.

LU 1.7 Neighborhood Mini-Centers

Create a Neighborhood Mini-Center wherever an existing Neighborhood Retail area is larger than two acres.

Discussion: The Neighborhood Mini-Center designation recognizes the existence of small neighborhood-serving businesses in locations that are two to five acres in size that lie outside Centers and Corridors designated on the Land Use Plan Map. However, some designated Neighborhood Mini-Centers are over five acres in size because they are based on pre-existing zoning designations. Similar to Neighborhood Retail, the Neighborhood Mini-Center designation consists of small, freestanding businesses usually sited at the intersection of or along arterial streets. Another characteristic of this designation is the greatly restricted potential for redevelopment of the surrounding area to support a full Neighborhood Center. Consequently, the Mini-Center designation limits mixed-use development to the boundaries of the existing Mini-Center designation.

Mini-Center locations are encouraged to become small, mixed-use centers with higher density residential use as a major component. Residential use adds market demand for neighborhood business and enables enhanced transit service to these locations. Shared-use parking arrangements are encouraged to increase the development intensity of the site for both residential and commercial uses.

This designation allows the same uses as the Neighborhood Retail designation. No new drive-through facilities, including gas stations and similar auto-oriented uses, should be allowed except along principal arterial streets where they should be subject to size limitations and design guidelines. Buildings should be oriented to the street to encourage walking by providing easy pedestrian connections. Parking lots should not dominate the frontage and should be located behind or on the side of buildings.

New Mini-Center locations may be established through a neighborhood planning process. They should be separated by at least one-mile from other neighborhood serving business areas and should not exceed five acres in size. To provide convenient accessibility from the surrounding neighborhood, new Mini-Centers should be located at the intersection of arterial streets.

LU 4 TRANSPORTATION

Goal: Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Policy LU 4.6 amended by Ordinance C35841 on January 17, 2020.

LU 5 DEVELOPMENT CHARACTER

Goal: Promote development in a manner that is attractive, complementary, and compatible with other land uses.

LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form

while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Policy LU 5.5 amended by Ordinance C35841 on January 17, 2020.

3.4 DESCRIPTION OF LAND USE DESIGNATIONS

The following land use plan map designations are necessary for development and growth in the city to achieve the vision and values discussed at the beginning of the chapter. These land use designations are shown on the following map, LU-1 Land Use Plan Map, which apply the requirements of land use and the goals and policies of the Comprehensive Plan to the physical environment, describing the types of development expected in each area. The overall strategy, as described above, is that development mass, height, and lot coverage be concentrated in focused growth areas (Centers and Corridors) while the remaining parts of the city remain occupied by lower intensity uses. Furthermore, future changes to the land use plan map should seek to achieve a transition between areas of lower and higher development mass and form and should avoid locations where the lowest intensity uses immediately transition to the highest intensity uses.

There is expected to be some variation in residential zones within each residential land use plan map designation. Contextual factors such as proximity to services, transportation options, and existing land use patterns should be considered when assigning a zoning category.

The land use designations and their general characteristics are as follows:

Residential Low: The Residential Low land use designation should focus on a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and housing categorized as middle housing (duplex, triplex, etc.). Combinations of these types should also be allowed, such as a duplex with an accessory dwelling unit. Other non-residential uses should be allowed conditionally, provided they integrate into the nature and context of the neighborhood. This would include uses such as schools, places of worship, grocery, small-format retail and medical services, and other resident serving uses.

Residential Low areas are appropriate in parts of the city where amenities and services are scaled for a lower level of development intensity.

Office: The Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas. Higher intensity office areas should be located around downtown Spokane.

Neighborhood Mini-Center: This designation allows the same uses as Neighborhood Retail. Higher density residential use is encouraged in these areas.

The Neighborhood Mini-Center designation recognizes the existence of small neighborhood-serving businesses in locations that are two to five acres in size that lie outside Centers and Corridors designated on the Land Use Plan Map. Similar to Neighborhood Retail, the Neighborhood Mini-Center designation consists of small, freestanding businesses usually sited at the intersection of or along arterial streets. Another characteristic of this designation is the greatly restricted potential for redevelopment of the surrounding area to support a full neighborhood center. Consequently, the Mini-Center designation limits mixed-use development to the boundaries of the existing Mini-Center designation.

Mini-Center locations are encouraged to become small, mixed-use centers with residential use as a major component. Residential use adds market demand for neighborhood business and enables enhanced transit service to these locations.



General Application

Rev.20180104

DESCRIPTION OF PROPOSAL

The proposed amendment will increase the allowable height of one parcel from 35 to 40 feet and will change land use and zoning designations for the adjacent parcels from Residential Low to Office and RSF to OR 40 respectively.

Address of Site Proposal (if not yet assigned, obtain address from Public Works before submitting application):

2002 E Mission Ave., 2007 E Sinto Ave., 2012 E Mission Ave., 2018 E Mission Ave.

APPLICANT

Name: Family Promise of Spokane

Address: 2002 E Mission Ave Spokane WA 99202

Phone: 509-747-5487 Email: jaden@familypromiseofspokane.org

PROPERTY OWNER

Name: Family Promise of Spokane

Address: 2002 E Mission Ave. Spokane WA 99202

Phone: 509-747-5487 Email: jaden@familypromiseofspokane.org

AGENT

Name: _____

Address: _____

Phone: _____ Email: _____

Assessor's Parcel Numbers: 35162.0121, 35162.0110, 35162.0122, 35162.0111

Legal Description of Site: (See Legal Description Attached)

General Application, completed and Signed:

Legal Descriptions:

2002 E Mission Ave. Legal Descriptions:

Lot 1 and Lot 2, Block 81, AMENDED MAP OF SUBDIVISION OF SCHOOL SECTION 16, TOWNSHIP 25 NORTH, RANGE 43 EAST OF THE WILLAMETTE MERIDIAN, as per plat recorded in Volume D of Plats, Page 100, records of Spokane.

Situated in the City of Spokane, County of Spokane, State of Washington

Parcel Number: 35162.0121

2007 E Sinto Ave. Legal Description:

LOT 11 and LOT 12, Block 81, AMENDED MAP OF SUBDIVISION OF SCHOOL SECTION 16, TOWNSHIP 25 NORTH, RANGE 43 EAST OF THE WILLAMETTE MERIDIAN, as per plat recorded in Volume D of Plats, Page 100, records of Spokane.

Situated in the City of Spokane, County of Spokane, State of Washington

Parcel Number: 35162.0110

2012 E Mission Ave Legal Description:

LOT 3, BLOCK 81, AMENDED MAP OF SCHOOL SECTION 16, TOWNSHIP 25 NORTH, RANGE 43 EAST OF THE WILLAMETTE MERIDIAN, as per plat recorded in Volume D of Plats, Page 100;

Situated in the City of Spokane, County of Spokane, State of Washington

Parcel Number: 35162:0122

2018 E Mission Ave Legal Description:

Abbreviated Legal: L4 & ptn L5 B 81 Amend Sub of School Section 16-25-43

Parcel Number: 35162.0111

Threshold Review Application for Comprehensive Plan Amendments

Comprehensive Plan or Land Use Code Amendment Pre- Application: Attached

Comprehensive Plan or Land Use Code Amendment Application: Attached

City of Spokane Comprehensive Plan Documents

Property Addresses (Parcel #) & Summary of Change:

2002 E Mission Ave. (1420 N Napa St), (Parcel 35162.0121) = Increase Height from 35 to 40 ft

2012 E Mission Ave., (Parcel 35162.0122) = Change from R to OR-40

2018 E Mission Ave. (Parcel 35162.0111) = Change from R to OR-40

2007 E Sinto Ave. (Parcel 35162.0110) = Change from R to OR-40

Predevelopment Meeting Summary:

On October 10th Joe Ader from Family Promise of Spokane met with Kevin Freibott and Brandon Whitmarsh with the City of Spokane to discuss comprehensive plan amendment options for Family Promise's properties along Mission and Napa. While Family Promise has not created a master plan for the site yet, they do know that they would like to have office space and a potential childcare and additional residential options on the site. During that discussion it was decided that the best option with the neighboring residential zoning would be to look at an Office Retail Comprehensive Plan Amendment as it would fit the best between neighborhood retail to the west and north and residential to the east and south of the properties.

Pre-application meeting correspondence with neighborhood council:

On October 10th Joe Ader spoke with Colleen Gardner, the Non-Profit Liasson from the Chief Garry Park Neighborhood Council about the Comprehensive Plan Amendment. He then presented the Comprehensive Plan Amendment proposal at the Chief Garry Park Neighborhood Council meeting on Wednesday October 18th. The neighborhood plans on writing a letter of support for the Comprehensive Plan Amendment. See email attached.



Comprehensive Plan or Land Use Code Amendment

Pre-Application

Rev.20180102

DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es))

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-Wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions *(for all proposals):*

- a. Summarize the general nature of the proposed amendment.
- b. Why do you feel this change is needed?
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal?
- e. For map amendments:
 1. What is the current Land Use designation and zoning for each affected parcel?
 2. What is the requested Land Use designation and zoning for each affected parcel?
 3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal?
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)?
- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--
- i. If yes, please answer the following questions:
 1. When was the amendment proposal submitted?
 2. Was it submitted as a consistent amendment or an inconsistent amendment?
 3. What were the Plan Commission recommendation and City Council decision at that time?
 4. Describe any ways that this amendment proposal varies from the previously considered version.

Comprehensive Plan or Land Use Code Amendment Pre-Application

Description of the Proposed Amendment:

- Land Use Designation Change

1. General Questions:

- a. Summarize the general nature of the proposed amendment.
 - i. The proposed amendment will increase the allowable height of one parcel from 35 to 40 feet and will change the land use and zoning designations of three adjacent properties from Residential Low to Office and RSF to OR 40.
- b. Why do you feel this change is needed?
 - i. The change will allow the property owner the option to add a third floor to the property at 2002 E Mission and include a slanted roof to allow for better drainage should they desire in the future.
 - ii. The zoning change on the three adjacent properties will bring the parking lot at 2007 E Sinto into conforming standards and will allow for the property owner the option to utilize the properties at 2012 and 2018 E Mission for office and/or childcare usages in the future, as well is bring the allowable maximum height into alignment with the adjacent property.
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
 - i. This proposal is in alignment with the comprehensive plan which states, "the Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas." The proposed Office Retail usages are compatible and provide a buffer between residential and commercial land uses within a community.
 - ii. Additionally, the comprehensive plan calls for transportation oriented development. With the new Central City Bus line stop on the corner of Mission and Napa these proposed land uses encourage greater transportation oriented development within a two minute walk to the public transit stop.
- d. For text amendments: What goals, policies, regulations or other documents might be changed in the comprehensive plan?
 - i. N/A
- e. For Map Amendments:
 1. What is the current Land Use designation and zoning for each affected parcel?
 - Parcel 35162.0121 = Land Use: Mini Center, Zoning: NR-35
 - Parcel 35162.0110 = Land Use: Residential 4-10, Zoning: RSF
 - Parcel 35162.0122 = Land Use: Residential 4-10, Zoning: RSF
 - Parcel 35162.0111 = Land Use: Residential 4-10, Zoning: RSF
 2. What is the requested Land Use designation and zoning for each affected parcel?

- Parcel 35162.0121 = Land Use: Mini Center, Zoning: NR-40
- Parcel 35162.0110 = Land Use: Office, Zoning: OR-40
- Parcel 35162.0122 = Land Use: Office, Zoning: OR-40
- Parcel 35162.0111 = Land Use: Office, Zoning: OR-40

3. Describe the land uses surrounding the proposed amendment sites:

- To the North and West of Parcel 35162.0121 is Mini Center, with a zoning of NR-35. North are a gas station, two story residential home and a one story residential home. To the West is a convenience store.
- To the South and East of Parcels 35162.110, 35162.122, and 35162.0111 are residential land uses. Additionally, to the north across Mission Ave are residential uses.

- f. Do you know of Any existing studies, plans of other documents that specifically relate to of support your proposal?
 - i. No
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program?
 - i. The Comprehensive Plan Amendment is the process designed to make changes in the land use and zoning map of a specific area.
- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?
 - i. No
- i. If yes, please answer the following questions: N/A



Comprehensive Plan or Land Use Code Amendment

Application

DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary.
- b. How will the proposed change provide a substantial benefit to the public?
- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.
- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?
- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.
- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide.

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
- b. What is the current land use designation?
- c. What is the requested land use designation?
- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

Comprehensive Plan or Land Use Code Amendment Application

Description of the Proposed Amendment:

- Land Use Designation Change

1. General Questions:

- a. Describe the nature of the proposed amendment and explain why the change is necessary.
 - i. The proposed amendment will increase the allowable height of 2002 E Mission from 35 feet to 40 feet and will change the land use designations and zoning of three adjacent properties from RSF to Office and from R to OR 40.
 - ii. The land use and zoning changes are in alignment with the Comprehensive plan to provide office space as a buffer between residential parcels and commercial properties in the neighborhood. Additionally, this change will bring the parking lot at 2007 E Sinto into conforming use with the land use and zoning maps. The change will give the property owner the option to utilize the properties at 2012 and 2018 E Mission for office, childcare, or housing usages in the future which could support the community services provided on the adjacent property. This change will bring the allowable maximum height into alignment with the adjacent property and follows a focus on transportation oriented development by placing these office uses within 150 feet of the new Central City Line bus stop, which will encourage greater public transit usage.
- b. How will the proposed change provide a substantial benefit to the public?
 - i. The changes will allow the property owner, Family Promise of Spokane, to create a hub for community services they offer to the children and families they serve. This change will allow the possibility of providing childcare options on site, as well as a community playground, office space and additional housing options. The proximity to public transit outside of the downtown core will best serve these families in need. Also, the upgrades to the properties will enhance the value of neighboring properties in the community.
- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies?
 - i. This proposal is consistent with the comprehensive plan which states, "the Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas." The proposed Office land use and Office Retail zoning are compatible and provide a buffer between residential and commercial land uses within the neighborhood.

- ii. Additionally, the comprehensive plan calls for transportation oriented development. With the new Central City Bus Line stop on the corner of Mission and Napa these proposed land uses encourage greater transportation oriented development within 150 feet of a public transit stop, which should encourage greater public transit usage.
 - d. Is the application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations?
 - i. The application is consistent with the goals and policies of state and federal legislation as it will encourage responsible high density infill development on existing developed properties compatible with surrounding land uses.
 - e. Is the application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population forecasts?
 - i. Yes
 - f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?
 - i. No
 - g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan?
 - i. No
 - h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis.
 - i. N/A
- 2. For Text Amendments: N/A
- 3. For Map Change Proposals:
 - a. Attach a map of the proposed amendment site/are, showing all parcels and parcel numbers.
 - b. What is the current land use designation?
 - i. Parcel 35162.0121 = Land Use: Mini Center, Zoning: NR-35
 - ii. Parcel 35162.0110 = Land Use: Residential 4-10, Zoning: RSF
 - iii. Parcel 35162.0122 = Land Use: Residential 4-10, Zoning: RSF
 - iv. Parcel 35162.0111 = Land Use: Residential 4-10, Zoning: RSF
 - c. What is the requested land use designation?
 - i. Parcel 35162.0121 = Land Use: Mini Center, Zoning: NR-40
 - ii. Parcel 35162.0110 = Land Use: Office, Zoning: OR-40
 - iii. Parcel 35162.0122 = Land Use: Office, Zoning: OR-40
 - iv. Parcel 35162.0111 = Land Use: Office, Zoning: OR-40

- d. Describe the land uses surrounding the proposed amendment site.
 - i. To the North and West of Parcel 35162.0121 is Mini Center, with a zoning of NR-35. North are a gas station, two story residential home and a one story residential home. To the West is a convenience store.
 - ii. To the South and East of Parcels 35162.110, 35162.122, and 35162.0111 are residential land uses. Additionally, to the north across Mission Ave are residential uses.

- Environmental Checklist, if required under SMC Chapter 17E.050: Not Required at this time**
- Additional materials: None**
- For a Map amendment, (2) paper copies and one PDF (formatted for posting and emailing) of the site plan, drawn to a minimum scale of 1"=100', on a sheet no larger than 24"x36", which includes all of the following:**



Notification Map Application

Rev.20180102

DESCRIPTION OF PROPOSAL:

The proposed amendment will increase the allowable height of one parcel from 35 to 40 feet and will change land use and zoning designations for three adjacent properties from Residential Low to Office and R5C to OM40 respectively.

ADDRESS SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

2002 E Mission Ave., 2007 E Sinto Ave., 2012 E Mission Ave., 2018 E Mission Ave

APPLICANT

Name: *Family Promise of Spokane*

Address: *2002 E Mission Ave. Spokane WA 99202*

Email Address: *509-747-5487* Phone: *jader@familypromiseofspokane.org*

PROPERTY OWNER

Name: *Family Promise of Spokane*

Address: *2002 E Mission Ave. Spokane WA 99202*

Email Address: *509-747-5487* Phone: *jader@familypromiseofspokane.org*

AGENT

Name: _____

Address: _____

Email Address: _____ Phone: _____

ASSESSOR'S PARCEL NUMBERS: 35162.0121, 35162.0110, 35162.0122, 35162.0111

LEGAL DESCRIPTION OF SITE: (See Legal Descriptions Attached)

SIZE OF PROPERTY: 54,838 Square feet

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Comprehensive Plan Amendment

DOES OWNER/APPLICANT OWN PROPERTY ADJACENT TO SUBJECT PROPERTY? If yes, provide all parcel numbers.

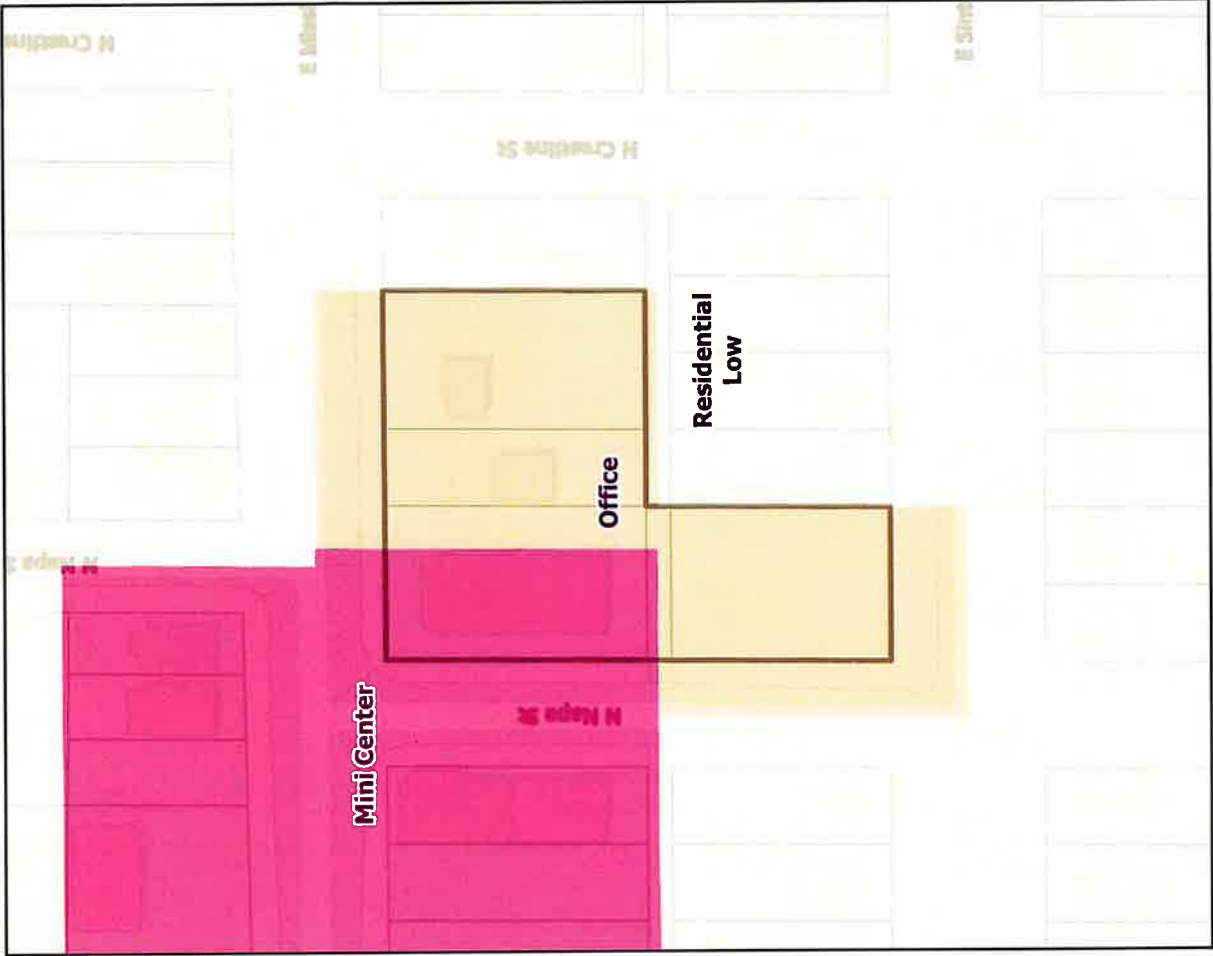
I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in SMC 17G.060. for public hearing and community meeting. Copies of these instructions are available from the Development Services Department or on www.spokaneplanning.org.

SUBMITTED BY:

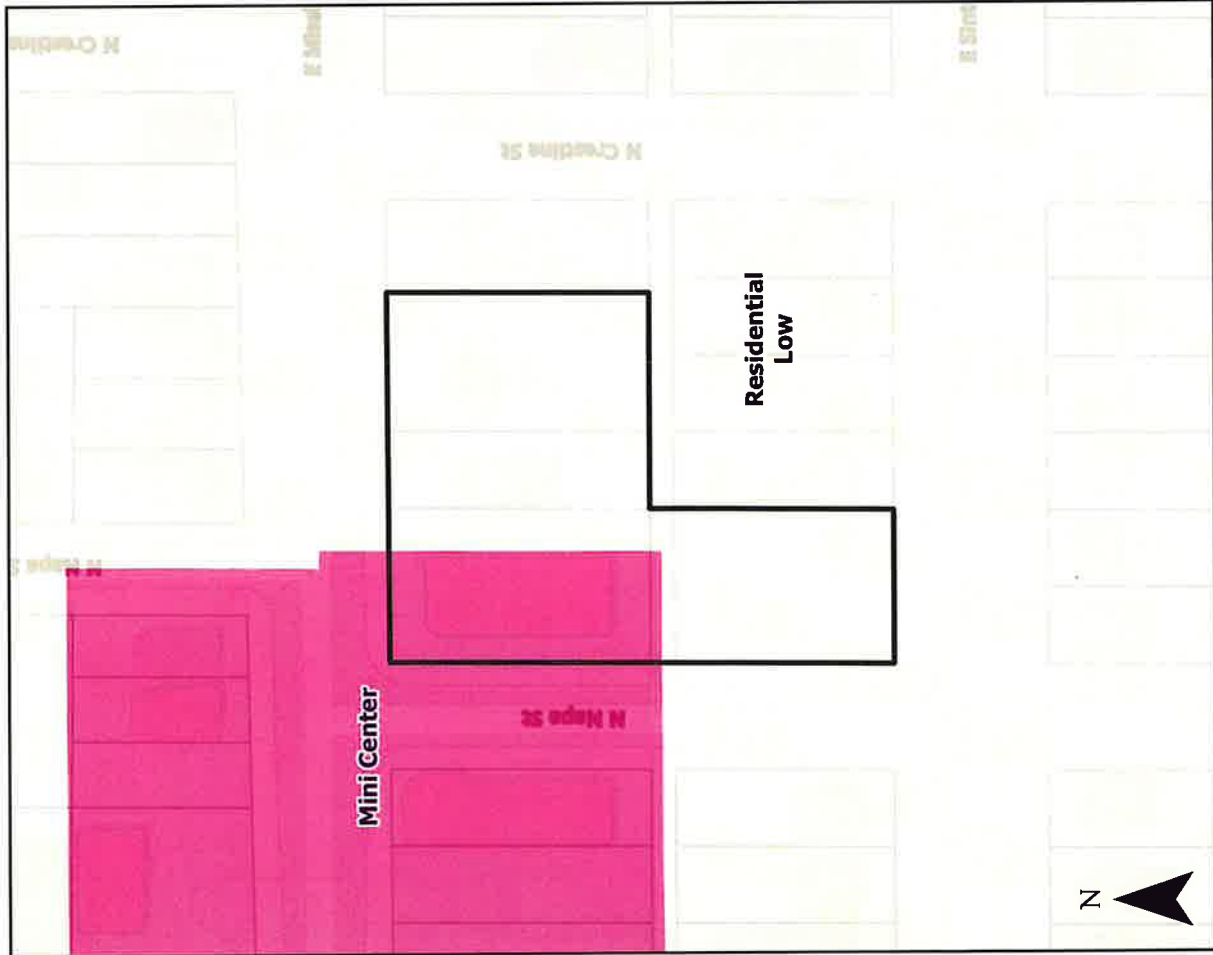
Family Promise of Spokane

- Applicant Property Owner Property Purchaser Agent

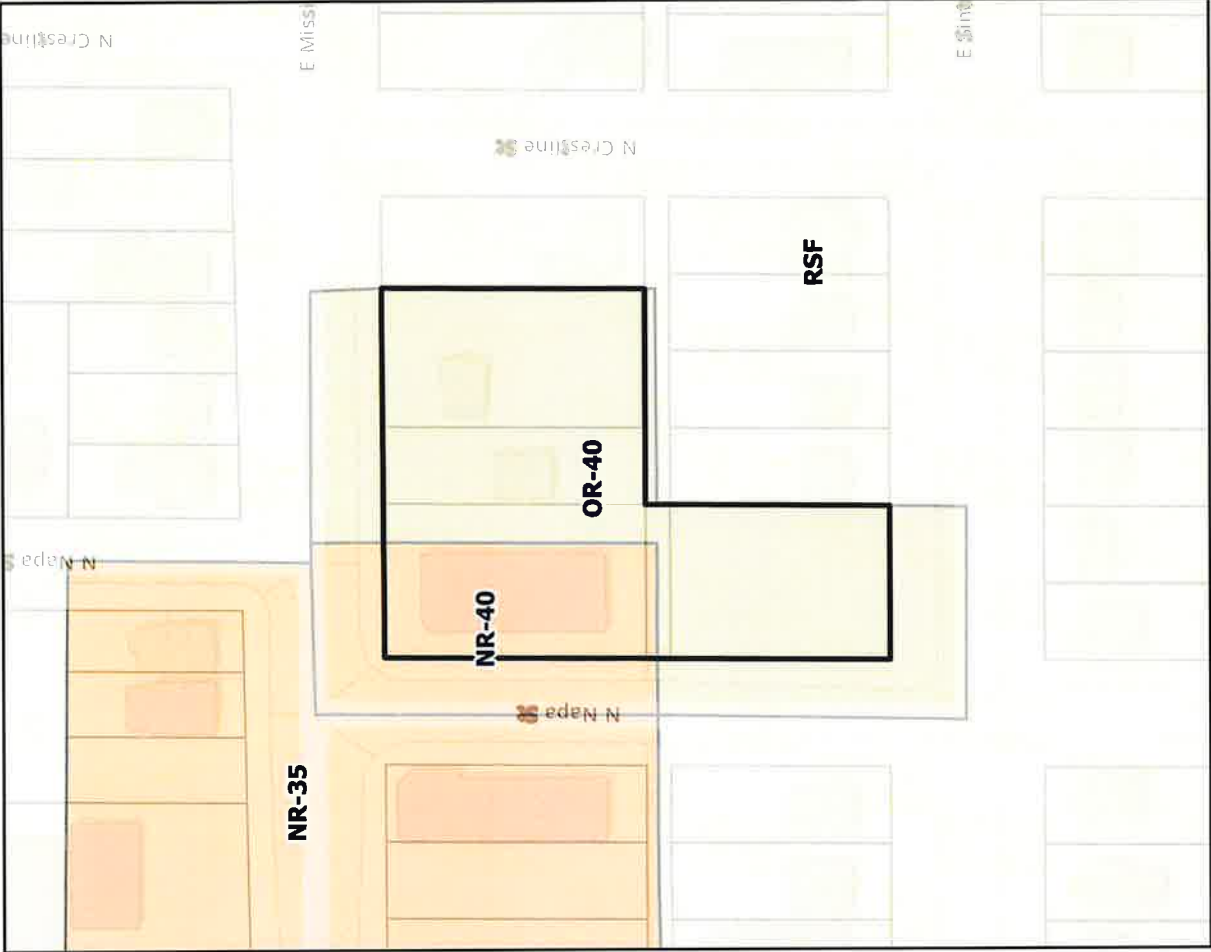
New Land Use



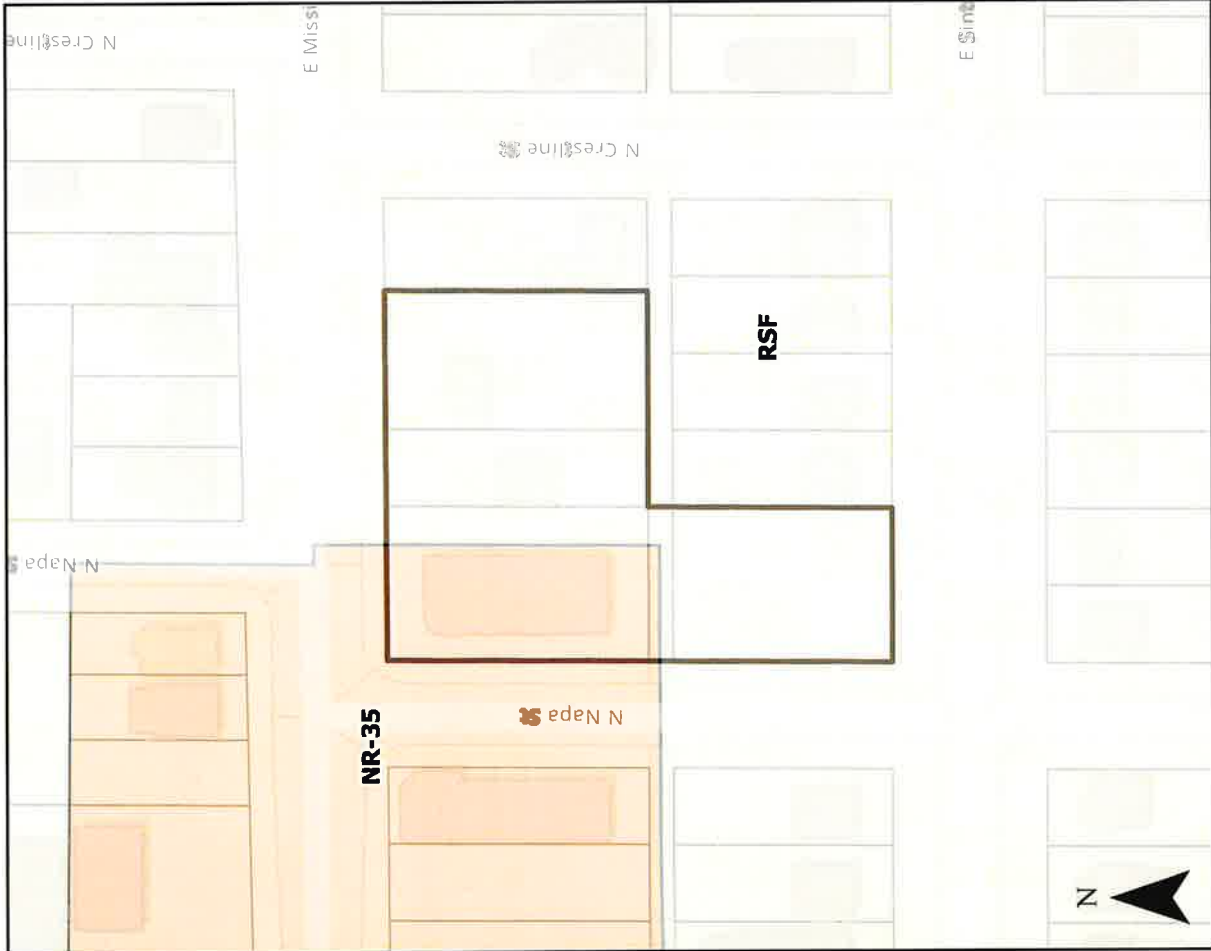
Existing Land Use



New Zoning



Existing Zoning



From: Joe Ader <jader@familypromiseofspokane.org>

Sent: Wednesday, November 15, 2023 6:57 PM

To: Whitmarsh, Brandon <bwhitmarsh@spokanecity.org>

Cc: Dianne Delorme <ddelorme@familypromiseofspokane.org>; Teddy Brinosa <tbrinosa@familypromiseofspokane.org>; Freibott, Kevin <kfreibott@spokanecity.org>

Subject: Re: Application File Z23-474COMP -- Mission & Sinto CPA

Importance: Low

Exhibit F, File Z23-474COMP

[CAUTION - EXTERNAL EMAIL - Verify Sender]

The entire parcel to be NR 40 please.

Joe Ader

Executive Director

Main Office: 509-747-5487

Work: 509-747-5487 Cell: 509-818-7587

www.familypromiseofspokane.org



Family Promise of Spokane is committed to equipping families and communities to end the cycle of homelessness.

Family Promise of Spokane does not discriminate on the basis of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation, including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities.

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On Wed, Nov 15, 2023 at 2:45 PM Whitmarsh, Brandon <bwhitmarsh@spokanecity.org> wrote:

Good afternoon Joe,

I have been reviewing your application for technical completeness and ran into a question. In looking at our land use and zoning maps, it looks like parcel 35162.0121 (2002 E Mission Ave) is zoned partially Neighborhood Retail(NR) and partially Residential Single Family(RSF). I wanted clarify whether you wanted the 40ft height to just be applied in the existing NR area and Office Retail applied on the eastern portion of the parcel or if you would like the entire parcel to be the NR-40 zoning.



Thank you,



Brandon Whitmarsh (he/him) | City of Spokane | Planner I | Planning & Economic Development

509.625.6846 | dept. 509.625.6500 | bwhitmarsh@spokanecity.org | spokanecity.org



Joe Ader <jader@familypromiseofspokane.org>

October Chief Garry Park General Meeting

Colleen Gardner <kelcag72@gmail.com>

Mon, Oct 30, 2023 at 12:51 PM

To: Joe Ader <jader@familypromiseofspokane.org>

Cc: Krista Anderson <chiefgarryparknc@gmail.com>, Luc Jasmin <luc.jasmin@gmail.com>

This message is to confirm that Joe Ader, the Executive Director of Family Promise spoke to me individually, as the liaison to the non-profits for Chief Garry Park and also did a presentation to the full neighborhood council at our monthly meeting held on Oct 18th, 2023., 6:30pm [1831 E Mission Ave, Spokane](#).

Mr. Ader presented the Comprehensive Plan Amendment to change zoning at [2012 E Mission](#), [2018 E Mission](#) and [2007 E Sinto](#) form Residential to Office Retail 40 and increase the height at [2002 E Mission](#) from 35 to 40 feet, which would allow us to potentially use the properties for office, childcare, or at some point in the future add a third story with a slanted roof to our property on Mission and Napa.

The neighborhood council agreed that they would discuss a letter in support of the changes.

Respectfully,
Colleen Gardner
Liaison to the non-profits Chief Garry Park
[Quoted text hidden]

**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**File No. Z23-474COMP**PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!****Purpose of Checklist:**

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "*does not apply.*"

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project: Z23-474COMP – Mission & Sinto
2. Applicant: City of Spokane
3. Address: 808 W Spokane Falls Blvd
 City/State/Zip: Spokane, WA, 99201 Phone: (509) 625 - 6500
 Agent or Primary Contact: Brandon Whitmarsh, Planning and Economic Development Department
 Address: 808 W Spokane Falls Blvd
 City/State/Zip: Spokane, WA, 99201 Phone: (509) 625 - 6846
 Location of Project: E Mission Ave to E Sinto Ave and N Napa St to N Crestline St
 Address: 2002, 2012, 2018, and 2028 E Mission Ave and 2007 E Sinto Ave
 Section: 16 Quarter: NW Township: 25N Range: 43E
 Tax Parcel Number(s) 35162.0121, 35162.0122, 35162.0111, 35162.0105, and 35162.0110
4. Date checklist prepared: April 8, 2024
5. Agency requesting checklist: City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): This proposal is one of a number of proposals being processed under the comprehensive plan amendment program. The applications are processed together and are currently anticipated to be at a City Council Hearing in November 2024. Once this non-project action is approved, the property owner could then develop under the new comprehensive plan designation and zoning categories of their properties, however such development is neither required nor approved by this comprehensive plan amendment.
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. No specific plans are in place at this time, although the comprehensive plan amendment and concurrent rezone would allow for redevelopment of the proposal area to accommodate the growing need for emergency housing and supportive services for families experiencing homelessness.
 b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. Family Promise of Spokane does not own any property adjacent to or in the immediate vicinity of the proposal area.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. No environmental information has been prepared or is planned to be prepared apart from this SEPA Checklist. If future actions on the site require environmental review, it will be done at the time of development, pursuant to existing Spokane Municipal Code requirements.

-
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. None.
10. List any government approvals or permits that will be needed for your proposal, if known. No other government approvals or permits are needed for this non-project action except the approval of the comprehensive plan amendment and concurrent rezone by the Spokane City Council. Any future development of the proposal area would require a building permit.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. Family Promise of Spokane is a community organization working to end the cycle of homelessness by supporting homeless families through the provision of emergency housing, supportive services, and connection to permanent housing. The proposed comprehensive plan amendment and concurrent zoning changes are intended to provide long term flexibility for Family Promise of Spokane to expand their services on these properties, which will likely include some type of redevelopment. At this time, there are no known specifics about the scale or timeline of the development. Any development will be required to meet the uses allowed and site development standards in place at the time of application for the building permit(s). Generally, if the proposal were to be adopted by City Council, the uses in the proposal area could include, among others, emergency housing, retail, office, and childcare facilities.
12. Location of the proposal: Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. This non-project action proposal is located in the Chief Garry Park neighborhood of Spokane, Washington on five parcels, totaling approximately 1.5 acres. The proposal area includes 2002, 2012, 2018, and 2028 E Mission Ave as well as 2007 E Sinto Ave. The properties are bounded by E Mission Ave, E Sinto Ave, N Napa St, and N Crestline St. NW quarter of Section 16, Township 25N, Range 43E.

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.) The proposal is within the ASA, the General Sewer Service Area, and the City of Spokane.

14. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

(1) Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities). Not applicable, this is a non-project action.

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored? Not applicable, this is a non-project action.

(3) What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems. None. This is a non-project action.

(4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater? Not applicable, this is a non-project action.

b. Stormwater

(1) What are the depths on the site to groundwater and to bedrock (if known)? Unknown, this is a non-project action.

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts. Not

applicable, this non-project action will not directly discharge stormwater.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

Flat Rolling Hilly Steep slopes Mountainous

Other: _____

b. What is the steepest slope on the site (approximate percent slope)? This non-project action will not directly modify the topography of the proposal area.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. The proposal area has Garrison Gravelly Loam soil with no agricultural significance. This non-project action will not directly result in the movement of any soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. No known unstable soils.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill: Not applicable, this is a non-project action.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. No construction will occur as part of this proposal. This is a non-project action.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)? Not applicable, this is a non-project action.

h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: None.

2. Air

a. What type of emissions to the air would result from the proposal during construction, operation, and

maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Not applicable, this is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. Not applicable, this is a non-project action.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: None.

3. Water

a. SURFACE WATER:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. There are no surface waterbodies on or in the immediate vicinity of the proposal area.
- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. This proposal is a non-project action and there are no surface waterbodies within 200 feet of the proposal area.
- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. Not applicable, this is a non-project action.
- (4) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known. None, this is a non-project action.
- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No.
- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. Not applicable, this is a non-project action.

b. GROUNDWATER:

- (1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the

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well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. Not applicable, this is a non-project action. Furthermore, the City of Spokane does not permit new wells within City limits—all future projects would be required to be served by City water, as the site is now.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None, this is a non-project action. The City requires that all development connect to existing sewer service at the time of development or renovations of existing uses.

c. WATER RUNOFF (INCLUDING STORMWATER):

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Any stormwater generated by the site is currently collected by the City's stormwater drainage system, where it is then transmitted to the sewer treatment plant. Any new construction, if it were to occur, would be required to conform to the City's existing stormwater management requirements at time of development, including possible inclusion of features like retention ponds and filtration.

- (2) Could waste materials enter ground or surface waters? If so, generally describe. Not applicable, this is a non-project action.

- (3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. No, this is a non-project action.

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any. None.

4. Plants

- a. Check the type of vegetation found on the site:

Deciduous tree: alder maple aspen

Other: coffee trees

Evergreen tree: fir cedar pine

Other: _____

Shrubs Grass Pasture Crop or grain

Orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush skunk cabbage

Other: _____

Water plants: water lily eelgrass milfoil

Other: _____

Other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered? No vegetation would be removed as part of the non-project action.

c. List threatened and endangered species known to be on or near the site. No threatened or endangered plant species known to be on or near the proposal area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Not applicable, this is a non-project action.

e. List all noxious weeds and invasive species known to be on or near the site. No noxious weeds or invasive species known to be on or near the proposal area.

5. Animals

a. Check and List any birds and other animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk heron eagle songbirds

Other: General small birds seen in urban areas.

Mammals: deer bear elk beaver

Other: _____

Fish: bass salmon trout herring shellfish

Other: _____

Other (not listed in above categories): _____

- b. List any threatened or endangered animal species known to be on or near the site. No threatened or endangered species are known to be on or near the proposal area.
- c. Is the site part of a migration route? If so, explain. Not known, this is a non-project action.
- d. Proposed measures to preserve or enhance wildlife, if any: None. This is a non-project action.
- e. List any invasive animal species known to be on or near the site. No invasive animal species known to be on or near the proposal area.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Not applicable, this is a non-project action. Future development related to this proposal would likely have additional energy demands, but they are unknown at this time, nor is it known if they would exceed or reduce the current energy demands of the site.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. As part of the proposal, the maximum height on one parcel (35162.0121) would be increased to 40ft, 5 feet above the current maximum for that parcel. While this represents an increase in height, 40ft is consistent with the allowed height for all adjacent properties, aside from those separated from the proposal area by arterial streets. As such, the proposal is not expected to affect the use of solar energy by any adjacent parcels.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: None.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. None known, this is a non-project action.

- (1) Describe any known or possible contamination at the site from present or past uses. No known contamination on site from present or past uses.
- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None known, this is a non-project action.
- (3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. Not applicable, this is a non-project action.
- (4) Describe special emergency services that might be required. None known. This is a non-project action.
- (5) Proposed measures to reduce or control environmental health hazards, if any: None.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Typical urban noise sources, such as vehicle traffic. No significant or unusual noise is expected or known on the site.
- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Not applicable, this is a non-project action. Future development of the site could create construction noise on a short-term basis, but no long-term, operational noises are expected or known.
- (3) Proposed measure to reduce or control noise impacts, if any: None.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. There are a number of uses within the proposal area. The commercial property at 2002 E Mission Ave currently operates as an emergency shelter with supportive services(Family Promise of Spokane). 2012 and 2018 E Mission Ave are single unit structures which are being used for emergency housing associated with Family Promise.

2024 E Mission Ave is an owner-occupied single unit home. 2027 E Sinto Ave is an unimproved parking lot used in association with the operations of Family Promise. This non-project action would allow for more intense development in the proposal area in the future, but is not anticipated to have any direct impact on the surrounding property uses.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? The non-project proposal area does not have working farmlands or forest and would not interfere with any long-term commercially significant agricultural land.
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No. There are no such lands or operations within the project vicinity.
- c. Describe any structures on the site. The proposal area includes three detached single unit homes developed between 1905 and 1919 as well as a commercial building built in 1946.
- d. Will any structures be demolished? If so, which? Not applicable, this is a non-project action and is not anticipated to result in the demolition of any structures at this time.
- e. What is the current zoning classification of the site? A portion of parcel 35162.0121 is zoned Neighborhood Retail – 35 feet and the remainder of the proposal area is zoned R1.
- f. What is the current comprehensive plan designation of the site? A portion of parcel 35162.0121 is designated Mini Center, while the remainder of the proposal area is designated Residential Low.
- g. If applicable, what is the current shoreline master program designation of the site? Not applicable
- h. Has any part of the site been classified as a critical area by the city or the county? If so, specify. This proposal is located in the Aquifer Sensitive Area but is otherwise not designated as a critical area.

- i. Approximately how many people would reside or work in the completed project? Not applicable, this is a non-project action.
- j. Approximately how many people would the completed project displace? See the answer to question d above—this proposal would not directly result in any displacement of homes or people.
- k. Proposed measures to avoid or reduce displacement impacts, if any: None.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: None. This is a non-project action.
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: None.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. Not applicable, this is a non-project action. Future development related to this proposal would likely be emergency housing for families experiencing homelessness. The number of units that may be developed in the future is unknown at this time.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. Not applicable, this is a non-project action. A majority of the current structures are being used as emergency housing. Future development could result in the temporary loss of units, but as Family Promise has stated their intent to use these properties for such a use in the future, any loss of units would be mitigated by their replacement soon after. Regardless, as this project is a non-project action, direct loss of any units is not anticipated as a result of this proposal.
- c. Proposed measures to reduce or control housing impacts, if any: None at this time. If future development eliminated housing on the proposal site, it would likely be for the development of more housing and supportive services.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Not applicable, this is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed? Not applicable, this is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any: None.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Not applicable, this is a non-project action.

b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A, this is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal? As the site is surrounded by existing single-family homes and minor commercial properties, no significant impacts from light onto the project site would occur.

d. Proposed measures to reduce or control light and glare impacts, if any: None

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? There are no designated recreational facilities in the immediate vicinity of the proposal. Two blocks west of the proposal area, Steven Elementary provides informal recreational opportunities outside of school hours.

b. Would the proposed project displace any existing recreational uses? If so, describe. Not applicable, this is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. The structures at 2002, 2012, 2018, and 2028 E Mission are all older than 45 years, with dates of construction ranging from 1905 to 1946. None of the structures or sites within the proposal area are known to be listed on any registers, nor are there any known

intentions to list them.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. No known resources on or near the proposal area. No studies have been conducted. This is a non-project action.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. This proposal will be reviewed by tribes and local, state, and federal agencies in the agency comment period associated with this environmental checklist. No other methods are planned for this non-project action.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. None.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. The proposal area is served by E Mission Ave, E Sinto Ave, N Napa St, and N Crestline St. As a non-project action, there are no access changes proposed for this area at this time.
- b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? Spokane Transit Authority (STA) serves the proposal area with Route 1(City Line) bus rapid transit service along E Mission Ave and Route 14 service along N Napa St and E Mission Ave.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? Unknown. There are no current plans for development in relation to this non-project comprehensive plan amendment and concurrent rezone. Future development would be subject to the parking minimums and maximums in SMC 17C.230, which are associated with the zoning and proposed use at the time of building permit application.

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- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). Not applicable, this is a non-project action. Future development would be subject to the engineering requirements in place at the time of permit application.
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. Not applicable, this is a non-project action.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? This is a non-project action. No change in vehicular trips will occur directly related to this action. Future redevelopment of the site under the new zoning category could increase non-commercial vehicle traffic, although members of the community served at this site are more likely to use the bus rapid transit service available along E Mission Ave than others.
- (Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).)*
- g. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe. Not applicable, this is a non-project action.
- h. Proposed measures to reduce or control transportation impacts, if any: None

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. This is a non-project action. Future development in the proposal area could be more intense than the current development and could therefore require more public services. No specifics are known at this time.
- b. Proposed measures to reduce or control direct impacts on public services, if any: None.

16. Utilities

- a. Check utilities currently available at the site:

electricity

natural gas

- water
- refuse service
- telephone
- sanitary sewer
- septic system

Other: _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed: Not applicable, this is a non-project action.
-

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the *agency* must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: May 1, 2024 Signature: *Brandon Whitmarsh*

Please Print or Type:

Proponent: City of Spokane Address: 808 W Spokane Falls Blvd

Phone: (509) 625 - 6500 Spokane, WA 99201

Person completing form (if different from proponent): Brandon Whitmarsh, Planner I

Phone: (509) 625 - 6846 Address: 808 W Spokane Falls Blvd

Spokane, WA 99201

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Kevin Freibott, Senior Planner

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? This proposal would increase the allowed intensity of development, both in scale and in use than what is currently on the site. Future development under these designations could therefore be more intense than current conditions, increasing water use and discharge as well as traffic to the site which may increase noise. However, future uses would continue to be typically urban in nature, just as the site currently exhibits. Any overall increase in emissions or noise are expected to be minor when compared to the existing conditions. The redevelopment of the proposal area itself would also produce short-term noise impacts.

Proposed measures to avoid or reduce such increases are: None at this time. Development under the new regulations adopted by this non-project action would be required to follow all City requirements including managing all stormwater on site as well as providing an erosion and sediment control plan.

2. How would the proposal be likely to affect plants, animals, fish or marine life? This proposal would allow for more intense development of the proposal area. Redevelopment under these designations could reduce the open green space in the proposal area and remove trees. Removal of some landscaping on site could reduce the habitat of some urban animals, but only if future plans require it. Those impacts would be minor, however, as City standards for landscaping in new projects would still apply. As the city required stormwater to be treated onsite, no offsite impacts to fish or marine life are anticipated from the proposal or any possible subsequent actions.

Proposed measures to protect or conserve plants, animals, fish or marine life are: None.

3. How would the proposal be likely to deplete energy or natural resources? Future development under the new designations will likely include emergency housing and related supportive services. Energy and resource use would be highest during construction. Operation of the future facility would likely need more energy than existing development as it would be larger in scale. This comprehensive plan amendment and rezone would allow future development that is 40ft tall, which is consistent with the allowed height for residential development in the adjacent R1 zone. All other surrounding properties are separated from the proposal area by arterial streets. The consistency of height allowances and separation from adjacent parcels by arterial streets reduces the likelihood that future development would impact solar access for adjacent properties.

Proposed measures to protect or conserve energy and natural resources are: None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands? This site is not currently farmland, nor a park or designated wilderness. The site is also over a quarter mile from the closest floodplain. No endangered species have been observed on or near the proposal area. Future development would be more intense than current development but remain urban in nature. No direct impacts to environmentally sensitive or protected areas are expected as part of the long-term development of the proposal area under the new regulations.

Proposed measures to protect such resources or to avoid or reduce impacts are: None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The use of the proposal areas is not intended to change with this non-project action or any future development associated with it. Redevelopment would be at a more intense scale than what is currently on site, but would provide the same housing and supportive services to the community. Additionally, the neighborhood council has written a letter of support for this non-project action and the long-term goals of Family Promise of Spokane.

Proposed measures to avoid or reduce shoreline and land use impacts are: None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Future development possible under the proposed designations that would be adopted with

this proposal would allow more intense development in the proposal area, allowing Family Promise of Spokane to serve more families and provide more services to the homeless community. In serving more families, the redevelopment of the site would increase demand for transportation options and public services. Pursuant to standing Spokane Municipal Code standards, future development would be assessed at time of building permit application for its impact on the transportation system and networks.

Proposed measures to reduce or respond to such demand(s) are: None. The newly opened City Line Bus Rapid Transit route provides frequent transit throughout the week along E Mission Ave, with service at the proposal sites. Future development would benefit from this existing frequent transit service, which could reduce reliance on vehicular travel.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment. This non-project action is a comprehensive plan amendment, which is reviewed through the SEPA process. The Spokane Municipal Code is required to be consistent with state and federal laws. Any future development under the new regulations would be required to follow all applicable Spokane Municipal Code regulations adopted at the time of permit application. No aspect of the proposal or the potential redevelopment that could occur in the future after this proposal is known or suspected to conflict with state, local, or federal laws.

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

PROJECT: File Z23-474COMP Mission & Sinto Comprehensive Plan Amendment

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: An amendment to the Land Use Plan Map (LU-1) of the Comprehensive Plan and attendant changes to the Official Zoning Map of the City of Spokane for 1.56 acres in the Chief Garry Park Neighborhood.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Southeast of the intersection of E Mission Ave and N Napa St.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on October 8, 2024 if they are intended to alter the DNS.

Responsible Official: Spencer Gardner

Position/Title: Director, Planning Services **Phone:** (509) 625-6500

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: Sept 16, 2024 **Signature:**  _____

Exhibit I: Agency Comments

Chief Garry Park Neighborhood Council
1831 E Mission Ave
Spokane, WA 99202
chiefgarryparknc@gmail.com]
509-981-9219
07/01/2024

Spokane City Plan Commission
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Dear Members of the Spokane City Plan Commission,

I am writing on behalf of the Chief Garry Park Neighborhood Council to express our support for File #: Z23-474COMP, the Mission & Sinto Comprehensive Land Use Map Amendment Proposal. We believe that this proposed amendment aligns with our community's goals and will enhance the quality of life for our residents.

The Chief Garry Park neighborhood is committed to fostering a vibrant, sustainable, and inclusive community. The proposed land use change is an important step towards achieving this vision. By aligning the land use map to allow for Office use around a transit corridor, we can promote greater accessibility and mobility for our residents, thereby improving their daily lives and expanding economic opportunities.

The Chief Garry Park Neighborhood Council encourages support and approval of File #: Z23-474COMP. We are confident that this amendment will contribute positively to the long-term development of our area and help in building a more connected and prosperous Spokane.

Thank you for considering our perspective on this important matter. We look forward to seeing the positive impact this amendment will bring to our community.

Sincerely,

Chief Garry Park Neighborhood Council

Whitmarsh, Brandon

From: Note, Inga
Sent: Tuesday, May 7, 2024 4:40 PM
To: Planning & Development Services Comp Plan
Subject: RE: Request for Comments for Z23-474COMP (Mission & Sinto) - Comments DUE May 21, 2024

No concerns.

From: Benzie, Ryan <rbenzie@spokanecity.org>
Sent: Tuesday, May 7, 2024 3:31 PM
To: Abrahamson, Randy <randya@spokanetribe.com>; Development Services Center Addressing <eradsca@spokanecity.org>; Allenton, Steven <sallenton@spokanecity.org>; **Subject:** Request for Comments for Z23-474COMP (Mission & Sinto) - Comments DUE May 21, 2024

Good afternoon,

Please see the attached request for comments, SEPA checklist, and associated documents for the following project:

Project Name: Z23-474COMP (Mission & Sinto)

Location: SE of the intersection of E Mission Ave and N Napa St; NW 1/4, Section 16, Township 25N, Range 43E

Please direct any comments or questions to compplan@spokanecity.org by **May 21, 2024 at 5 PM.**

Thank you,



Ryan Benzie | Clerk III | Planning & Economic Development
509.625.6863 | my.spokanecity.org





Spokane Tribe of Indians
Tribal Historic Preservation Office
P.O. Box 100 Wellpinit WA 99040

May 13, 2023

To: Ryan Benzie, Planner

RE: File Z23-474 Comp “Mission & Sinto”

Mr. Benzie,

Thank you for contacting the Tribe’s Historic Preservation Office. We appreciate the opportunity to provide a cultural consult for your project, the intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

In response we concur with recommendations made that the city is requesting “residential low to general commercial and concurrent change of zoning from R1 to general commercial - 70 at this time I have no concern on code change, however if any ground disturbing activity there will be more consultation needed to complete this project.

However, if any artifacts or human remains are found upon inadvertent discovery, this office should be immediately notified and the work in the immediate area cease.

Should additional information become available or scope of work change our assessment may be revised.

Our tribe considers this a positive action that will assist us in protecting our shared heritage.

If question arise, contact my office at (509) 258 – 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer.
Spokane Tribe of Indians

Whitmarsh, Brandon

From: Development Review <developmentreview@spokanetransit.com>
Sent: Friday, May 17, 2024 11:40 AM
To: Planning & Development Services Comp Plan; Planning & Development Services Comp Plan
Cc: Poole, Emily; Redman, Drew
Subject: RE: Request for Comments for Z23-474COMP (Mission & Sinto) - Comments DUE May 21, 2024

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good morning,

Thank you for taking the time to receive and record this comment from Spokane Transit Authority (STA) regarding Z23-474COMP.

Please coordinate any future construction at this site with STA, as construction can impact our ability to operate safely there.

Please let me know if you have any questions or concerns, and thank you for working closely with STA.

Thanks,

Randy Brown

Associate Transit Planner

Office: (509) 344-2618

Email: RBrown@spokanetransit.com

spokanetransit.com

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2023/2024 Comprehensive Plan Amendments

EXHIBIT J: Z23-474COMP

Department of Planning & Economic Development

Legal Descriptions of Affected Parcels:

Parcel 1 (35162.0121):

16-25-43: AGGREGATION "A"; SUB of SCHOOL SEC 16 ALL OF LOT 1 AND LOT 2, BLOCK 81.

Parcel 2 (35162.0122):

16-25-43: AGGREGATION "B"; SUB OF SCHOOL SEC ALL LOT 3 BLOCK 81.

Parcel 3 (35162.0111):

SUB OF SEC 16 LT 4 & W 40 FT OF LT 5 BLK 81

Parcel 4 (35162.0105):

SUB OF SEC 16 E10FT OF L5 &ALL L6 B81

Parcel 5 (35162.0110):

SUB OF SEC 16 L11-12B81



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd 11/13/2024

Clerk's File # ORD C36610

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept PLANNING & ECONOMIC

Bid #

Contact Name/Phone BRANDON (509) 625 - 6846

Requisition #

Contact E-Mail BWHITMARSH@SPOKANECITY.ORG

Agenda Item Type First Reading Ordinance

Council Sponsor(s) ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name 0650 - Z23-476COMP – EIGHTH AVE – COMPREHENSIVE PLAN AMENDMENT

Agenda Wording

Proposal Z23-476COMP seeks to amend the Land Use Plan Map and Zoning Map for 3.9 acres in the West Hills Neighborhood. This proposal is being considered as part of the Annual Comprehensive Plan Amendment Work Program.

Summary (Background)

The proposal concerns 2610, 2613, 2614, 2618, 2624, and 2628 W 8 Ave, parcel 25243.1309, and 2.8 acres of Right of Way (ROW) in the West Hills Neighborhood. Application Z23-476COMP seeks to amend the Comprehensive Plan Land Use Plan Map from "Neighborhood Retail", "Residential Low", "Office", and "Conservation Open Space" to "General Commercial" and amend the Zoning Map from "Neighborhood Retail, 35-foot height limit (NR-35)", "R1", and "Office, 35-foot height limit (O-35)" to

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.

Amount

Budget Account

Neutral \$ #

Select \$ #

Select \$ #

Select \$ #

Select \$ #

Select \$ #



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

"Community Business, 55-foot height limit (CB-55)." This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.

Approvals		Additional Approvals	
<u>Dept Head</u>	GARDNER, SPENCER		
<u>Division Director</u>	MACDONALD, STEVEN		
<u>Accounting Manager</u>	ORLOB, KIMBERLY		
<u>Legal</u>	SCHOEDEL, ELIZABETH		
<u>For the Mayor</u>	PICCOLO, MIKE		

Distribution List

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sgardner@spokanecity.org	smacdonald@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	November 11, 2024
Submitting Department	Planning & Economic Development
Contact Name	Brandon Whitmarsh
Contact Email & Phone	Bwhitmarsh@spokanecity.org , (509) 625 - 6846
Council Sponsor(s)	<u>CM Zack Zappone, CM Jonathan Bingle, and CM Kitty Klitzke</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Z23-476COMP – Eighth Ave – Comprehensive Plan Amendment
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The proposal concerns 2610, 2613, 2614, 2618, 2624, and 2628 W 8 Ave, parcel 25243.1309, and 2.8 acres of Right of Way (ROW) in the West Hills Neighborhood.</p> <p>Application Z23-476COMP seeks to amend the Comprehensive Plan Land Use Plan Map from “Neighborhood Retail”, “Residential Low”, “Office”, and “Conservation Open Space” to “General Commercial” and amend the Zoning Map from “Neighborhood Retail, 35-foot height limit (NR-35)”, “R1”, and “Office, 35-foot height limit (O-35)” to “Community Business, 55-foot height limit (CB-55).”</p> <p>This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.</p>
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: <u>Click or tap here to enter text.</u> Current year cost: Subsequent year(s) cost:	
Narrative: <u>Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.</u>	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? <u>Click or tap here to enter text.</u>	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

The is a private proposal to amend the land use and zoning map and is not directly related to historically excluded communities.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The proposal is a land use and zoning map change and does not guarantee future development of the subject properties. No data is directly collected or analyzed on the listed topics, however the Planning & Economic Development Department generally follows these proposals to track whether the subject properties develop in the future.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

As stated above, the department generally tracks these proposals to see if they develop. Doing so allows for educated revisions to ensure the efficacy of the program if they are warranted.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This proposal is consistent with Comprehensive Plan Policies **LU 1.8 General Commercial Uses**, **LU 4.6 Transit-Supported Development**, and **LU 6.2 Open Space**. After reviewing the criteria set forth in SMC 17G.020.030, Plan Commission found the proposal consistent with the Comprehensive Plan and all applicable review criteria, voting to recommend City Council approval, subject to a modification of the boundary of the ROW included in the proposal.

Ordinance No. C36610

AN ORDINANCE RELATING TO APPLICATION FILE Z23-476COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "NEIGHBORHOOD RETAIL," "RESIDENTIAL LOW," "OFFICE," AND "CONSERVATION OPEN SPACE" TO "GENERAL COMMERCIAL" FOR APPROXIMATELY 3.9 ACRES IN THE WEST HILLS NEIGHBORHOOD; AND AMENDING THE ZONING MAP FROM "NEIGHBORHOOD RETAIL, 35-FOOT HEIGHT LIMIT (NR-35)," "R1," AND "OFFICE, 35-FOOT HEIGHT LIMIT (O-35)" TO "COMMUNITY BUSINESS, 55-FOOT HEIGHT LIMIT (CB-55)."

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 Z23-476COMP was submitted in a timely manner for review during the City's 2023/2024 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z23-476COMP sought to amend the Land Use Plan Map of the City's Comprehensive Plan for 0.6 acres from "Neighborhood Retail," "Residential Low," and "Office" to "General Commercial" at 2610 and 2613 W 8th Ave and Parcel 25243.1309;

WHEREAS, the corresponding zoning destination requested was "Community Business, 55-foot height limit (CB-55)"; and

WHEREAS, City Council adopted RES 2024-0029 on March 25, 2024, including Application Z23-476COMP in the 2024 Comprehensive Plan Amendment Work Program, expanding the proposal to the west to include consideration of 2614, 2618, 2624, and 2628 W 8th Ave, and expanding the proposal to the east to include consideration of 3.42 acres of Right of Way ("ROW");

WHEREAS, staff requested comments from agencies and departments on May 7, 2024, and a public comment period ran from June 10, 2024 to August 9, 2024; and

WHEREAS, the Spokane Plan Commission held a workshop to study the application on June 26, 2024; 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 September 17, 2024; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Determination of Non-Significance was issued on September 16, 2024, for the amendment to the Comprehensive Plan, the comment period for which ended on October 8, 2024; and

WHEREAS, a staff report for Application Z23-476COMP reviewing all the criteria relevant to consideration of the application was published on September 20, 2024, and sent to all applicants, commenters, and the Plan Commission; and

WHEREAS, notice of the SEPA Checklist and Determination and announcement of the Plan Commission Hearing for the application was published in the Spokesman-Review on September 25, 2024 and October 2, 2024; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners, occupants, and taxpayers of record, as shown in the most recent Spokane County Assessor’s record for all properties within 400 linear feet of any portion of the boundary of the subject properties, pursuant to Spokane Municipal Code 17G.020.070, on September 25, 2024; and

WHEREAS, the Spokane Plan Commission held a public hearing on October 9, 2024, including staff presentation, taking of public testimony, closing of the verbal and written public record, and deliberations; and

WHEREAS, the Spokane Plan Commission found that Application Z23-476COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Spokane Plan Commission found that Application Z23-476COMP meets the final review criteria for Comprehensive Plan Amendments delineated in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission voted 9 to 0 to recommend approval of Application Z23-476COMP, conditioned upon their recommendation to reduce the area of ROW considered with the proposal from 3.4 to 2.8 acres; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z23-476COMP is approved.

2. Amendment of the Land Use Map. Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from “Neighborhood Retail,” “Residential Low,” “Office,” and “Conservation Open Space” to “General Commercial” for 3.9 acres, as shown in Exhibit B.

3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from “Neighborhood Retail, 35-foot height limit (NR-35),” “R1,” and “Office, 35-foot height limit (O-35)” to “Community Business, 55-foot height limit (CB-55)” as shown in Exhibit C.

PASSED BY THE CITY COUNCIL ON _____, 2024.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

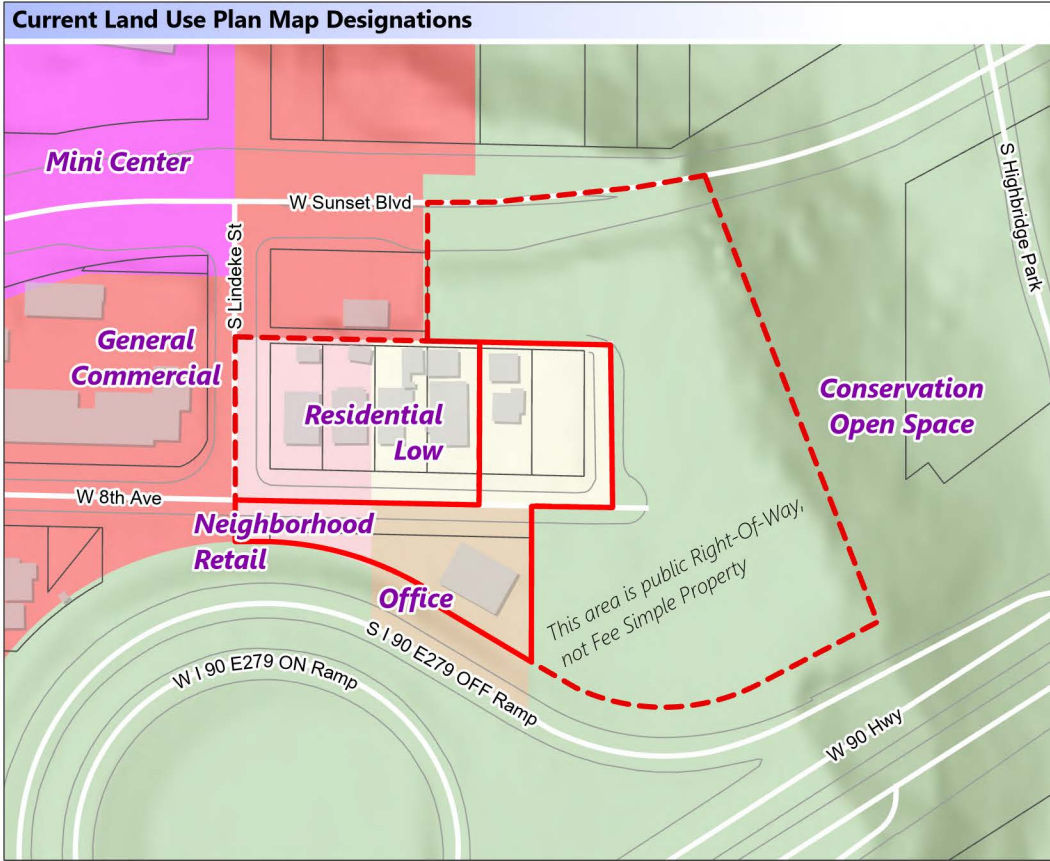


Exhibit B: Land Use Plan Map Changes

Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



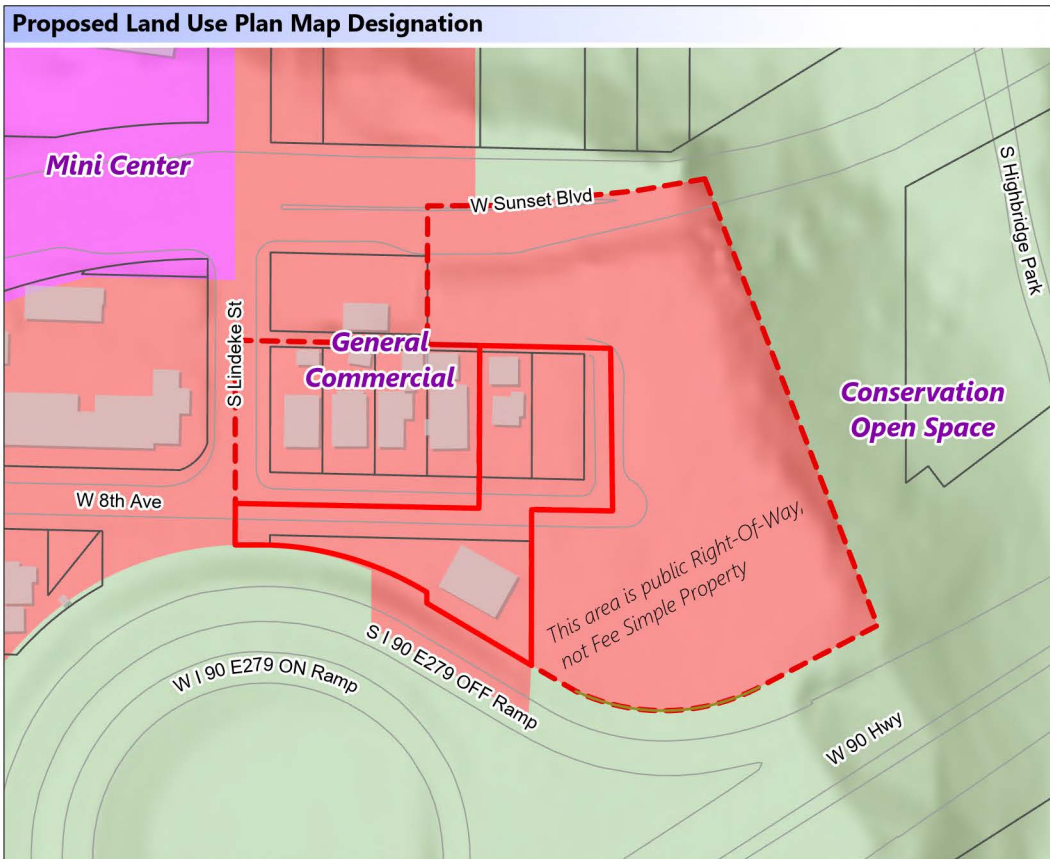
- Project Area
 - Expanded Area
 - Parcel
 - Buildings
 - Curb Line
- Land Use Plan Designation**
- Conservation Open Space
 - Residential Low
 - Office
 - Neighborhood Retail
 - Mini Center
 - General Commercial

Agent: Storhaug Engineering

- Parcels:** 25243.1304
25243.1305
25243.1306
25243.1307
25243.1308
25243.1309
25243.1502

Right-Of-Way

Size: 1.1 acres plus
2.8 acres right-of-way
(Size is Approximate)



This exhibit has been updated according to the recommendation of the Spokane Plan Commission during their hearing on October 9, 2024.

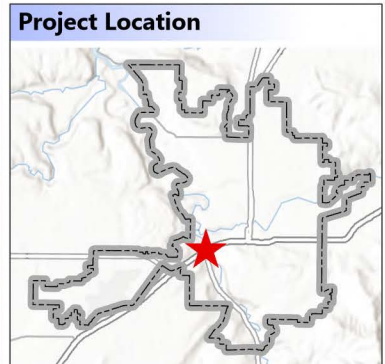


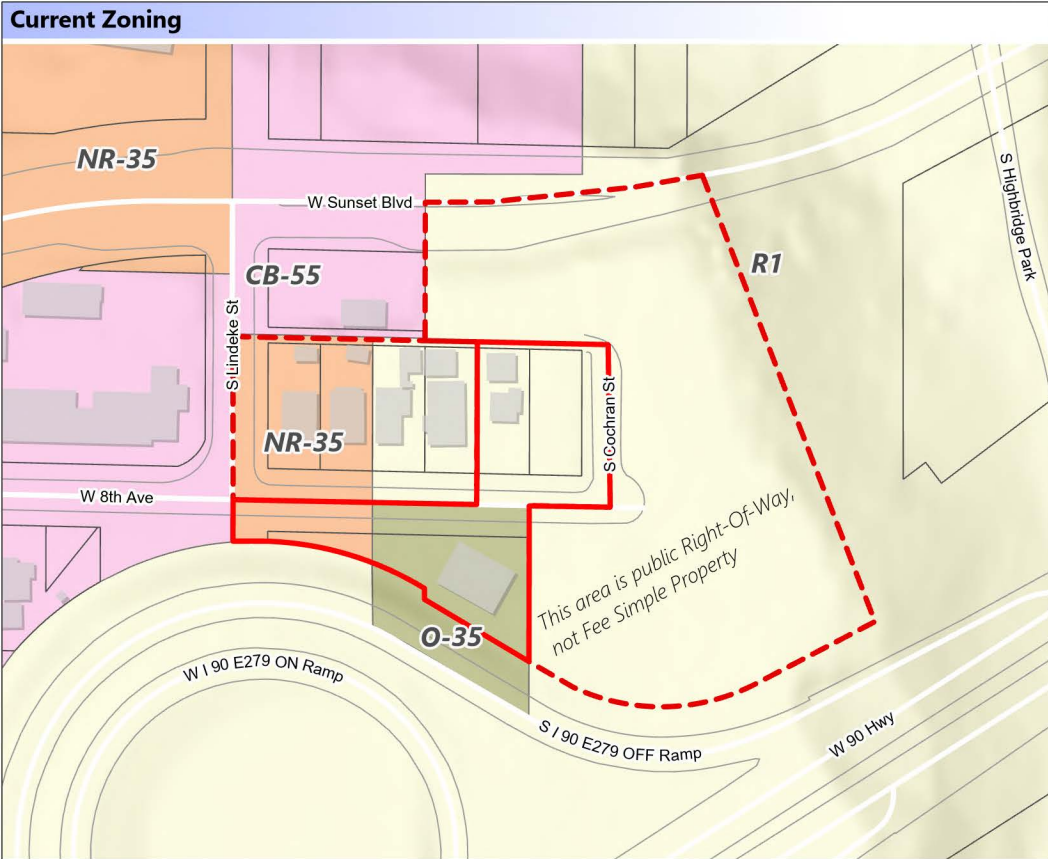


Exhibit C: Zoning Changes

Department of Planning & Economic Development



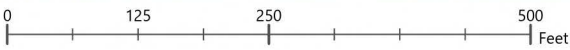
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
- Expansion Area
- Buildings
- Parcel
- Curb Line

Zoning

- Community Business
- Neighborhood Retail
- Office
- Residential 1



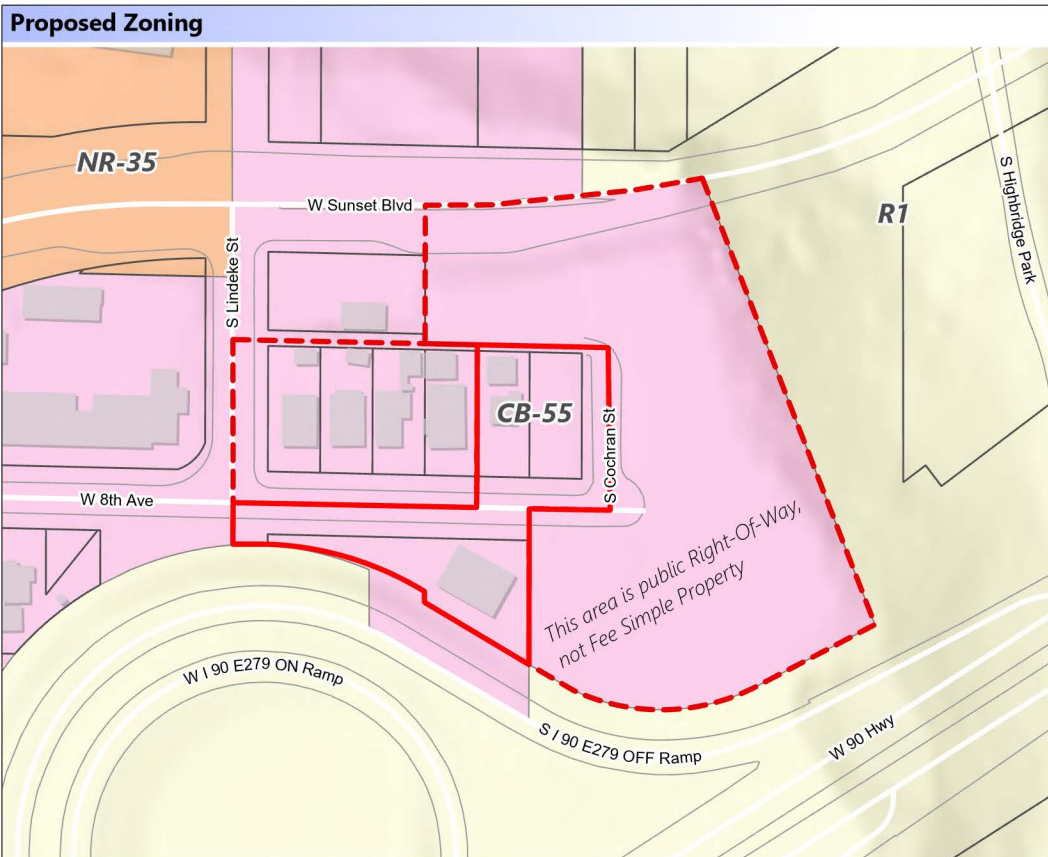
Drawing Scale: 1:2,200

Agent: Storhaug Engineering

- Parcels:** 25243.1304
25243.1305
25243.1306
25243.1307
25243.1308
25243.1309
25243.1502

Right-Of-Way

Size: 1.1 acres plus
2.8 acres right-of-way
(Size is Approximate)



This exhibit has been updated according to the recommendation of the Spokane Plan Commission during their hearing on October 9, 2024.

Project Location





**PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT
FILE Z23-476COMP (8TH AVENUE)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application, subject to modification of the proposal relating to the boundary of the Right of Way (ROW) expansion, seeking to amend the land use plan map designation from “Office”, “Residential Low”, “Neighborhood Retail”, and “Conservation Open Space” to “General Commercial” for seven parcels and a portion of Public Right-of-Way (ROW) totaling 4.3 acres located at 2610, 2613, 2614, 2618, 2624, and 2628 W. 8th Ave, Parcel 25243.1309, and ROW to the east. The zoning designation requested is “Community Business, 55-foot height limit (CB-55).”

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. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z23-476COMP (the “Application”) was submitted in a timely manner for review during the City’s 2023/2024 amendment cycle.
- D. The Application sought to amend the land use plan map designation for three parcels totaling .6 acres located at 2610 and 2613 W 8th Ave and Parcel 25243.1309 from “Office,” “Residential Low,” and “Neighborhood Retail” to “General Commercial” with a corresponding change in zoning from “R1,” “Office, 35-foot height limit (O-35)”, and “Neighborhood Retail, 35-foot height limit (NR-35)” to “Community Business, 55-foot height limit (CB-55).”
- E. The subject properties contain five single-unit homes, the offices of Northwest renewables, a flat undeveloped lot, and vacant Right-of-Way (“ROW”) which slopes steeply down to Latah Creek and is partially under a rail viaduct.
- F. Annual amendment applications were subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- G. On January 22, 2024, the City Council adopted Resolution RES 2024-0002 establishing the City Council members of the Ad Hoc City Council Threshold Committee.
- H. On February 9, 2024, an Ad Hoc City Council Threshold Committee reviewed the applications that had been submitted and forwarded its recommendation to City Council regarding the applications.

- I. On March 25, 2024, the City Council adopted Resolution RES 2024-0029 establishing the 2024 Comprehensive Plan Amendment Work Program, including the Application. At this time, the City Council included four additional properties, located at 2614, 2618, 2624, and 2628 W. 8th Ave, as well as 3.29 acres of ROW east of the Application for consideration as an expansion to the proposal, with a proposed land use of “General Commercial” and zoning of “Community Business, 55-foot height limit (CB-55).”
- J. Geographic expansion of applications for Comprehensive Plan Amendments by City Council is allowed within the Spokane Municipal Code (“SMC”) under Title 17G.020.025.A.1.a.
- K. On March 28, 2024, staff presented the 2023/2024 Comprehensive Plan Amendment Work Program to the Community Assembly Land Use Subcommittee on, including details regarding the Application, and provided information on the required process, upcoming Plan Commission Workshops, and how to submit comments.
- L. On May 7, 2024, staff requested comments from agencies, departments, and neighborhood councils. The comment period ended May 21, 2024. By the end of the comment period, one comment was received from the Spokane Tribe of Indians.
- M. On June 10, 2024, a Notice of Application was mailed to all properties, owners, and taxpayers within a 400-foot radius of the subject parcels and any adjacent properties with the same ownership. Signs were also placed on the subject parcels and ROW in plain view of the public. Notice was also published in the Spokesman Review on both June 10, 2024, and June 17, 2024.
- N. The Notice of Application initiated a 60-day public comment period from June 10, 2024, to August 9, 2024, during which no comments were received.
- O. No additional public comments on the Application were received by October 8, 2024, at 5pm.
- P. On June 26, 2024, the Spokane Plan Commission held a public workshop to study the Application.
- Q. On September 16, 2024, a State Environmental Policy Act (“SEPA”) Checklist and Determination of Non-Significance were issued for the Application. The deadline to appeal the SEPA determination was October 8, 2024. No comments on the SEPA determination were received.
- R. On September 17, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- S. On September 20, 2024, staff published a report addressing SEPA and providing staff’s analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff’s analysis of the Application recommended approval of the private application and city sponsored expansion to the west and made no recommendation on the inclusion of the ROW expansion.
- T. A Notice of SEPA Determination of Non-Significance and Plan Commission Hearing was published on September 25, 2024, in the Official Gazette and on September 25, 2024, and October 2, 2024, in the Spokesman Review.

- U. On September 25, 2024, a Notice of Public Hearing and SEPA Determination was posted on the Properties 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 Properties.
- V. On October 9, 2024, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, closing the verbal and written record, conducting deliberation on the application, and voting to recommend the City Council Approve this application.
 - 1. The applicant presented images of the existing conditions in the area and provided additional context to the proposal.
 - 2. No members of the public testified on this Application during the Plan Commission Hearing.
- W. During deliberation, the Plan Commission voted 9 to 0 to condition their recommendation on amending the boundary of the ROW to be consistent with the maps shown at the hearing, reducing the area of ROW from 3.42 acres to 2.84 acres.
 - 1. The reduced area conforms to a request by the applicant.
 - 2. Plan Commission felt that the ROW involved, while currently designated for “Conservation Open Space,” had less conservation value than the slope down to Latah Creek, which would remain designated “Conservation Open Space” by reducing the size of the ROW area.
- X. 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.
- Y. Except as may be otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the “Staff Report”).
- Z. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically the Policies LU 1.8, General Commercial Uses, LU 4.6 Transit Supported Development, and LU 6.2 Open Space.
- AA. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, 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. Z23-476COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

- 1. The Application was submitted in a timely manner and added to the 2023/2024 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).

2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2024 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application.
9. The Application will 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.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z23-476COMP, a request by Clifton Trimble of Storhaug Engineering on behalf of Harlan and Douglas Heise, and expanded by the City of Spokane, to change the land use plan designation of 4.3 acres of land from "Office", "Residential Low", "Neighborhood Retail", and "Conservation Open Space" to "General Commercial" with a corresponding change of the implementing zoning from "R1", "Office, 35-foot height limit (O-35)", and "Neighborhood Retail, 35-foot height limit (NR-35)" to "Community Business, 55-foot height limit (CB-55)". Based upon the above listed findings and conclusions, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan with corresponding amendment to the City's Zoning Map, subject to the modification of the ROW boundary consistent with the attached amended map, and authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the application.

Greg Francis
Greg Francis (Oct 22, 2024 15:10 PDT)

Greg Francis, President
Spokane Plan Commission
Date: Oct 22, 2024







PC Findings and Conclusions - Z23-476COMP

Final Audit Report

2024-10-22

Created:	2024-10-22
By:	Angela McCall (amccall@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXjHtwZFbB-is_jxX-xKCecrxX9OZ3xt

"PC Findings and Conclusions - Z23-476COMP" History

-  Document created by Angela McCall (amccall@spokanecity.org)
2024-10-22 - 5:22:52 PM GMT
-  Document emailed to gfrancis@spokanecity.org for signature
2024-10-22 - 5:23:18 PM GMT
-  Email viewed by gfrancis@spokanecity.org
2024-10-22 - 10:08:45 PM GMT
-  Signer gfrancis@spokanecity.org entered name at signing as Greg Francis
2024-10-22 - 10:10:02 PM GMT
-  Document e-signed by Greg Francis (gfrancis@spokanecity.org)
Signature Date: 2024-10-22 - 10:10:04 PM GMT - Time Source: server
-  Agreement completed.
2024-10-22 - 10:10:04 PM GMT


2023/2024 Comprehensive Plan Amendments
STAFF REPORT FOR FILE Z23-476COMP (EIGHTH AVE)

Department of Neighborhood and Planning Services

The following staff report concerns a proposed amendment to the City's current Comprehensive Plan. The proposal is to amend the land use plan map designation and zoning of one or more parcels in the City of Spokane. Amendments to the Comprehensive Plan are enabled by Spokane Municipal Code (SMC) 17G.020 and Revised Code of Washington (RCW) 36.70A.130.

I. PROPERTY SUMMARY

Parcel(s):	25243.1308, 25243.1309, and 25243.1502 (Private application) 25243.1304 thru 25243.1307 and public Rights of Way (ROW) east of the private application (City expansion)
Address(es):	2610 and 2613 W. 8th Ave (Private application) 2614, 2618, 2624, 2628 W. 8th Ave, and Right-of-Way east of private application (City expansion)
Property Size:	0.6 Acres (Private application) 3.7 Acres (City expansion)
Legal Description:	Multiple – see Exhibit J
General Location:	W. 8th Ave. east of S. Lindeke St.
Current Use:	Electrical Contractor Office/Storage (25243.1502), vacant (25243.1309 and ROW), and single-unit homes (25243.1304 thru .1308)

II. APPLICANT SUMMARY

This application has two applicants—a private applicant and the City of Spokane itself. The following information regards the original private applicant:

Agent:	Clifton Trimble, Storhaug Engineering
Applicant:	Northwest Renewables
Property Owner:	Douglass Heise and Harlan Heise

The following information regards the properties added by the City:

Representative:	Brandon Whitmarsh, Planning & Economic Development, City of Spokane
Property Owners:	Shane Younker (25243.1307), Joseph Kalvis (25243.1306), Cheryl Sykes (25243.1305), Linda Cunningham (25243.1304), Burlington Northern/Santa Fe (ROW), City of Spokane (ROW), and Washington State Department of Transportation (ROW).

III. PROPOSAL SUMMARY

Current Land Use Designation:	Office, Residential Low, Neighborhood Retail, and Conservation Open Space
Proposed Land Use Designation:	General Commercial
Current Zoning:	R1, Office – 35, and Neighborhood Retail – 35
Proposed Zoning:	Community Business – 55
SEPA Status:	A SEPA threshold determination of Non-Significance (DNS) was made on September 16, 2024. The appeal deadline is 5:00 PM on October 8, 2024.
Plan Commission Hearing Date:	October 9, 2024
Staff Contact:	Brandon Whitmarsh, Planner I, bwhitmarsh@spokanecity.org
Staff Recommendation:	Private Application and City Expansion to the West: Approve City ROW Expansion: No Recommendation

IV. BACKGROUND INFORMATION

- General Proposal Description:** Pursuant to the procedures established by SMC 17G.020, enabled by RCW 36.70A.130, the original applicant asked the City of Spokane to amend the land use plan map designation (Map LU-1 of the Comprehensive Plan) from Neighborhood Retail, Office, and Residential Low to General Commercial and the zoning designation (Official Zoning Map of the City of Spokane) from Neighborhood Retail (NR-35), Office (O-35), and R1 to Community Business (CB-55) for three parcels in the West Hills Neighborhood. The full application materials can be found in **Exhibit F**.

During the threshold review process, the City Council added four additional parcels and 3.2 acres of Right of Way (ROW) to the application. The ROW was included at the applicant's request and is currently designated Conservation Open Space and zoned R1. The four additional parcels were added by City Council to avoid an island of low intensity residential surrounded by commercial uses, ensuring the consistency of intensity of land use and zoning in the area. Two of the parcels are currently designated Residential Low and zoned R1 while the other two parcels are designated Neighborhood Retail and zoned Neighborhood Retail (NR-35). Under this proposal, all expansion parcels and the ROW would be designated General Commercial and zoned Community Business (CB-55), consistent with the private application. No specific development is proposed on any part of the concerned properties and ROW at this time.

- Site Description and Physical Conditions:** The original application sites contain a commercial building (used as the offices and warehouse space for Northwest Renewables), a single-unit dwelling, and a vacant lot. The lots are generally flat with limited landscaping and lawns, consistent with urban development. The expansion parcels include four additional single-unit homes with similar physical features. The expansion ROW is vacant and largely flat with some larger pine trees. There is a bluff on the eastern portion of the ROW which slopes steeply down to Latah Creek, a portion of which has a rail viaduct running over it. See **Exhibit A** for an aerial view of the proposal area.

- 3. Property Ownership:** The original proposal area is owned by Douglass Heise and Harlan Heise (25243.1308, 25243.1309, and 25243.1502). The expansion parcels are owned by Shane Younker (25243.1307), Joseph Kalvis (25243.1306), Cheryl Sykes (25243.1305), and Linda Cunningham (25243.1304). The expansion ROW has a mix of responsible agencies including Burlington Northern/Santa Fe Railroad (BNSF), the City of Spokane, and the Washington State Department of Transportation (WSDOT). City staff sent certified letters to each known owner and taxpayer of the concerned private properties. One property owner contacted staff regarding property tax implications but expressed no concerns over the change in designation of their property or surrounding properties. Communication with BNSF's real estate representative Tim Sharman from Jones Lang LaSalle Brokerage, Inc. did not indicate any concern for the proposal. As one of the agencies reviewing the proposal, WSDOT was informed of the possible comprehensive plan amendment and did not provide any comments on the proposal as of the date of this staff report.
- 4. Adjacent Property Improvements and Uses:** The proposal properties are surrounded by existing development of the following nature:

Boundary	Land Use	Zone	Use
North	General Commercial, Conservation Open Space	CB – 55, R1	Gas station/mini-mart, vacant, highway
East	Conservation Open Space	R1	Vacant, bluff to Latah Creek
South	Conservation Open Space	R1	I – 90 and connected on and off ramps, BNSF rail viaduct
West	General Commercial	CB – 55	Motel

- 5. Street Class Designations:** W 8th Ave, S Cochran St, and S Lindeke St are classified as Urban Local Access. W Sunset Blvd is classified as an Urban Principal Arterial.
- 6. Current Land Use Designation and History:** As shown in **Exhibit B**, the current land use plan map designations of the original application and expansion area include Office, Residential Low, Neighborhood Retail, and Conservation Open Space. These land use plan map designations have remained unchanged since the City's adoption of the Growth Management Act (GMA) compliant Comprehensive Plan in 2001.
- 7. Proposed Land Use Designation:** As shown in **Exhibit B**, the proposal is to amend the land use plan map designation for all parcels and the ROW to General Commercial.
- 8. Current Zoning and History:** As shown in **Exhibit C**, the current zoning of the original application parcels and expansion areas is a mix of R1, O-35, and NR-35. The proposal parcels have been classified the same since the adoption of the current zoning map. The historical zoning, prior to 2006, is shown in the table below.

Year	Zone	Description
1958	Class I and Class III	Residential District and Local Business District zones.
1975	R2 and B1	Two-Family Residence and Local Business zones.
After 1975, Prior to 2006	R1, NR, and O	One-Family Residence, neighborhood serving businesses, and office zones.

9. **Proposed Zoning:** As Shown in **Exhibit C**, the proposed zoning for all parcels and the ROW is Community Business – 55, consistent with zoning in the vicinity.

V. APPLICATION PROCESS AND PUBLIC COMMENT

1. **Key Steps:** The application is being processed according to SMC 17G.060, including the following steps:

- Application Submitted October 31, 2023
- Threshold Application Certified Complete November 30, 2023
- Council Threshold Subcommittee Established¹ January 22, 2024
- Council Threshold Subcommittee Met February 9, 2024
- Annual Work Program Set² March 25, 2024
- Agency/Department Comment Period Ended May 21, 2024
- Notice of Application Posted June 10, 2024
- Plan Commission Workshop June 26, 2024
- 60-Day Public Comment Period Ended August 9, 2024
- SEPA Determination Issued September 16, 2024
- Notice of Public Hearing Posted September 25, 2024
- Plan Commission Hearing Date (Scheduled) October 9, 2024

2. **Agency Comments Received:** During the agency comment period, the Spokane Tribe of Indians recommended a cultural resource survey and an Inadvertent Discovery Plan due to the high potential for historic cultural resources in the proposal area. No other comments were received for this proposal during the agency comment period. The Spokane Tribe’s comment can be found in **Exhibit I**.

3. **Public Comments Received:** A Notice of Application was issued for the proposal on June 10, 2024, initiating a public comment period that ended August 9, 2024. No comments were received by the City during the public comment period.

¹Spokane City Council Resolution 2024-0002

²Spokane City Council Resolution 2024-0029

4. **Public Workshop:** A public workshop with the Spokane Plan Commission was held on June 26, 2024, during which the particulars of the proposal were presented to the Plan Commission for their consideration and discussion. No public comment was taken.

VI. APPLICATION REVIEW AND ANALYSIS

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

- A. Keep the comprehensive plan alive and responsive to the community.
- B. 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.
- C. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
- D. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
- E. 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.
- F. Amendments to the comprehensive plan must result in a net benefit to the general public.

2. **Review Criteria:** SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, by the Plan Commission making a recommendation on a proposal, and by the City Council in making a decision on the proposal. Following each of the considerations is staff's analysis relative to the proposed amendment.

- 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 reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposal would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal.

The proposal satisfies this criterion.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), which guided the City's development of its own comprehensive plan and development

regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA.

The proposal satisfies this criterion.

- 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 City did not require, nor did any Agency or City Department comment request or require a traffic impact analysis or any other analysis for the proposal. The properties on S Lindeke St and W 8th Ave are already served by water, sewer, and existing City streets. Any subsequent development of the sites will be subject to a concurrency determination pursuant to SMC 17D.010.020. Accordingly, there are no known infrastructure implications of this proposal.

The proposal satisfies this criterion.

- 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: No evidence of a potential funding shortfall from the proposal exists.

The proposal satisfies this criterion.

E. Internal Consistency:

- 1.** *The requirement for internal consistency pertains to the comprehensive plan as it relates to all 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: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

- *Development Regulations.* As a non-project proposal, there are no specific plans for development of these sites. Additionally, any future development will be required to be consistent with the current development regulations at the time of application submittal. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and concurrent zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations.

- *Capital Facilities Program.* As described in the staff analysis of Criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.
- *Neighborhood Planning Documents Adopted after 2001.* The West Hills neighborhood completed its initial neighborhood planning project in 2016. This planning effort was centered on the stretch of Fort George Wright Drive adjacent to the Spokane Falls Community College, far from the subject parcels, and would not affect or be affected by this proposal.
- *Miscellaneous Comprehensive Plan Goals and Policies.* Staff have compiled a list of Comprehensive Plan Goals and Policies which bear on the proposal in **Exhibit H** of this report. Further discussion of these policies is provided under section K.2 below.

The proposal satisfies this criterion.

2. *If a proposed amendment is significantly inconsistent with current policy within 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: The proposal is generally consistent with current comprehensive plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary.

The proposal satisfies this criterion.

- 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: The proposed change in land use designations affects a relatively small area within an existing urbanized area, with no foreseeable implications to regional or inter-jurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that the proposal is not regionally consistent.

The proposal satisfies this criterion.

- 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.*

1. **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.*

2. **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: The City is concurrently reviewing this application and five other applications for Comprehensive Plan amendments as part of an annual plan amendment cycle. All six applications are for amendments to the land use plan map (LU-1) and concurrent rezones. When considered together, these various applications do not interact, nor do they augment or detract from each other. Thus, the cumulative effects of these various applications are minor.

The proposal satisfies this criterion.

H. SEPA: *SEPA³ Review must be completed on all amendment proposals and is described in Chapter 17E.050.*

1. **Grouping:** *When possible, the SEPA review process should be combined for related land use types or affected geographic sectors 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 to allow adequate time for generating and processing the required environmental impact statement (EIS).*

Staff Analysis: The application is under review 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 the information contained in the environmental checklist (see **Exhibit G**), written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on September 16, 2024.

The proposal satisfies this criterion.

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: The proposal would change the land-use designation of an area largely designated for urban-scale development in the Comprehensive Plan and served by public facilities and services. The proposed City expansion into the right of way (ROW), which is currently designated Conservation Open Space, consists of the most significant increase in development capacity than

³ State Environmental Protection Act

what was previously planned for. To ensure that this proposal would not adversely affect the provision of public facilities, either existing or planned, the proposal was routed to City departments for review early in the application process. No comments were received from those departments that adverse impacts on our systems or facilities would occur. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020, thereby implementing the policy set forth in policy CFU 2.2.

The proposal satisfies this criterion.

- 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 include an expansion to the UGA.

This criterion does not apply.

K. Demonstration of Need:

- 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.*

Staff Analysis: The proposal does not include a policy adjustment nor is one required.

This criterion does not apply.

- 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: Placement of the General Commercial Land Use Plan Map designation is primarily guided by Comprehensive Plan Policy LU 1.8, General Commercial Uses. Policy LU 1.8 states that General Commercial uses should be directed "to Centers and Corridors designated on the Land Use Plan Map."⁴ LU 1.8 has an exception to this requirement, stating that "exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors."⁵ The policy then states that the following factors should be considered in these cases:

. . . maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general

⁴ Shaping Spokane, the Comprehensive Plan for the City of Spokane, page 3-12.

⁵ Ibid.

commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.⁶ (Full text in **Exhibit E**)

Regarding the direction of General Commercial uses to Centers and Corridors, this proposal is not in a Center. However, there is a designated Neighborhood Mini-Center to the west of the proposal, at the intersection of W Sunset Blvd and S Government Way. The properties between the Mini-Center and the west boundary and a portion of the north boundary of the proposal are already designated General Commercial. Conversely, the remaining boundaries of the proposal are surrounded by the Conservation Open Space designation. Given the proximity to the Mini-Center and the existing adjacent General Commercial designations to the north and west, it would seem that Policy LU 1.8 is generally supportive of the designation of the private properties in this proposal.

Regarding minimum depth from an arterial, there is no discussion in the policy as to what depth is necessary or reasonable for the development of a commercial use, only that it be a consideration. This proposal would designate an area of general commercial that is a maximum depth of approximately 500 feet from the centerline of W Sunset Blvd. It is unlikely that the City of Spokane's portion of the right of way directly south of W Sunset Blvd will be used for commercial development, however the remaining right of way to the south could provide space for commercial uses. Furthermore, the southern boundary of the proposal is consistent with the extent of the General Commercial designation to the west as it follows the curve of the I 90 offramp.

Regarding intrusion into established neighborhoods, this proposal would designate five single unit homes as General Commercial. Two of the single unit homes are already designated Neighborhood Retail while the others are designated Residential Low and are surrounded by commercial uses to the north and west and office uses to the south. While the existing development may appear residential in nature, the Land Use Plan Map designation of the western two homes already envisions a more intense use long term. Additionally, the proposal is bounded by W Sunset Blvd to the north, the interchange of I 90 and US 195 to the south, General Commercial designations to the west, and a bluff leading down to Latah Creek to the east. Thus, this proposal represents the likely extent to which General Commercial, or development of any kind, could expand on the south side of W Sunset Blvd. When viewing this factor against consideration of long-term goals for this area (namely the establishment of a healthy Mini-Center), it would appear that commercial use in this area is warranted per the policy.

⁶ Ibid.

Regarding transitional uses, the proposal does not include the designation of transitional land uses between the General Commercial designation and surrounding uses. As stated under the considerations above, this proposal would designate the extent of developable land in this area as General Commercial. With General Commercial designations to the west and north and no residential land uses remaining in the vicinity, the inclusion of transitional land uses in the proposal is unnecessary.

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

Staff Analysis: The parcels associated with this proposal are generally flat in nature, generally urban in development pattern, and have access to adequate public services. The proposal area is served by W Sunset Blvd, public transit, and all major utilities. There is no indication that the proposal properties would not be able to support development under the proposed land use and zoning. A large portion of the right of way is vacant and served with utilities found along 8th Ave, however, there is a bluff down to Latah Creek on the eastern portion of the right of way that has slopes exceeding 30%, which is considered a critical area. These slopes would likely not be suitable for any future development. If the City were to amend the land use plan map designation and zoning of this ROW, such a change could be limited to the portions west of the slope to accommodate this concern.

c. *The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.*

Staff Analysis: See the discussion under K.2 above. While the location criteria presented by policy LU 1.8 must be considered, the Comprehensive Plan contains additional policy guidance that bears on the proposal.

West Sunset Highway/Blvd is a planned high-performance transit route and will eventually see an increase in public transportation service. As such, the expansion of General Commercial in the proposal area could be supported by LU 4.6, Transit-Supported Development, by allowing for the development of commercial and residential uses near more frequent transit, both supporting STAs investments in transit service while also providing additional access to residents and employees.

Additionally, since the ROW portion of the proposal is currently designated Conservation Open Space, Policy LU 6.2, Open Space, should be considered. The policy states that Conservation Open Space is intended to be publicly owned, undeveloped, and designated to remain in its natural state. The policy discussion also states that any improvements to these areas should be limited to conservation or recreation. The applicant has not shared intentions for specific development, conservation measures, or other actions that could affect the right of way, nor are they required to for this process. Furthermore, no agency (City, BNSF, WSDOT) would be required to grant the applicant such access. Regardless, when viewing the map change alone, there does not appear to be policy support

for the redesignation of the right of way from Conservation Open Space to General Commercial.

While the subject parcels would appear consistent with the location criteria in LU 1.8, when considering the ROW changes requested by the applicant, the relationship between the locational criteria of the Comprehensive Plan and the proposal remains unclear. Accordingly, staff cannot provide a determination as to whether the ROW portion of the proposal meets this criterion or not. Staff requests that Plan Commission provide input and a determination as to the proposal's relationship with Policies LU 1.8 and LU 6.2 when considering their recommendation on this project at the hearing stage.

Regardless, if Plan Commission and the City Council feels that there is sufficient policy support for the overall change, Staff recommends limiting the changes to the ROW to the area west of the crest of the slope leading down to the Latah River valley, to avoid indicating uses may be placed on steep slopes.

The private application and City sponsored expansion to the west satisfies the criterion. Staff expresses no opinion whether the ROW expansion to the east meets this criterion.

- 3. Rezones, Land Use Plan 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 this proposal is adopted by City Council, changes to the Land Use Plan Map in the Comprehensive Plan and the Zoning Map will occur concurrently, ensuring consistency between the Comprehensive Plan and applicable development regulations.

The proposal satisfies this criterion.

VII. CONCLUSION

The proposal has been processed and considered according to the requirements of the Spokane Municipal Code. According to the information provided above and the whole of the administrative record, the proposal appears to meet the criteria for a comprehensive plan amendment as provided in SMC 17G.020.030.

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 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.

VIII. STAFF RECOMMENDATION

Staff recommends the Plan Commission and City Council **approve** the proposal for the private application and city sponsored expansion properties to the west.

Staff has **no recommendation** for the city sponsored ROW expansion to the east.

IX. LIST OF EXHIBITS

- A. Aerial Photos
- B. Existing and Proposed Land Use Plan Map
- C. Existing and Proposed Zoning Map
- D. Application Notification Area
- E. List of Relevant Comp Plan Policies
- F. Application Materials
- G. SEPA Checklist
- H. SEPA Determination of Non-Significance
- I. Agency Comments
- J. Legal Description of Proposal Area





Exhibit A: Aerial Photos



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Detailed Aerial Photo (2022)



-  Proposal Area
-  Expansion Areas

Wide Area Aerial Photo (2022)



- Agent:** Storhaug Engineering
- Parcels:** 25243.1304
- 25243.1305
- 25243.1306
- 25243.1307
- 25243.1308
- 25243.1309
- 25243.1502
- Right-Of-Way
- Size:** 1.1 acres plus
- 3.2 acres right-of-way
- (Size is Approximate)

Project Location



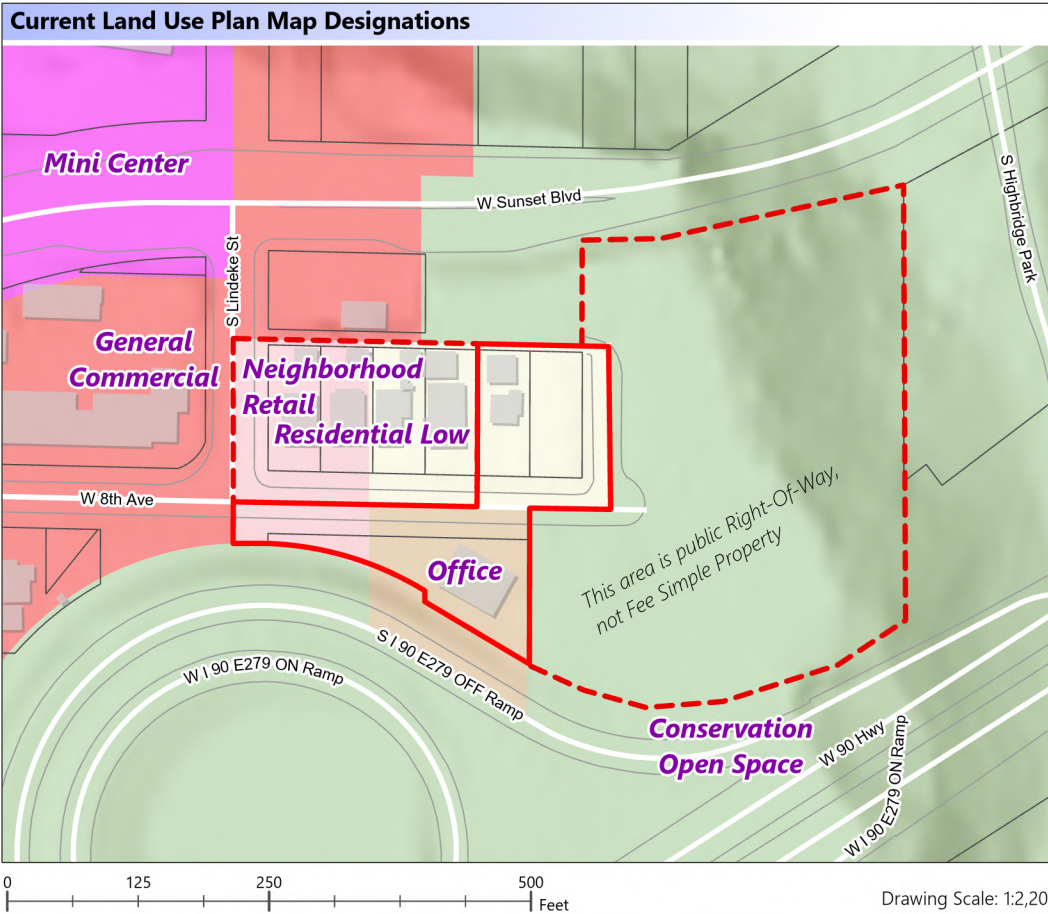


Exhibit B: Land Use Plan Map Changes

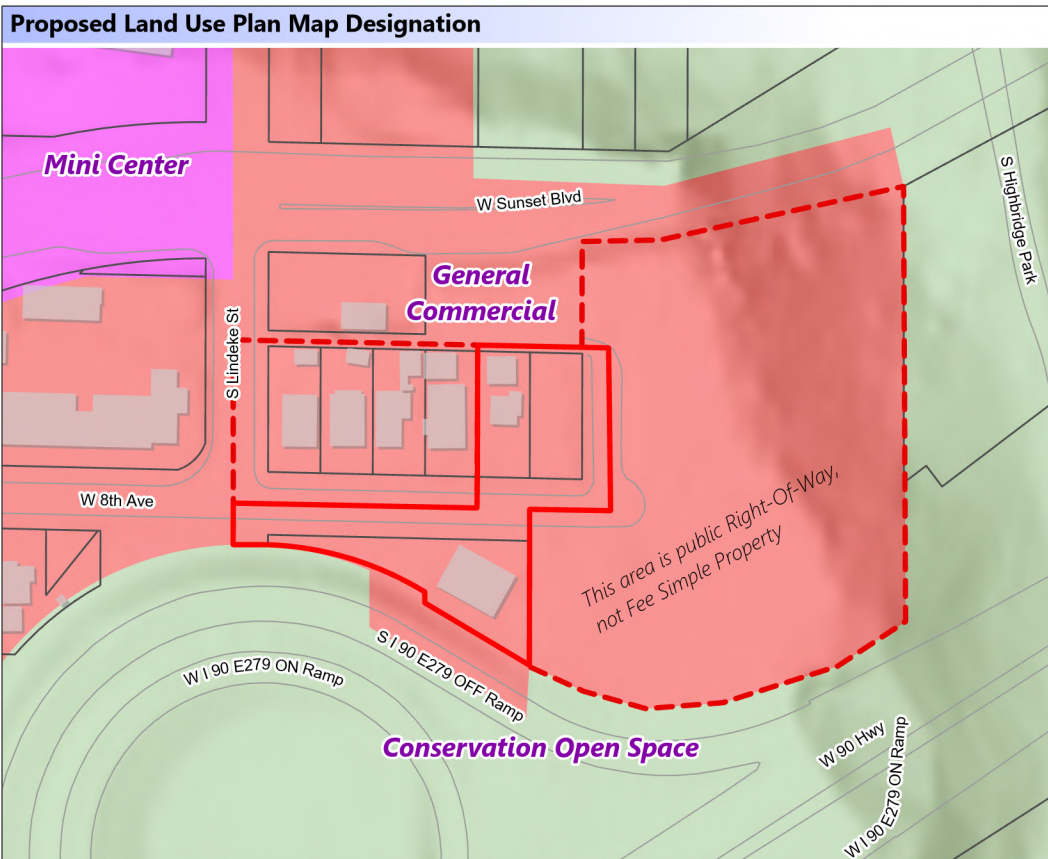
Department of Planning & Economic Development



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- Project Area
 - Expanded Area
 - Parcel
 - Buildings
 - Curb Line
- Land Use Plan Designation**
- Conservation Open Space
 - Residential Low
 - Office
 - Neighborhood Retail
 - Mini Center
 - General Commercial



- Agent:** Storhaug Engineering
Parcels: 25243.1304
 25243.1305
 25243.1306
 25243.1307
 25243.1308
 25243.1309
 25243.1502
 Right-Of-Way
Size: 1.1 acres plus
 3.2 acres right-of-way
 (Size is Approximate)

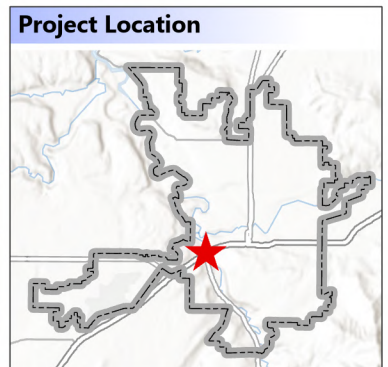


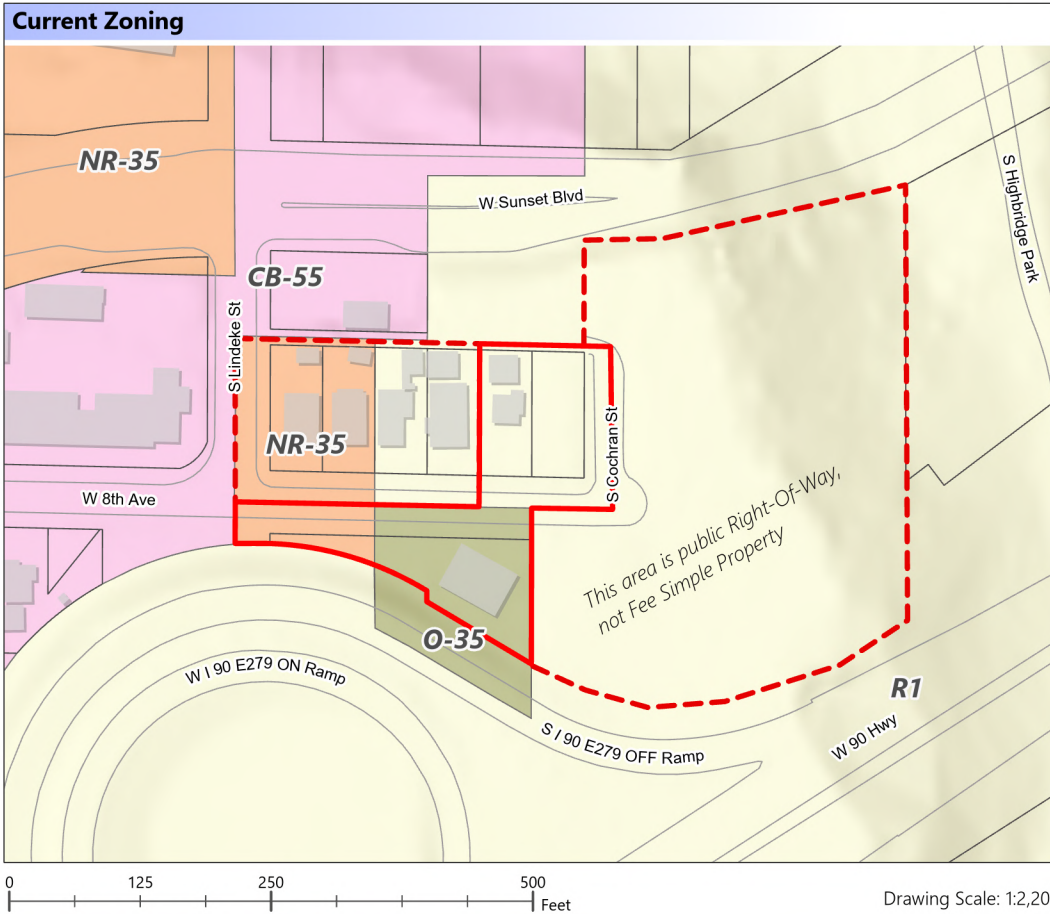


Exhibit C: Zoning Changes

Department of Planning & Economic Development



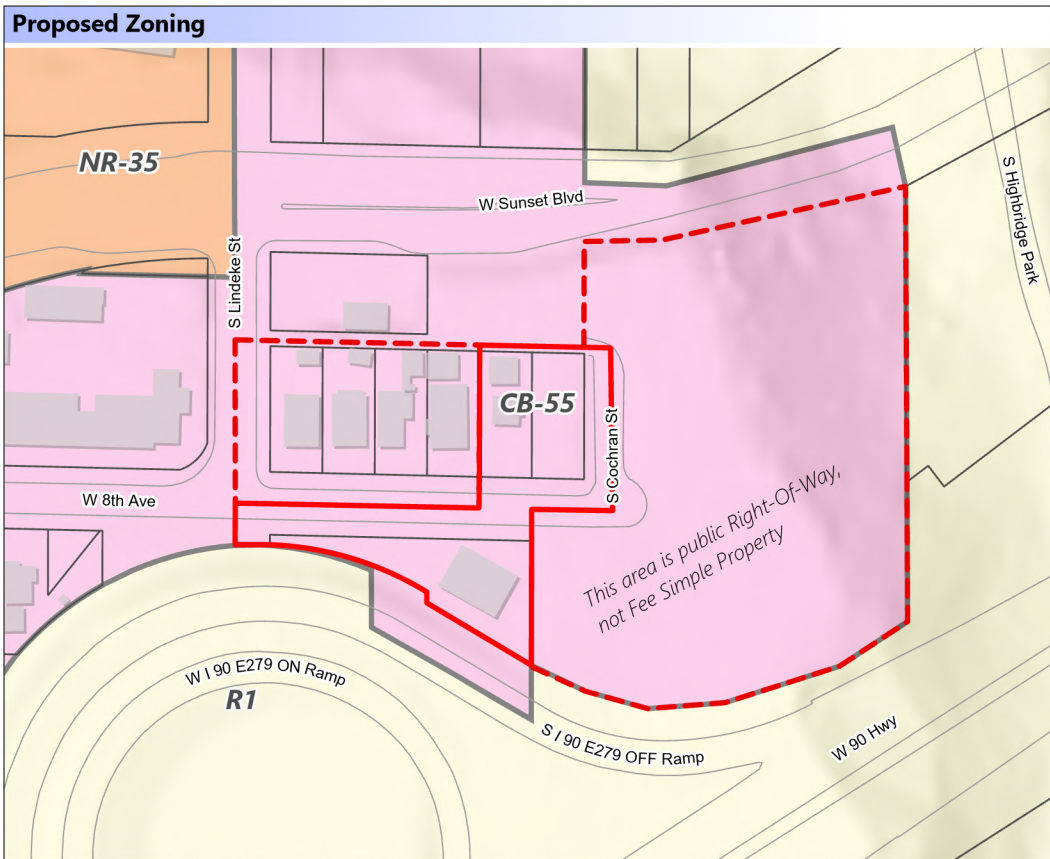
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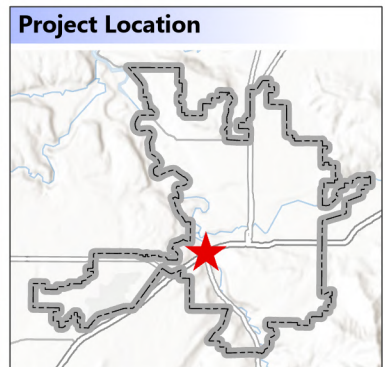
- Project Area
- Expansion Area
- Buildings
- Parcel
- Curb Line

Zoning

- Community Business
- Neighborhood Retail
- Office
- Residential 1



- Agent:** Storhaug Engineering
- Parcels:** 25243.1304
25243.1305
25243.1306
25243.1307
25243.1308
25243.1309
25243.1502
- Right-Of-Way
- Size:** 1.1 acres plus
3.2 acres right-of-way
(Size is Approximate)



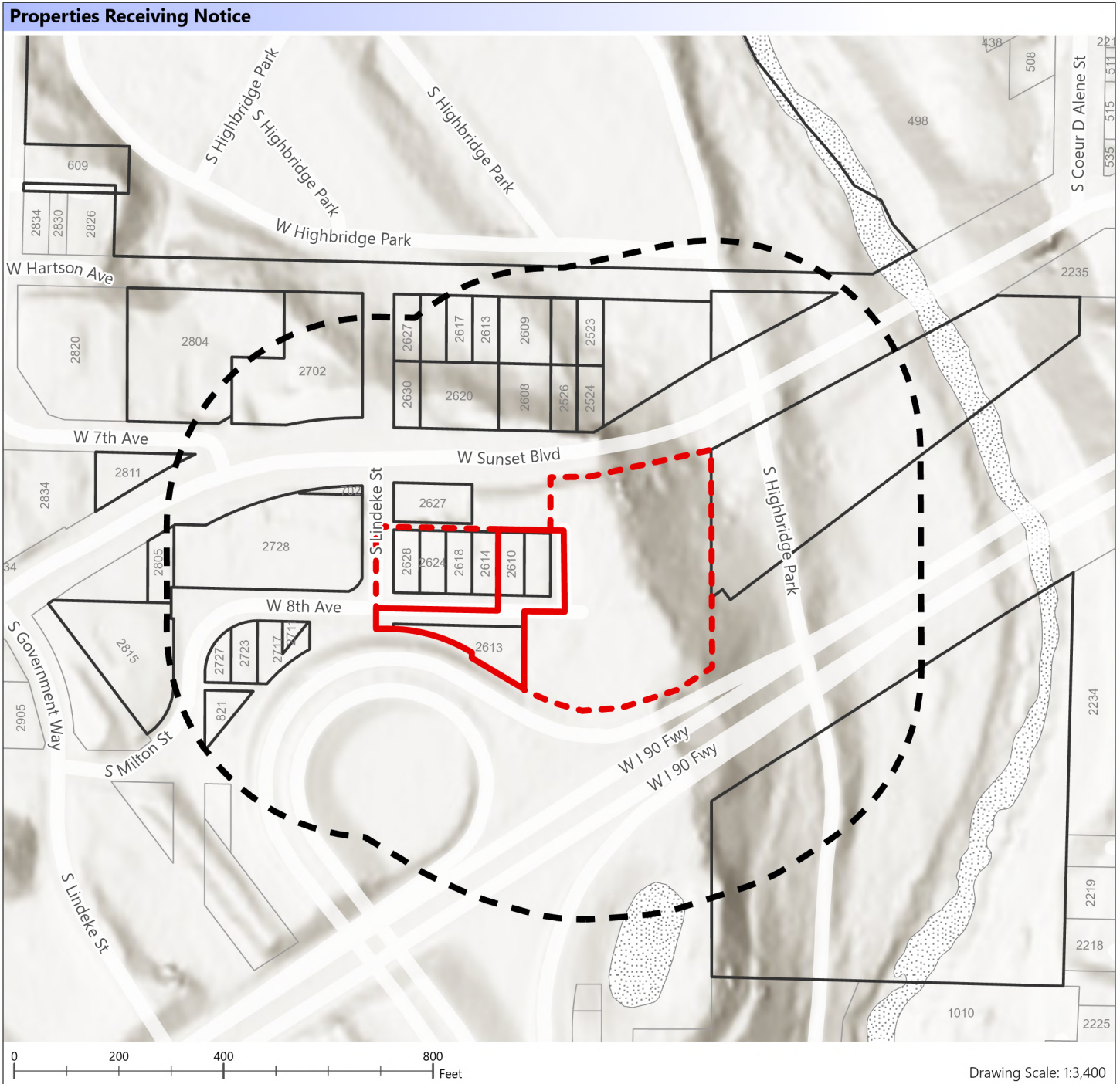


Notification Map - Comprehensive Plan Amendment

Department of Planning & Economic Development

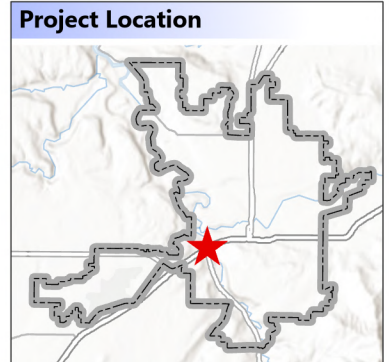


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Applicant: Storhaug Engineering
Parcels: 25243.1304, 25243.1305, 25243.1306, 25243.1307, 25243.1308, 25243.1309, 25243.1502, and Rights-of-Way (ROW)
Size: 1.1 acres & 3.2 acres ROW (Size is Approximate)

- 400' Notification Area
- Original Proposal
- Also Under Consideration
- Parcels
- City Limits



This Proposal Would: Amend the Land Use Plan Map designation and Zoning for seven (7) parcels and some ROW in the West Hills Neighborhood. Parcels outlined in bold will receive notice of the proposal and the eventual Plan Commission hearing. Numbers indicate the parcel address.



Comprehensive Plan Policies Related to the Proposal

The following goals and policies are taken directly from the Comprehensive Plan and comprise those goals and policies that staff feels bears most directly on the proposal. The entire Comprehensive Plan is available for review and consideration at www.shapingspokane.org as well.

LU 1 CITYWIDE LAND USE

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane’s role as a vibrant urban center.

LU 1.1 Neighborhoods

Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.

Discussion: Neighborhoods generally should have identifiable physical boundaries, such as principal arterial streets or other major natural or built features. Ideally, they should have a geographical area of approximately one square mile and a population of around 3,000 to 8,000 people. 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.

A coordinated system of open space, nature space, parks, and trails should be furnished with a neighborhood park within walking distance or a short transit ride of all residences. A readily accessible elementary school should be available for neighborhood children. Neighborhood streets should be narrow and tree-lined with pedestrian buffer strips (planting strips) and sidewalks. They should be generally laid out in a grid pattern that allows easy access within the neighborhood. Alleys are used to provide access to garages and the rear part of lots. Pedestrian amenities like bus shelters, benches, and fountains should be available at transit stops.

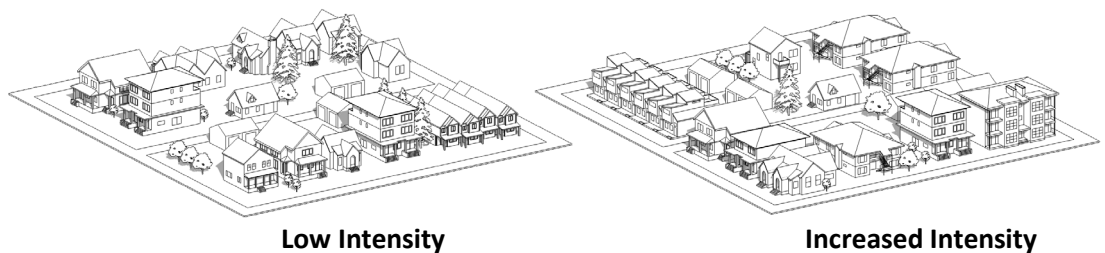
LU 1.3 Lower Intensity Residential Areas

Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.

Discussion: The city’s residential neighborhoods are one of its most valuable assets. Diversity in both housing type and residents in these areas is essential for the wellbeing and health of the city’s neighborhoods. Lower intensity residential uses, from detached homes to middle housing types, are generally compatible with each other and can be incorporated effectively into all neighborhoods. Accordingly, some residential areas would benefit from slightly increased intensities of residential use (e.g., somewhat taller buildings, more lot coverage), dependent on the context and nature of the surrounding neighborhood. These areas of increased residential development should focus on those parts of the neighborhood where proximity to adequate transportation (such as frequent transit), parks, schools, shopping, and other services already exists and where conditions allow for accommodation of increased utility/service needs and other impacts such as parking or the need for public green space.

Complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate. Complementary uses include those serving daily needs of residents, including schools, places of worship, grocery stores, recreation facilities, and small-format retail and medical uses. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the Land Use Plan Map designations guided by this policy—“Residential Low” and “Residential Plus”—see Section 3.4 below.

Policy LU 1.3 amended by Ordinance C36414 on September 7, 2023.

LU 1.8 General Commercial Uses

Direct new General Commercial uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing

are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. New General Commercial areas should not be designated in locations outside Centers and Corridors. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

However, recognizing existing investments, and given deference to existing land-use patterns, exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors. The factors to consider in such adjacent expansions include: maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

Policy LU 1.8 amended by Ordinance C35842 on January 17, 2020.

LU 4 TRANSPORTATION

Goal: Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or

similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Policy LU 4.6 amended by Ordinance C35841 on January 17, 2020.

LU 5 DEVELOPMENT CHARACTER

Goal: Promote development in a manner that is attractive, complementary, and compatible with other land uses.

LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Policy LU 5.5 amended by Ordinance C35841 on January 17, 2020.

LU 6 ADEQUATE PUBLIC LANDS AND FACILITIES

Goal: Ensure the provision and distribution of adequate, public lands and facilities throughout the city.

LU 6.2 Open Space

Identify, designate, prioritize, and seek funding for open space areas.

Discussion: The open space land use map designation consists of three major categories:

Conservation Open Space: Conservation Open Space includes areas that are publicly owned, not developed, and designated to remain in a natural state. It is intended to protect areas with high scenic value, environmentally sensitive conditions, historic or cultural values, priority animal habitats, and/or passive recreational features. It is expected that improvements in these areas would be limited to those supporting preservation or some passive recreation activities, like soft trails and wildlife viewpoints.

3.4 DESCRIPTION OF LAND USE DESIGNATIONS

The following land use plan map designations are necessary for development and growth in the city to achieve the vision and values discussed at the beginning of the chapter. These land use designations are shown on the following map, LU-1 Land Use Plan Map, which apply the requirements of land use and

the goals and policies of the Comprehensive Plan to the physical environment, describing the types of development expected in each area. The overall strategy, as described above, is that development mass, height, and lot coverage be concentrated in focused growth areas (Centers and Corridors) while the remaining parts of the city remain occupied by lower intensity uses. Furthermore, future changes to the land use plan map should seek to achieve a transition between areas of lower and higher development mass and form and should avoid locations where the lowest intensity uses immediately transition to the highest intensity uses.

There is expected to be some variation in residential zones within each residential land use plan map designation. Contextual factors such as proximity to services, transportation options, and existing land use patterns should be considered when assigning a zoning category.

The land use designations and their general characteristics are as follows:

General Commercial: The General Commercial designation includes a wide range of commercial uses. Everything from freestanding business sites or grouped businesses (shopping centers) to heavy commercial uses allowing outdoor sales and warehousing are allowed in this designation. Higher density residential use is also allowed. Commercial designated land is usually located at the intersection of or in strips along principal arterial streets. In locations where this designation is near residential areas, zoning categories should be implemented that limit the range of uses that may have detrimental impacts on the residential area. Existing commercial strips are contained at their current boundaries with no further expansion allowed.

Residential Low: The Residential Low land use designation should focus on a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and housing categorized as middle housing (duplex, triplex, etc.). Combinations of these types should also be allowed, such as a duplex with an accessory dwelling unit. Other non-residential uses should be allowed conditionally, provided they integrate into the nature and context of the neighborhood. This would include uses such as schools, places of worship, grocery, small-format retail and medical services, and other resident serving uses.

Residential Low areas are appropriate in parts of the city where amenities and services are scaled for a lower level of development intensity.

Conservation Open Space: The Conservation Open Space land use category includes areas that are publicly owned, not developed, and designated to remain in a natural state. The purpose of this category is to protect areas with high scenic value, environmentally sensitive conditions, historic or cultural values, priority animal habitat, and/or passive recreational features. It is expected that improvements would be limited to those supporting preservation or some passive recreation activities, like soft trails and wildlife viewpoints.



General Application

Rev.20180104

DESCRIPTION OF PROPOSAL

Address of Site Proposal *(if not yet assigned, obtain address from Public Works before submitting application)*:

APPLICANT

Name: _____

Address: _____

Phone: _____ Email: _____

PROPERTY OWNER

Name: _____

Address: _____

Phone: _____ Email: _____

AGENT

Name: _____

Address: _____

Phone: _____ Email: _____

Assessor's Parcel Numbers: _____

Legal Description of Site: _____

2 General Application

Size of Property: Parcel is approx. .29 acres.

List Specific Permits Requested in this Application:

SUBMITTED BY:

Storhaug Engineering

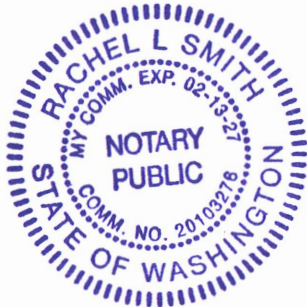
- Applicant Property Owner Property Purchaser Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:

I, HARLAN HEISE, owner of the above-described property, do hereby authorize Storhaug Engineering to represent me and my interests in all matters regarding this application.

[Signature]
ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)



On this 26th day of October, 2023, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.

[Signature]
Notary Public in and for the State of Washington, residing at Spokane County, WA



General Application

Rev.20180104

DESCRIPTION OF PROPOSAL

Address of Site Proposal *(if not yet assigned, obtain address from Public Works before submitting application):*

APPLICANT

Name: _____

Address: _____

Phone: _____ Email: _____

PROPERTY OWNER

Name: _____

Address: _____

Phone: _____ Email: _____

AGENT

Name: _____

Address: _____

Phone: _____ Email: _____

Assessor's Parcel Numbers: _____

Legal Description of Site: _____

2 General Application

Size of Property: Both parcels total approx. .28 acres

List Specific Permits Requested in this Application: _____

SUBMITTED BY:

Storhaug Engineering

- Applicant
- Property Owner
- Property Purchaser
- Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:

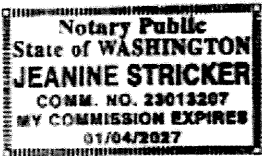
Douglas W. Heise
Douglas W. Heise, owner of the above-described property, do hereby authorize Storhaug Engineering to represent me and my interests in all matters regarding this application.

ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

On this 26 day of October, 2023, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Douglas Heise to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.



Jeanine Stricker
Notary Public in and for the State of Washington, residing at
Stevens County

City of Spokane Comprehensive Plan Amendment

Pre-Application Answers

Northwest Renewables, Storhaug Engineering Project 23-165

General Questions:

- a. Summarize the general nature of the proposed amendment.
The proposed change in Land Use from Residential Low, Office, and Neighborhood Retail to General Commercial is necessary to develop commercial uses on-site. The potential uses would be more compatible than the current designation given the physical realities of the site, which are not ideal for single-family dwellings (the existing office is compatible with the current and proposed designations). The physical realities include being nearby to a busy road (Sunset Hwy), a railway viaduct (BNSF), and an I-90 on/off-ramp. The proposed zoning would likely become CB-55 to match the adjacent commercial zone.

- b. Why do you feel this change is needed?
The proposed change in Land Use from Residential Low, Office and Neighborhood Retail (split zoned parcel) to General Commercial is necessary to develop commercial uses on-site. The potential uses would be more compatible than the current designations given the physical realities of the site, which are not ideal for single-family dwellings or open space/public parks (the existing office is compatible with the current and proposed designations). The physical realities include being nearby to a busy road (Sunset Hwy), a railway viaduct (BNSF), and an I-90 on/off-ramp.

- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
The City of Spokane Comprehensive Plan, amended September 7, 2023, LU 1.8 states that “land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets”. Our project is directly against a Major Arterial, supporting these scenarios with the incentive that Sunset HWY is an existing commercial corridor with compatible zoning. This application is consistent with the Comprehensive Plan goals, objectives, and policies, specifically but not limited to:

Chapter 3, Land Use

Vision:

- “Growth will be managed to allow a mix of land uses that fit, support, and enhance Spokane’s livability, protect the environment, sustain the downtown area, and broaden the economic base of the community.”

Values:

- “Celebrating the uniqueness of each neighborhood while allowing for growth and diversity everywhere;” and “Encouraging development in built areas while promoting complementary

changes in all parts of the city.”

Goals & Policies:

- LU 1.1 Neighborhoods, “Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.”
- LU 1.8 General Commercial Uses, “Direct new General Commercial uses to Centers and Corridors designated on the Land Use Plan Map.” (West Hills Mini-Center)
- LU 5.5 Compatible Development, “Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.”

The majority of the project site is designated as Conservation Open Space (LU 6.2), however, that is an inconsistent land use given the reality that this site has no park-like qualities other than a view of Latah Creek. It is vacant, directly adjacent to the highway, under a railroad viaduct, and is prone to vandalism, littering, camping, and other unwanted activities, which make it not ideal for a public park.

- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal?

N/A

- e. For map amendments:

- a. What is the current Land Use designation and zoning for each affected parcel?

Land Use: Residential Low, Office/Neighborhood Retail (split zoned parcel).

Zoning: RSF, Office, Neighborhood Retail

- b. What is the requested Land Use designation and zoning for each affected parcel?

Requested Land Use: General Commercial

- c. **Requested Zoning: CB-55**

- d. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.

The subject site is surrounded by several land uses: Conservation Open Space, Office, Residential Low, Neighborhood Retail, General Commercial, and the W Sunset Blvd & S Government Way Mini Center. There is an existing single-family home with a garage and the Northwest Renewables office, but the rest of the site is vacant except for some pillars of the BNSF railway viaduct. The site is directly adjacent to I-90 and one of its on-off ramps and a cliff that drops down to Latah Creek. The beforementioned Mini Center has several commercial and residential uses.

- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal?

No.

- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department’s work program (e.g. neighborhood planning, public input on new regulations, etc.)?

It is unlikely a variance will be granted for commercial uses in the exclusionary RSF zone. The comprehensive plan’s “Future Land Use Map” is usually directly tied to the zoning map

without much flexibility, so in most cases it is a requirement that we amend the comprehensive plan to subsequently amend the zoning map.

- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

No. Question "i" will not be listed below.

City of Spokane Comprehensive Plan Amendment

Application Answers

Northwest Renewables, Storhaug Engineering Project 23-165

General Questions:

- a. Describe the nature of the proposed amendment and explain why the change is necessary. **The proposed change in Land Use from Residential Low, Office, and Neighborhood Retail to General Commercial is necessary to develop commercial uses on-site. The potential uses would be more compatible than the current designations given the physical realities of the site, which are not ideal for single-family dwellings (the existing office is compatible with the current and proposed designations). The physical realities include being nearby to a busy road (Sunset Hwy), a railway viaduct (BNSF), and an I-90 on/off-ramp. The proposed zoning would likely become CB-55 to match the adjacent commercial zone.**

- b. How will the proposed change provide a substantial benefit to the public?
The vacant portions of the site are prone to vandalism, littering, camping, and other unwanted activities. Adding development potential to the land by changing the land use/zoning to be less restrictive could invite new businesses in the area and put more “eyes on the street” to potentially deter such behavior.

The proposal would expand the commercial corridor adjacent to Sunset HWY where the traffic, circulation, and compatible existing commercial uses are located. This is consistent with best management planning and land use practice, as well as those policies previously referenced in the City’s Comprehensive Plan.

- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.

This application is consistent with the Comprehensive Plan goals, objectives, and policies, specifically but not limited to:

Chapter 3, Land Use

Vision:

- “Growth will be managed to allow a mix of land uses that fit, support, and enhance Spokane’s livability, protect the environment, sustain the downtown area, and broaden the economic base of the community.”

Values:

- “Celebrating the uniqueness of each neighborhood while allowing for growth and diversity everywhere;” and “Encouraging development in built areas while promoting complementary changes in all parts of the city.”

Goals & Policies:

- LU 1.1 Neighborhoods, “Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.”
- LU 1.8 General Commercial Uses, “Direct new General Commercial uses to Centers and Corridors designated on the Land Use Plan Map.” (West Hills Mini-Center)
- LU 5.5 Compatible Development, “Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.”

- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

Yes. Specifically, but not limited to:

RCW 36.70A.020

- 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.

- 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.

Our project continues to link commercial use along the HWY, while keeping and promoting the live/work dynamic close to these residential uses. This relationship optimizes commute times - placing commercial near residential, in some areas, while buffering the residential use promoting safety as well as the ‘quaint’ residential feel advances efficient land use planning.

Under LU 4.1 ‘Land Use and Transportation’, it is noted that the Growth Management Act (GMA) intently focuses on the relationship between land use and transportation. This section of the Comp Plan, as it relates to the GMA, requires transportation that is consistent with the land use. Section LU 4.2 ‘*Land Uses That Support Travel Options and Active Transportation*’ supports a goal of promoting “*a compatible mix of housing and commercial uses in Neighborhood Centers, District Centers, Employment Centers, and Corridors*”. Our project, as previously presented, supports this programming.

- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- Though this project is a (minor) map amendment to the City of Spokane’s future land use map and not directly related to the CWPP, the comprehensive plans of neighboring jurisdictions, capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts, it does run with Policy #3 in ‘Promotion of Contiguous and Orderly Development and Provision of Urban Services’**

For Topic #3, Contiguous and Orderly Development and Provision of Urban Services:

- ‘The GMA establishes a goal of encouraging development in urban areas where adequate public facilities and services exist or can efficiently be provided. Growth planning must ensure that needed facilities and services are adequate to serve new development without decreasing current service levels below locally established minimum standards’. We meet this policy by continuing infill where commercial uses are currently located (infill, not sprawl).
- ‘The GMA requires that adequate urban governmental services and public facilities be available at the time growth occurs, commonly known as concurrency’. Utilities (both water and sewer mains, as well as electric) are available at the site, as well as other business uses currently in operation.
- To address the Policies under Topic #3 – in general, this areas is served by a fire district, municipal water and sewer, and is served by a Major Arterial. These policies are underscored by the proposed linkage of compatible uses, as well as by placing neighborhoods and corridors near commercial uses.

LU 1.12 relates to ‘Public Facilities and Services’ and is noted in the Comp Plan to “ensure that public facilities and services systems are adequate to accommodate proposed development before permitting development to occur” – “Capital Facilities and Utilities, ensures that necessary public facilities and services are available at the time a development”. Our parcels are adjacent to and surrounded by existing Commercial and Community Business zoning, and has the infrastructure available to assume the proposed zoning designation (commercial). It fits like a glove in both compatibility and best planning practices. As stated in question D, above, LU section 4.1 Land Use and Transportation development works in concert towards reducing sprawl, traffic congestion, and air pollution. In this goal, transportation ‘must’

forecast future traffic capacity needs as the population grows. As Spokane's population increases, the gap between Airway Heights and West Spokane will become closer and denser (essentially bridged into one), with goods and services placed along Sunset HWY, at least in a perfect world... Which, is what this proposal aims at aligning with.

Sunset HWY is a designated tailor truck route with good access for commercial uses, with plans to improve sections on Sunset HWY in the 2023-2028 Six-Year Transportation Improvements Program. Our application doesn't propose increasing density, per say, but for background - according to US Census data, Spokane County's current population is approximately 560,000, and has grown by approximately 80,000 residents in the last decade. With the Seattle squeeze, and more people coming to Spokane from the west side of the State, Spokane will continue to grow rapidly in the next ten years. According to the Spokane Journal, "projections imply a gain of 40,000 to 50,000 residents in the county by 2030. That addition is comparable to the populations of cities the size of Wenatchee and East Wenatchee combined in the next eight years." This is only relevant in the fact that Sunset HWY will most likely continue to grow as a commercial corridor.

- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?

Sunset HWY #0514 is slated for a scope of work to 'remove and scarify existing road. Ties to CRP' for the length of .11 mi in the '2023-2028 Six-Year Transportation Improvement Program 2023 Annual Construction Program'. We do not believe this would affect any aspect of our application; just a side note.

- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.

No.

- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BOCC) reviews all UGA's countywide.

N/A

Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcel numbers.
See attached.
- b. What is the current land use designation?
Residential Low and Office/Neighborhood Retail (split zoned parcel).

- c. What is the requested land use designation?

General Commercial.

- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

The subject site is surrounded by several land uses: Conservation Open Space, Office, Residential Low, Neighborhood Retail, General Commercial, and the W Sunset Blvd & S Government Way Mini Center. There is an existing single-family home with a garage and the Northwest Renewables office, but the rest of the site is vacant except for some pillars of the BNSF railway viaduct. The site is directly adjacent to I-90 and one of its on-off ramps and a cliff that drops down to Latah Creek. The beforementioned Mini Center has several commercial and residential uses.



Notification Map Application

Rev.20180102

DESCRIPTION OF PROPOSAL:

ADDRESS SITE OF PROPOSAL: *(if not assigned yet, obtain address from Public Works before submitting application)*

APPLICANT

Name: _____

Address: _____

Email Address: _____ Phone: _____

PROPERTY OWNER

Name: _____

Address: _____

Email Address: _____ Phone: _____

AGENT

Name: _____

Address: _____

Email Address: _____ Phone: _____

ASSESSOR'S PARCEL NUMBERS: _____

LEGAL DESCRIPTION OF SITE: _____

SIZE OF PROPERTY: _____

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

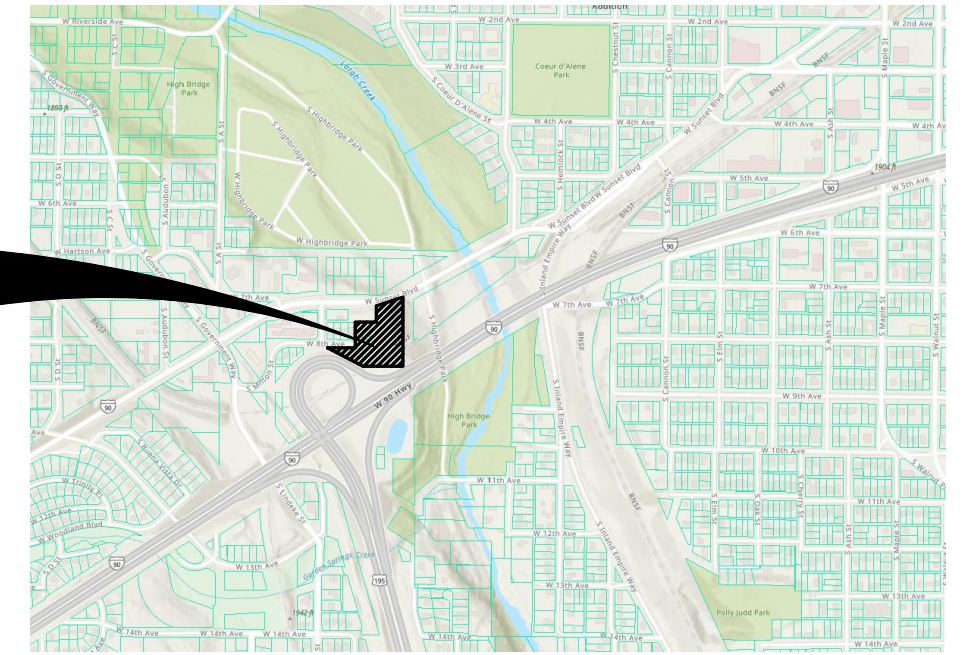
DOES OWNER/APPLICANT OWN PROPERTY ADJACENT TO SUBJECT PROPERTY? If yes, provide all parcel numbers.

I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in SMC 17G.060. for public hearing and community meeting. Copies of these instructions are available from the Development Services Department or on www.spokaneplanning.org.

SUBMITTED BY:

 Applicant Property Owner Property Purchaser Agent

COMPREHENSIVE PLAN AMENDMENT
NW RENEWABLES CPA
 A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER,
 SECTION 24, TOWNSHIP 25 NORTH, RANGE 42 EAST, W.M.,
 CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON



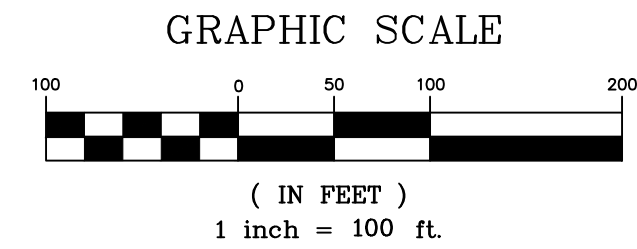
PROJECT AREA

VICINITY MAP

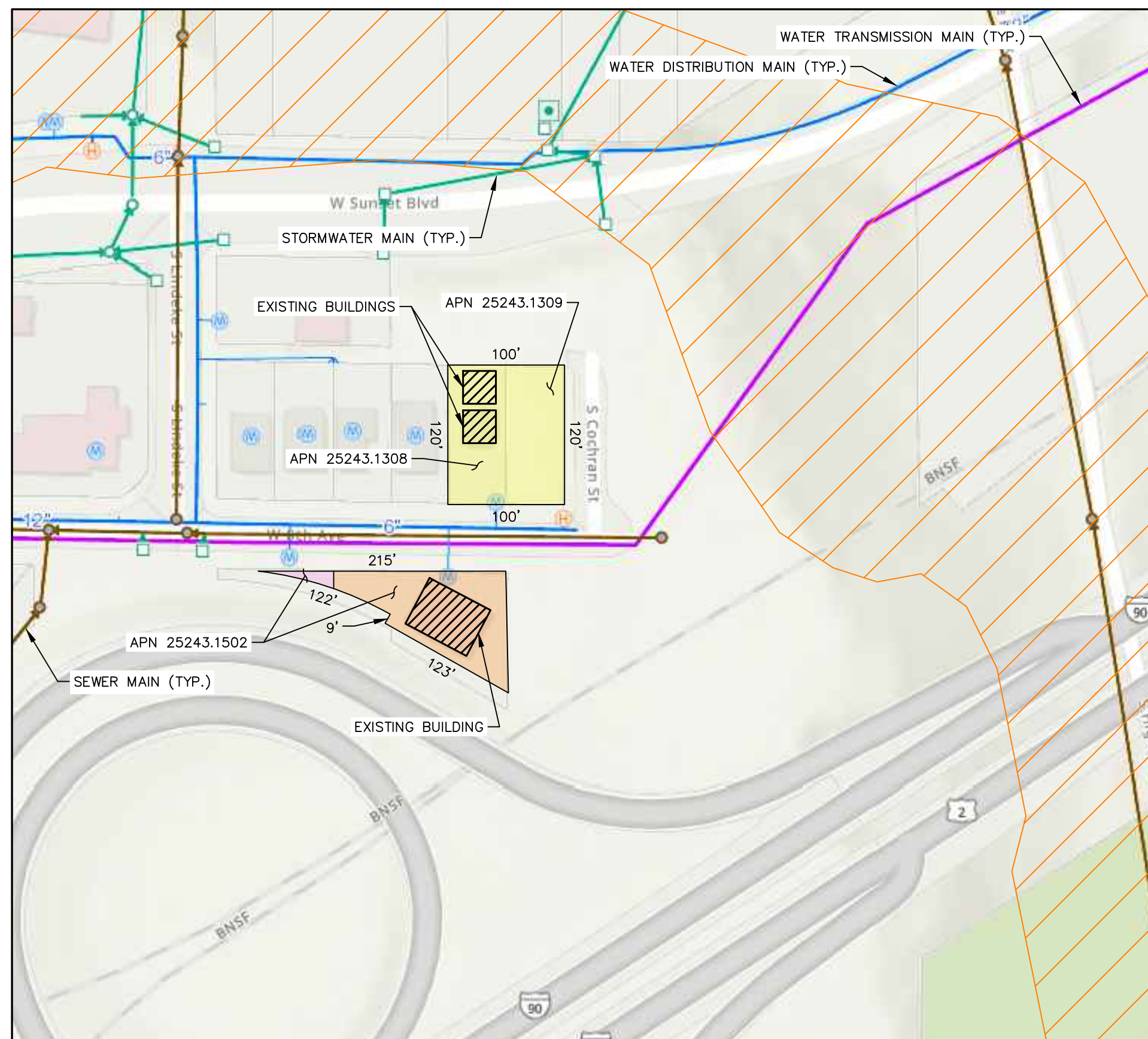
PRELIMINARY

LEGEND

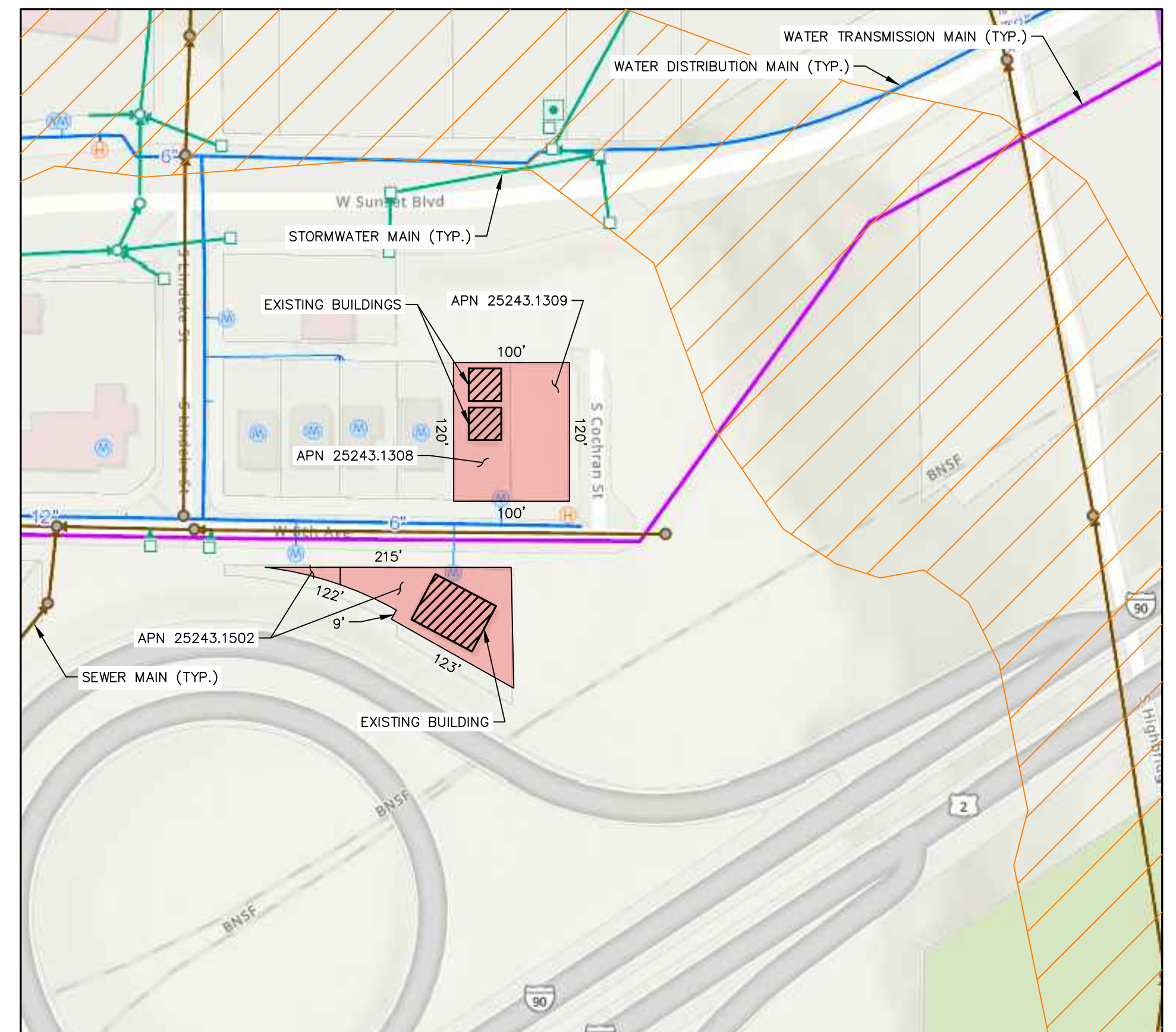
- RESIDENTIAL LOW
- OFFICE
- NEIGHBORHOOD RETAIL
- GENERAL COMMERCIAL
- ERODIBLE SOILS



EXISTING LAND USE DESIGNATION



PROPOSED LAND USE DESIGNATION

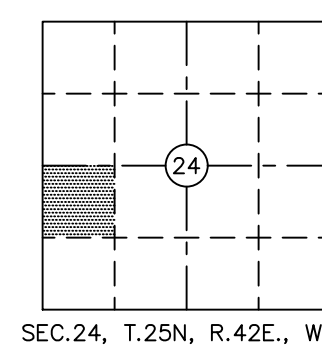


23-165-CPA.dwg EXHIBIT

OWNERS
 DOUGLAS & HARLAN HEISE
 2613 W 8TH AVE
 SPOKANE, WA 99224
 509-732-9255

APPLICANT
 STORHAUG ENGINEERING
 510 E THIRD AVE
 SPOKANE, WA
 509-242-1000

NOTE
 INFORMATION SHOWN DOES NOT
 REPRESENT A SURVEY. EXACT
 LEGAL DESCRIPTION AND
 BOUNDARY DIMENSIONS TBD.



SEC.24, T.25N, R.42E., W.M.

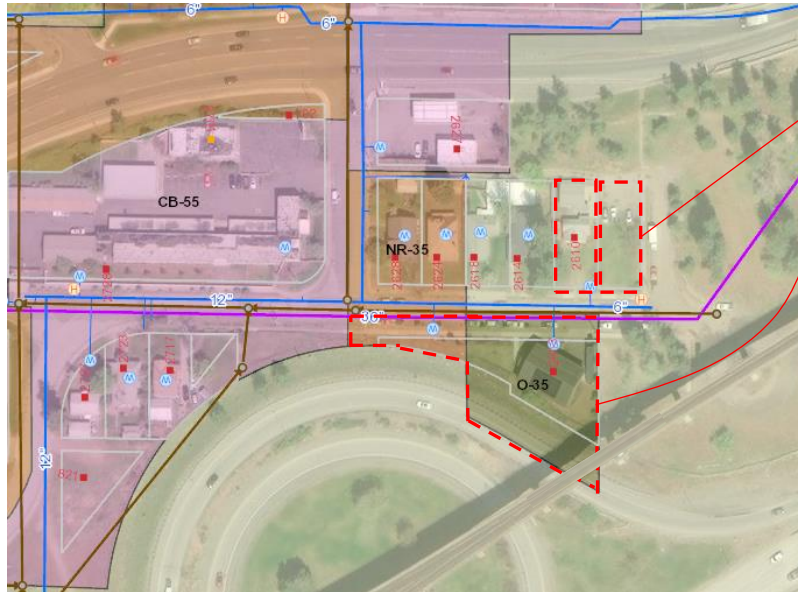
civil engineering planning
landscape architecture surveying

510 east third avenue | spokane, wa | 99202
 509.242.1000 | www.storhaug.com

DATE 10/25/2023	SCALE 1" = 100'
FIELD BOOK N/A	DRAWN LJT
PROJECT NUMBER 23-165	DRAWING NO. 1 OF 1

NW RENEWABLES REZONE EXHIBIT Exhibit F, File Z23-476COMP

EXISTING ZONING: RSF & OFFICE

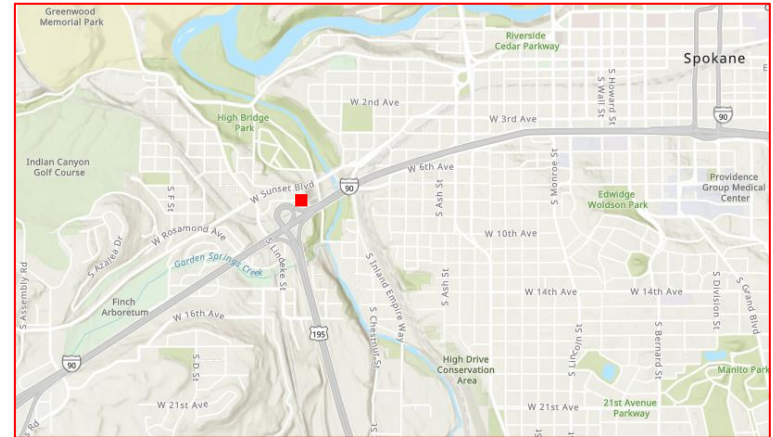


SUBJECT PARCELS

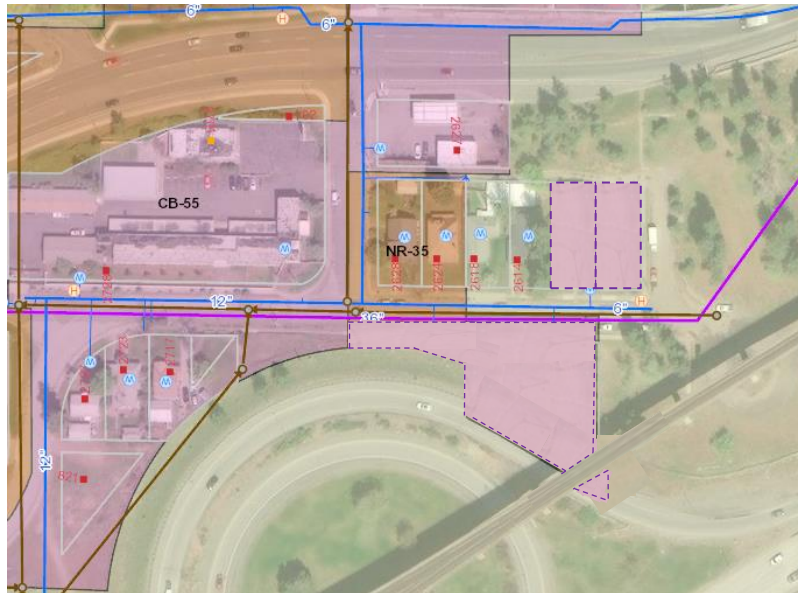
25243.1308 (.14 ACRES) & 25243.1309 (.14 ACRES) & 25243.1502 (.29 acres)

ADDRESSES: 2610 W 8TH AVE & 'Unassigned' & 2613 W 8TH AVE

LOCATION MAP



PROPOSED ZONING: CB-55



LEGAL DESCRIPTION

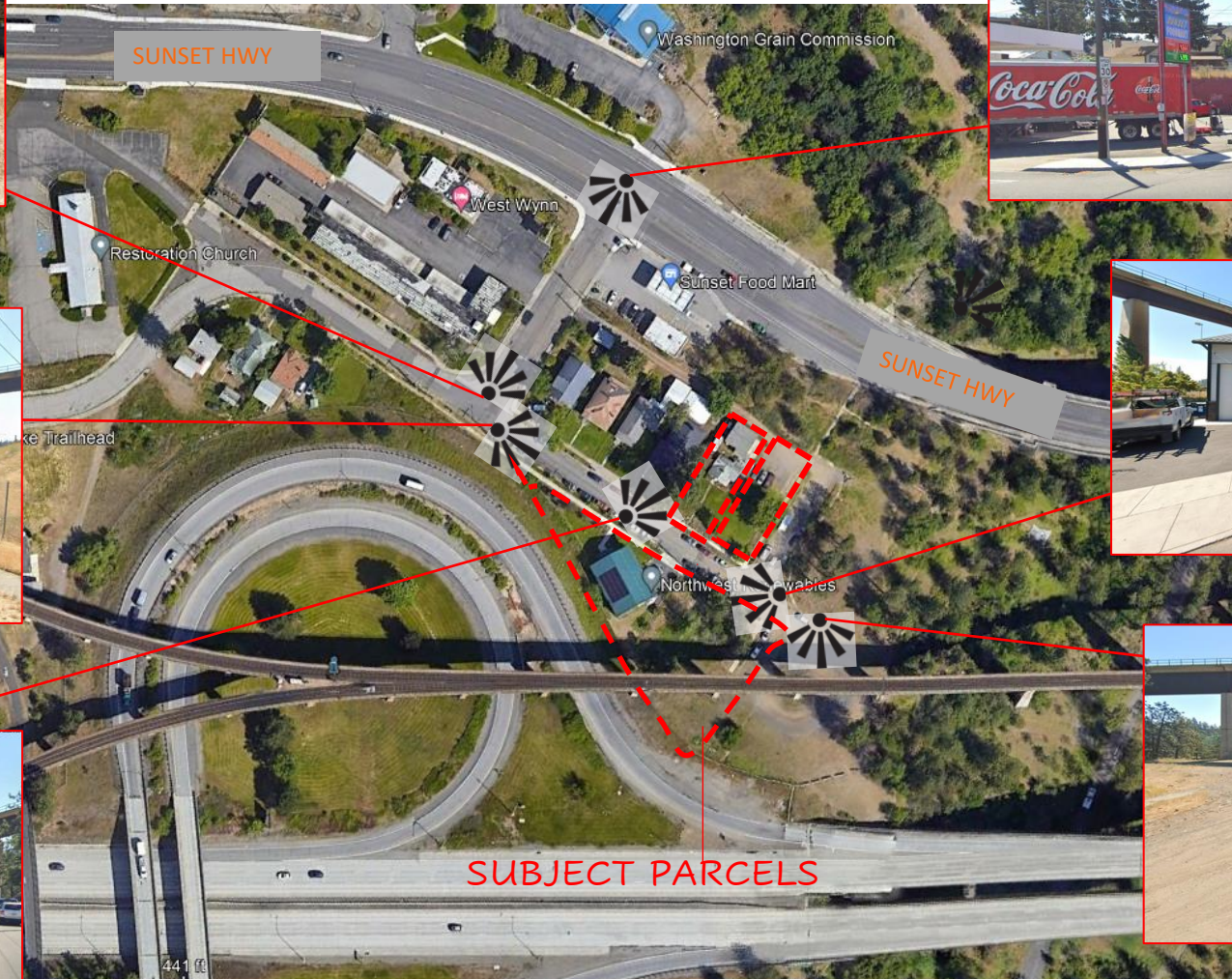
WINONA ADD LTS 3 THRU 7 B7 LYG
 NLY OF NLY LN OF SR 90 RAMP C &
 24-25-42: WINONA (3103405) LOT 12 BLOCK 5
 & WINONA ADD L11 B5

- RESIDENTIAL LOW
- NEIGHBORHOOD RETAIL
- OFFICE
- CB-55

OWNERS
 Douglas & Harlen Heise
 2613 W 8th Ave
 Spokane, WA. 99224
 (509) 723-9255

APPLICANT
 Storhaug Engineering
 510 E 3rd Ave.
 Spokane, WA. 99202
 (509) 242-1000

SURROUNDING AREA GRAPHIC



Liam Taylor

From: Freibott, Kevin <kfreibott@spokanecity.org>
Sent: Tuesday, August 22, 2023 5:00 PM
To: Allen T Miller; gavin@northwestrenewables.com; Austin Storhaug; Harlan Heise; Schram, Mike L
Cc: Whitmarsh, Brandon; Liam Taylor; Alex Durkin
Subject: Today's Pre-Submission Meeting for Northwest Renewables
Attachments: Spokane Municipal Code - Section 17C.190.310_ Industrial Service.pdf; chapter-3-land-use-v8-2023-09-07.pdf

Thank you, everyone, for your time during today's pre-submission meeting. You have met that requirement for your potential application to amend the Comprehensive Plan.

Please find attached the application materials required for complete application for a Comprehensive Plan Amendment. All but the SEPA checklist will be required by October 31 to certify your application complete. We don't require the SEPA checklist until your application is selected to be part of the docket next year by City Council., but you're welcome to fill it out before then if you'd prefer. Please note that a threshold application fee of \$500 will also be required upon receipt of your application.

In addition, there is one additional item I didn't have time to get to today was the neighborhood notification component. As part of the application process we require that you reach out to the neighborhood council and office to present your project to them. Now, because some neighborhoods don't meet every month and because sometimes it can be hard to get on their agendas, we don't require that you have completed a presentation to the neighborhood before applying, you just have to include a copy of an email asking to present your proposal to them. Your project is located within the West Hills neighborhood ([their information can be found here](#)) but also within 600 feet of both the [Grandview/Thorpe](#) and [Latah/Hangman](#) neighborhoods. Under the SMC you'll need to offer to present to them as well.

Today we discussed the various policies that might affect your proposal, all within Chapter 3 of the Comprehensive Plan. Because Chapter 3 was just recently amended, I have also attached the most current version of that chapter for your reference and use (the online one is set to upload September 7). The recent changes don't affect the policies we discussed today, but I want you to have the correct version. The policies I suggested you review were:

- LU 1.6: Neighborhood Retail Use
- LU 1.7: Neighborhood Mini-Centers
- LU 1.8: General Commercial Uses
- LU 1.10: Industry

If you want to read through the other chapters of the Comprehensive Plan to find other policy support for your proposal, they can be found at www.shapingspokane.org.

We also discussed various options to consider for the ultimate zoning you will propose. You mentioned that you would be interested in using the property for some parking, possible future office uses, and outdoor materials storage. While parking and office uses are permitted in many different possible land use/zoning combinations, I do have some questions related to your proposed use of the property for outdoor material storage. As we discussed, the zoning code has some strong language against such uses in most commercial zones. Industrial uses can be allowed in commercial zones with some size limitations (and possibly a Conditional Use Permit) but outdoor storage isn't allowed at all for those uses. If your use is categorized as commercial rather than industrial, then some outdoor storage can be permitted in certain cases (outdoor storage by *commercial* uses is covered by [SMC 17C.120.270](#)).

The crux of the matter is whether your use is industrial or commercial. From our brief conversations I'm afraid they sound more like what our code defines as Industrial Service (see SMC 17C.190.310). I have attached that section of code

with some helpful highlights. The exception I highlighted is most interesting, in that certain industrial services can be considered commercial but only if they don't include outdoor storage. If you're curious about the other use categories, they can all be found in [SMC 17C.190](#).

To resolve this issue, I will speak to the Planning Director and Current Planning and see what we can find out. If you could provide me with a paragraph describing what the business does on the site, etc. that would be most helpful. If we can classify the business as commercial you can likely seek NR, NMU, CB, or GC zoning. To understand the differences of those I suggest you read SMC 17C.120 carefully. However, if we can only classify your operations as industrial, your only path forward would likely be to request light industrial land use and light industrial zoning (see Policy LU 1.10 in the comp plan).

I have some homework to do and I'm sure you have much to discuss, read, and consider. Please send me a concise description of the business operations and I'll see about getting some idea of possible zones/etc. you might consider. I will also continue looking into the limited info I have on the Right-of-Way issue. If you have any new information on that front I'd be happy to see it as well.

Thanks again for your time today and please feel free to reach out to me or my team with any questions. Cheers!

Kevin



Kevin Freibott, MA ORGL | Senior Planner | City of Spokane - Planning and Economic Development
509.625-6184 | <mailto:kfreibott@spokanecity.org> | spokanecity.org | spokaneplanning.org



Please note that my work schedule is currently 6:30 AM – 5:30 PM, Monday through Thursday

From: Clifton Trimble

Sent: Thursday, October 26, 2023 2:04 PM

To: hagy_w@icloud.com; mshkg@hotmail.com; pfbundy0@gmail.com; derek.zandt@gmail.com; grandviewthorpe@hotmail.com; grandviewthorpe@hotmail.com; molly.marshall475@gmail.com; lkhope@verizon.net; thomaspestrin@msn.com; bwilkerson@spokanecity.org

Cc: Freibott, Kevin <kfreibott@spokanecity.org>; Liam Taylor <liam.taylor@storhaug.com>; Jerry Storhaug <jerry.storhaug@storhaug.com>

Subject: 23-165 8th Street Comp Plan Amendment Application

Dear West Hills, Grandview/Thorpe, and Latah/Hangman neighborhoods -

My name is Clifton Trimble and I work for Storhaug Engineering. We are pursuing a comprehensive plan change on the attached parcels near S Lindeke St and 8th Ave (maps attached) from Residential Low, Office, and Neighborhood Retail to General Commercial (zoned Community Business (CB-55)). We believe these associated uses would be more compatible than the current designation given the physical realities of the site, as well as the parcel's proximity to Sunset HWY. I would be happy to meet and speak with you, if you would like. And/or, will provide you with more information as to the process unfolds with the City, and community.

Feel free to call with any questions.

I look forward to speaking with you, soon.

Best,

Clifton Trimble, Planner 3



civil engineering | planning
landscape architecture | surveying
510 east third avenue | spokane, wa 99202
office. 509.242.1000 | www.storhaug.com
direct. 509.266.0029





A Note for Reviewers of this SEPA Checklist from City of Spokane Staff

As you consider the following checklist, please keep in mind that this proposal is a “non-project action” under the State Environmental Policy Act (SEPA). The proposal under consideration is a change only to the Land Use Plan Map of the Comprehensive Plan and the Zoning Map of Spokane. Accordingly, the proposal would amend the types of development expected and allowed on the subject parcels, but no actual physical improvements are under consideration at this time. The City expects that, if these proposals are approved, the property owners will come forward in the future for approval of building permits and other permits for physical changes to the site. However, no such permits have been requested by the applicants at this time and no approval for construction or physical changes to the site is under consideration by the City.

As such, when the applicant’s answers to the following checklist items mention physical improvements (e.g., the number of dwelling units to be constructed) reviewers should understand that these physical developments are not required or permitted by the proposal. Rather, future applications will be necessary before any physical changes occur to the site. Furthermore, requirements in place for construction permits, such as concurrency of services, stormwater controls, and any possible environmental surveys or analyses for that construction, will be analyzed and actions required before any construction or grading permits are issued, commensurate with the requirements of SEPA and the City’s Municipal Code.

For information on what could be permitted on the site, as opposed to the specifics the applicant may have provided in the following pages, reviewers are encouraged to review Title 17 of the Spokane Municipal Code for details as to what kinds of construction are permitted in the proposed zone, as well as any requirements for further analysis and consideration that must occur before any future permits for physical construction will be issued. Title 17 of the Spokane Municipal Code can be found at the following site:

<https://my.spokanecity.org/smc/>

Note from City of Spokane Staff:

The proposal classified as File Z23-476COMP has been expanded by Spokane City Council, adding 4 parcels and a portion of Right of Way, totaling approximately 0.21 acres, to the project area.

The properties added to the proposal by City Council include:

Parcel	Address
25243.1304	2628 W 8 th Ave.
25243.1305	2624 W 8 th Ave.
25243.1306	2618 W 8 th Ave.
25243.1307	2614 W 8 th Ave.
Right of Way	Unassigned, East of Application (see attached map)

Where necessary, **boxes with red text** have been added to the SEPA Checklist to account for additional relevant information necessary for evaluating the environment impact of the expanded proposal. These additions have been inserted by City staff and concern only the expanded parcels listed above.

**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**

File No.

Z23-476COMP**PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!****Purpose of Checklist:**

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "*does not apply.*"

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project: NW Renewables Comp Plan / Rezone
2. Applicant: Douglas & Harlen Heise / Storhaug Engineering
3. Address: Douglas & Harlen Heise 2613 W 8th Ave
 City/State/Zip: Spokane, WA. 99224 Phone: 509-242-1000 (office)
 Agent or Primary Contact: Clifton Trimble; Storhaug Engineering
 Address: 510 E Third Ave
 City/State/Zip: Spokane, WA. 99202 Phone: 509-266-0029 (direct)
 Location of Project: 2610 W 8TH AVE / 2613 W 8th Ave, Spokane, WA 99224
 Address: 2610 W 8TH AVE / 2613 W 8th Ave, Spokane, WA 99224
 Section: 24 Quarter: _____ Township: 25 Range: 42E
 Tax Parcel Number(s) 25243.1308 & 25243.1309 & 25243.1502 See earlier note for expanded property addresses and parcel numbers
4. Date checklist prepared: 3/19/2024
5. Agency requesting checklist: City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): Rezone to be considered spring of 2024; if approved, future development/construction to be determined in terms of both scope and timeline.
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Not at this time; If Comp Plan Amendment and Rezone are approve, subsequent development will be reviewed under a seperate building permit process.
7. b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. No. Just the parcels noted in this SEPA.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None known. See attached exhibits for environmental information.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. Rezoning/CPA application associated with this SEPA.

10. List any government approvals or permits that will be needed for your proposal, if known. Building permit approvals subsequent to the rezoning application/approval. Project scope, TBD.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. Comp Plan map amendment of parcels 25243.1308 & 25243.1309 & 25243.1502 from Residential Low to General Commercial; Zoning requested to change from RSF to CB-55. Anticipated development may be a +/- 3,500 sf office building, subsequent to the rezone and Comp Plan Amendment.

Expansion ROW consistent with the application. Expansion parcels represent .55 acres of single unit homes with Neighborhood Retail land use and zoning. Proposal would change these parcels to General Commercial land use and CB - 55 zoning.

12. Location of the proposal: Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. 2610 W 8TH AVE / 2613 W 8th Ave, Spokane, WA 99224 (parcels 25243.1308 & 25243.1309 & 25243.1502)

See note on page 2 for expanded property addresses and parcel numbers. Legal descriptions available upon request.

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.) Yes to all four.

14. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

(1) Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities). Sanitary sewer will be disposed of into the City of Spokane sewer system. Stormwater will most likely be managed on site via swales and dry wells.

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored? No.

(3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems. None. N/A.

(4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater? No.

b. Stormwater

(1) What are the depths on the site to groundwater and to bedrock (if known)? Not known.
See details RE soils info in Exhibit A, attached.

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts. Most likely
stormwater runoff from impervious surfaces (buildings, asphalt, pavement) will
discharge into the ground via swales and drywells. An Erosion & Sediment Control
(ESC) plan will also be included in civil submittal at the time of permitting for any development.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

- Flat Rolling Hilly Steep slopes Mountainous

Other: _____

b. What is the steepest slope on the site (approximate percent slope)? Very flat, less than an approx. 2%
slope on site.

Expanded parcels are similarly flat to the applicant's. The eastern portion of the expansion ROW includes slopes down to Latah Creek that exceed 30%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. _____
Please see attached Exhibit A:

Klickson-Speigle-Rock outcrop complex, 30 to 60 percent slopes 0.0 1.2%; Urban land-Northstar, disturbed complex, 3 to 8 percent slopes on 2.7 acres; 98.8%. Totals for Area of Interest 2.7, 100.0%

Expanded properties contain largely McB soil.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. _____
Not known. See Exhibit A for soils info.

The steep slopes on the eastern portion of the expansion ROW are identified as erodable soil.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill: N/A. Specific quantities are unknown at this time. The final grading plans will meet all permitting requirements at the time of development.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. During and post construction erosion is expected. An ESC plan that meets City of Spokane standards will be submitted and approved prior to construction. All permitting will be approved prior to development by the City of Spokane.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)? N/A for this process. Project design still pending. TBD in the future.

h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: An ESC plan that meets City of Spokane standards will be submitted and approved prior to construction.

2. Air

a. What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Dust emissions, vehicle emissions, and odors will be typical during construction, if rezone is approved. These emissions and odors will be typical of development for the expansion of the NW Renewables business. Any future construction on the site will comply with Spokane Regional Clear Air Agency requirements.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None that are known.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: None proposed at this time. Any and all control measures requested by the city will be completed prior to construction, and followed per City standards.
-
-
-

3. Water

a. SURFACE WATER:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. No.
-
-
-
-

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No.
-
-
-
-

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None.
-
-
-
-

- (4) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known. No.
-
-
-
-

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No.
Per the attached Exhibit B, FIRMETTE, the site is not in any flood zone.

(6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.

b. GROUNDWATER:

(1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No.

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None. The project will be served by City sewer and water, and no storage of hazardous materials are proposed.

c. WATER RUNOFF (INCLUDING STORMWATER):

(1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Stormwater runoff from impervious surfaces (buildings, asphalt, pavement) will most likely be discharge into the ground via swales and drywells, and/or infiltration galleries at the time of development.

(2) Could waste materials enter ground or surface waters? If so, generally describe. No, not expected - no waste materials are proposed to be stored on site, and the project will connect to city sewer.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. Not anticipated. Drainage will be designed and approved prior to permitting meeting all City requirements prior to development. Final design will be submitted and approved prior to permitting and construction, meeting all City requirements prior to development.

d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water, and drainage patten impacts, if any. A drainage report/plan, and an ESC plan will be submitted to the City at the time of permitting. Erosion and stormwater will be controlled in accordance with applicable regulations at that time.

4. Plants

a. Check the type of vegetation found on the site:

Deciduous tree: alder maple aspen

Black Locust trees are also present

Other: None on site

Evergreen tree: fir cedar pine

Other: None on site

Shrubs Grass Pasture Crop or grain

Orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush skunk cabbage

Other: _____

Water plants: water lily eelgrass milfoil

Other: _____

Other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered? Grass and a few trees exist on site.

Existing vegetation may be altered during the construction process for building footprints and parking areas.

TBD.

c. List threatened and endangered species known to be on or near the site. Exhibit C is a PHS (Priority Habitat Species) report, which lists 'occurrence' names and habit information.

See attached.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Existing landscaping & vegetation anticipated to be maintained where feasible.

e. List all noxious weeds and invasive species known to be on or near the site. None known.

5. Animals

a. Check and List any birds and other animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk heron eagle songbirds

Other: _____

Mammals: deer bear elk beaver

Other: _____

Fish: bass salmon trout herring shellfish

Other: _____

Other (not listed in above categories): _____

b. List any threatened or endangered animal species known to be on or near the site.

None known. See exhibit C PHS (Priority Habitat Species) report, which lists 'occurrence' names and habit information.

c. Is the site part of a migration route? If so, explain. Not known.

d. Proposed measures to preserve or enhance wildlife, if any: Preservation of existing landscaping and vegetation where feasible.

e. List any invasive animal species known to be on or near the site. None known. See exhibit C.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Future development may use electricity for lighting, cooking, mechanical operation, heating, and cooling. Natural gas may also be used for heating and cooking.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Not anticipated.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Future development will comply with applicable energy codes and regulations.

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. No.

(1) Describe any known or possible contamination at the site from present or past uses. None
known.

(2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None known.

(3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. None.

(4) Describe special emergency services that might be required. Emergency services such as ambulance, fire, police, may be needed for the future development.

(5) Proposed measures to reduce or control environmental health hazards, if any:
Future development will comply with applicable regulations.

b. NOISE:

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Noise from traffic and emergency services will be present but will not impact the project.

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Short-term noise associated with construction activities will be mitigated by applicable noise ordinance that regulates the hours of operation to daytime. Long-term noise generated is anticipated by future traffic associated with development subsequent to the zone change, which will be mitigated by applicable noise ordinances.

(3) Proposed measure to reduce or control noise impacts, if any: Future development is to comply with applicable noise ordinance requirements.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. Parcel 25243.1502 is currently used as a commercial - parcel 25243.1309 is currently vacant, and parcel 25243.1308 has a single family home on site . The surrounding area is used as single family residential and commercial (neighborhood retail and community business)

The expansion parcels contain single unit homes and the ROW is vacant, aside from a rail viaduct. The inclusion of these parcels by the City is to ensure the similarly situated parcels are not surrounded by higher intensity land uses.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? No.

Evaluation for
Agency Use Only

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No.

c. Describe any structures on the site. Single family home and commercial.

The expansion parcels contain four additional single unit homes and the expansion ROW is vacant, aside from a rail viaduct.

d. Will any structures be demolished? If so, which? Yes, most likely a home. TBD.

While this is a non-project action, there is no indication that any structures would be demolished on the parcels included by the City.

e. What is the current zoning classification of the site? R1 & neighborhood retail/office.

f. What is the current comprehensive plan designation of the site? Office, Neighborhood Retail, and Residential low.

The expansion ROW is designated Conservation Open Space. The expansion parcels are Neighborhood Retail.

g. If applicable, what is the current shoreline master program designation of the site? N/A

h. Has any part of the site been classified as a critical area by the city or the county? If so, specify. ___
No.

A portion of the ROW expansion includes steep slopes exceeding 30%

i. Approximately how many people would reside or work in the completed project? This is a project action
from Residential (R1) zone to commercial (CB) zone. The CB zone allows for additional commercial uses. The ownership group
believes that this rezone would allow for more space for their current employees. The long term use of this rezone may result
in additional people working in the area.

This is a non-project action.

j. Approximately how many people would the completed project displace? One single family home.

This is a non-project action. There is no indication that the inclusion of the expansion parcels will add to this.

k. Proposed measures to avoid or reduce displacement impacts, if any: None at this time.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and
plans, if any: Compliance with the goals and policies with the City's Comprehensive Plan, as
well as existing surrounding zoning.

Inclusion of the expansion properties is intended to bring their land use and zoning into alignment with the surrounding
properties, ensuring long term compatibility.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands
of long-term commercial significance, if any: Not applicable as no such resources are located
on or nearby the site.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. Unknown. TBD
-
-

This is a non-project action. There is no indication from expansion property owners that the proposal would result in demolition or development.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. One single family home
-
-

- c. Proposed measures to reduce or control housing impacts, if any: None.
-
-
-

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Any final design for the future use will meet all zoning performance standards at the time of final permitting.
-
-

- b. What views in the immediate vicinity would be altered or obstructed? Typical view obstructions as a result of vertical construction as allowed by zoning/building code should be anticipate.
No specific landmarks or view-sheds would be eclipsed as a result of this proposal.
-
-

- c. Proposed measures to reduce or control aesthetic impacts, if any: None.
-
-
-

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
 Future development is anticipated to produce headlight and street light typical of
development when dark, typically in the evening/nighttime.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? No.
- c. What existing off-site sources of light or glare may affect your proposal? None.
- d. Proposed measures to reduce or control light and glare impacts, if any: The project will comply
with applicable regulations to reduce or control light or glare impacts, at the time of development.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? The
site is one block from highbridge park, as well as close to Latah Creek at the bottom of the gorge.
- b. Would the proposed project displace any existing recreational uses? If so, describe. No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to
 be provided by the project or applicant, if any: None.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. None known.

Homes on parcels 25243.1304 -.1308 were developed between 1910 and 1913, but none are listed on historic registers.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. Unknown at this time. None shown on mapping.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. Via this process the Tribes and SHPO will be solicited for a response as to if archaeological or historic artifacts or patterns are present, or if further review is required. If artifacts are found during any part of construction, work will stop and the appropriate historical preservation office will be contacted. The extent of these measures will be determined by this SEPA.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required See above answer.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. Vehicles will access off W 8th Ave via S Lindeke (each via W sunset BLVD)

b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop The closest bus stops are one block away at Sunset @ Lindeke Stop ID: 2644 & Sunset @ Lindeke Stop ID: 2644

The second stop at Sunset & Lindeke is Stop ID: 2154

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). _____

Any improvements associated with the surrounding road network will be assessed by the City Public Works Dept. All mitigative measures for local safety, circulation, and functionality will be met at the time of permitting, or as a condition of the rezone.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. _____

No. Is approximately 900' from Latah Creek.

There is a rail viaduct over the ROW expansion.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? Per the Institute of Transportation Engineers, "Trip Generation", 11th Edition, 2022, for an expansion of approx 3,500 sf, calculated under land use 712 - Small Office Building.
The trips provided are as follows: Weekday trips = 16 trips, AM Peak Hour trips = 2, and the Ave Rate or PM Peak Hour = 2.
This is based off 2 employees for potential future use. Currently, there are no plans to expand employees.

(Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).) This is a non-project action, however, the higher intensity zoning could incur more vehicular trips long term if redevelopment of the expansion properties were to occur.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe. No.

h. Proposed measures to reduce or control transportation impacts, if any: None anticipated, for this process.
Any traffic mitigation measures determined appropriate by the public works department will be complied with at the time of permitting. See above for PROJECTED trips on site.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. The project will most likely result in an incremental increase in the need for public services, depending on the chosen scope of development. Impacts are anticipated to be partially offset by tax revenues generated by the project. ROW improvements will be met at the time of permitting.

b. Proposed measures to reduce or control direct impacts on public services, if any: The project will comply with applicable regulations to reduce or control impacts to public services.

16. Utilities

a. Check utilities currently available at the site:

- electricity
- natural gas
- water
- refuse service
- telephone
- sanitary sewer
- septic system

Other: _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed: _____

Electricity and Natural Gas: Avista. Sewer, Water, and Refuse: City of Spokane. Telephone: _____
Xfinity/Lumen.

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the *agency* must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 4-8-2024 Signature: Clifton Trimble  Digitally signed by Clifton Trimble
Date: 2024.04.08 08:23:47 -07'00'

Please Print or Type:

Proponent: Clifton Trimble Address: 510 E Third Ave
Phone: 509-266-0029 Spokane, WA. 99202

Person completing form (if different from proponent): _____

Phone: _____ Address: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Brandon Whitmarsh

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**(Do not use this sheet for project actions)**

There are no known plans to redevelop the expansion properties.

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? It is anticipated that storm-water and emissions will be consistent with typical commercial development over parcels 25243.1309 & 25243.1308. All development will meet City Code at the time of permitting. And, all storm-water will be managed on site to BMP's, per City code.

Proposed measures to avoid or reduce such increases are: An erosion and sediment control plan will be submitted at the time of permitting. And, all other requirements requested by public works and city planning and building departments will be met at the time of permitting.

2. How would the proposal be likely to affect plants, animals, fish or marine life? Most likely will not affect any wildlife or vegetation, as the area is developed and under a highway. The rezone is over established lots, one of which already has a home.

The expansion parcels are urban in nature and already developed. The majority of the expansion ROW with vegetation is on steeps sloped that will not be developed. The flat portion of the ROW with development potential is largely free of vegetation. Located between two highways and under a rail viaduct, the vacant ROW is also urban in nature.

Proposed measures to protect or conserve plants, animals, fish or marine life are: Where feasible, trees and vegetation will be preserved and maintained. However, the site is at the end of a cul-de-sac and most likely wouldn't affect plants or animals. Is also under a highway bridge. PHS report is attached, for reference.

3. How would the proposal be likely to deplete energy or natural resources? Upon build out, the project would most likely engage renewable energy resources such as solar design, solar installation, and/or ductless heating and cooling systems over approx 1/3 acre expansion.

Proposed measures to protect or conserve energy and natural resources are: Per above, MAY include solar and various other renewable energy resources, such as solar design, solar installation, and ductless heating and cooling systems, as well as other potential methods. TBD. Will be evaluated at permitting.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands? The land action is not anticipated to affect any sensitive areas or ecosystems. See the attached exhibits A, B, and C for a printout/reference of those items and resources.
-
-

Proposed measures to protect such resources or to avoid or reduce impacts are: _____
Compliance with all permitting and Land Development Code regulations at the time of permitting development; compliance with all agency comments and conditions, etc.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? Most likely would not be considered applicable; the site/nearest parcel is approx. 900 ft from Latah Creek.
-
-

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A. However, will comply with all applicable local and state requirements.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Any commercial (Community Business) proposal over the 1/3 acres to be developed in future would have somewhat of an increase in traffic; see the Trip Generation Letter for details. Per this process, traffic mitigation will be solicited to the appropriate transportation departments and engineers, by the City.
-
-

Proposed measures to reduce or respond to such demand(s) are: _____
Compliance with traffic mitigation measures, as determined by WSDOT and/or the City.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment. Unknown, however not anticipated. In addition, all state and federal regulations will be complied with at the time of permitting, and via this process.
-
-

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any Determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 4-8-2014 Signature: Clifton Trimble Digitally signed by Clifton Trimble
Date: 2024.04.08 08:25:34 -07'00'

Please Print or Type:

Proponent: Clifton Trimble Address: 510 E Third Ave

Phone: 509-266-0029 Spokane, WA. 99202

Person completing form (if different from proponent): _____

Phone: _____ Address: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Brandon Whitmarsh

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

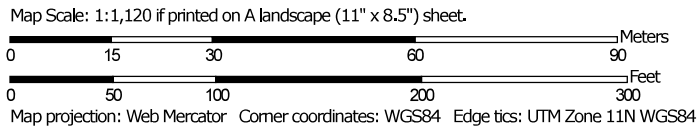
- A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

EXHIBIT A

Soil Map—Spokane County, Washington




Soil Map may not be valid at this scale.



Soil Map—Spokane County, Washington

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Spokane County, Washington
 Survey Area Data: Version 15, Aug 28, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 9, 2022—Aug 15, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

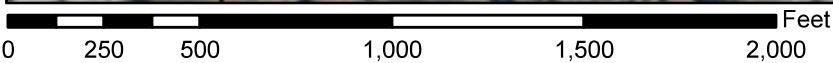
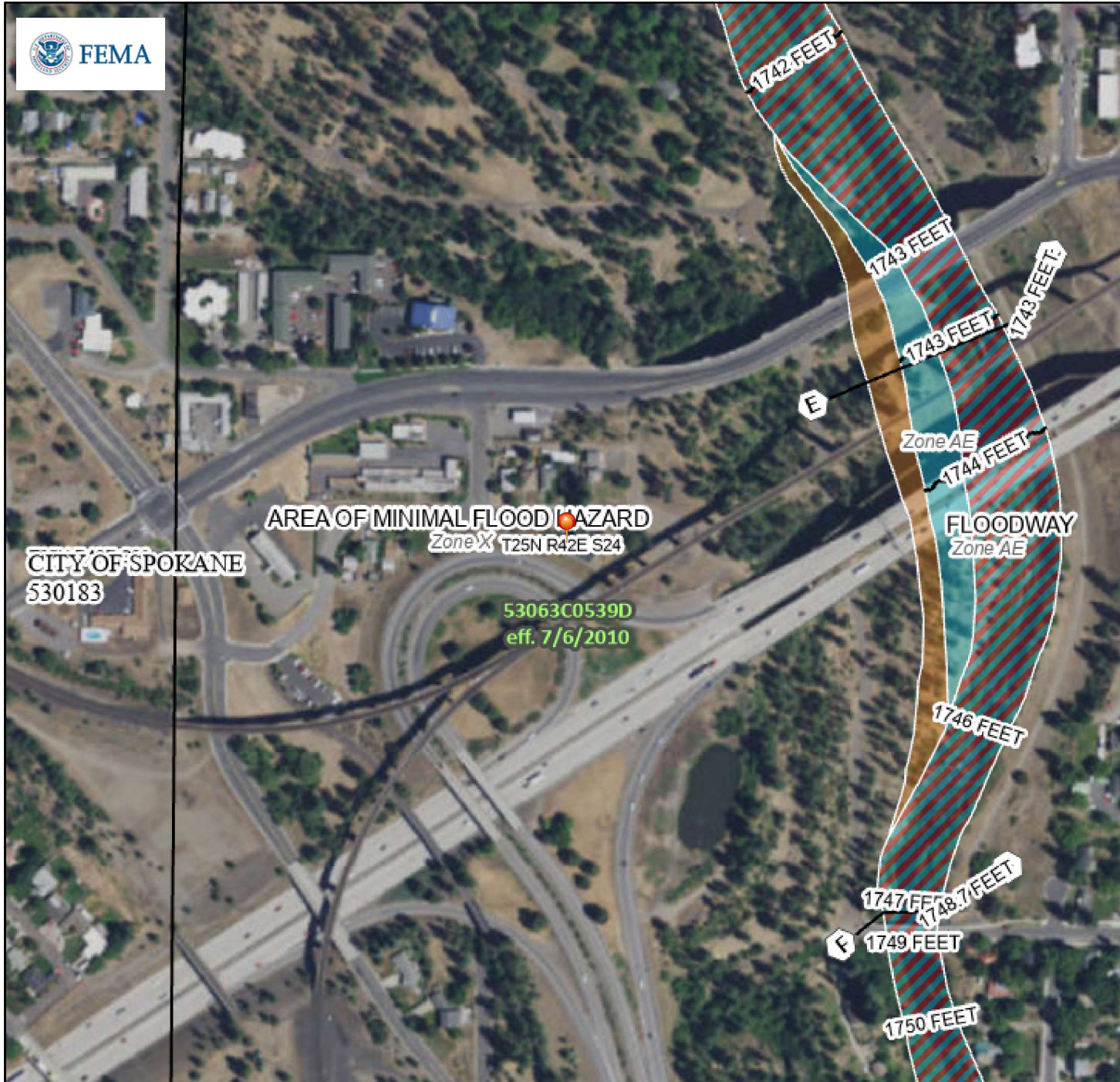
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2046	Klickson-Speigle-Rock outcrop complex, 30 to 60 percent slopes	0.0	1.2%
7131	Urban land-Northstar, disturbed complex, 3 to 8 percent slopes	2.7	98.8%
Totals for Area of Interest		2.7	100.0%

National Flood Hazard Layer FIRMette

EXHIBIT B

Exhibit G, File Z23-476COMP

117°27'21"W 47°39'6"N



1:6,000

117°26'43"W 47°38'41"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | |
|------------------------------------|--|
| SPECIAL FLOOD HAZARD AREAS | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | Effective LOMRs |
| GENERAL STRUCTURES | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | Channel, Culvert, or Storm Sewer |
| | Levee, Dike, or Floodwall |
| OTHER FEATURES | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | Water Surface Elevation |
| | Coastal Transect |
| | Base Flood Elevation Line (BFE) |
| | Limit of Study |
| | Jurisdiction Boundary |
| | Coastal Transect Baseline |
| | Profile Baseline |
| | Hydrographic Feature |
| MAP PANELS | Digital Data Available |
| | No Digital Data Available |
| | Unmapped |
| | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/19/2024 at 5:02 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Priority Habitats and Species on the Web

EXHIBIT C



Report Date: 03/19/2024

PHS Species/Habitats Overview:

Occurrence Name	Federal Status	State Status	Sensitive Location
Biodiversity Areas And Corridor	N/A	N/A	No
Mule deer	N/A	N/A	No
Big brown bat	N/A	N/A	Yes
Townsend's Big-eared Bat	N/A	Candidate	Yes

PHS Species/Habitats Details:

Biodiversity Areas And Corridor	
Priority Area	Terrestrial Habitat
Site Name	LOWER HANGMAN CREEK
Accuracy	1/4 mile (Quarter Section)
Notes	BIODIVERSITY AREA THAT IS ASSOCIATED WITH UNKNOWN NUMBERS OF NESTING RED-TAILED HAWKS, WINTERING BALD EAGLES, NESTING WESTERN BLUEBIRDS. FURBEARER USE OF RIVER INCLUDES MINK, MUSKRAT, + BEAVER. BANK SWALLOW USE ON STEEP BANKS OF CREEK.
Source Record	903035
Source Dataset	PHSREGION
Source Name	DEMERS, DINAH WDW
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00023
Geometry Type	Polygons

Mule deer	
Scientific Name	<i>Odocoileus hemionus hemionus</i>
Priority Area	Regular Concentration
Site Name	LINCOLN-SPOKANE MULE DEER HERD
Accuracy	1/4 mile (Quarter Section)
Notes	REGULAR CONCENTRATION IN WINTER TIME IN AREAS OF SHRUB. DEER ARE CONCENTRATED ON THE EDGE OF AG IN SHRUBS AND SPARCER TREED HABITAT. SOUTHERN EDGE OF LAKE ROOSEVELT AND LAKE SPOKANE. MORE COMMONLY UTILIZING WINTER WHEAT AREAS.
Source Record	920012
Source Dataset	PHSREGION
Source Name	ATAMIAN, MIKE
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Management Recommendations	http://wdfw.wa.gov/publications/pub.php?id=00612
Geometry Type	Polygons

Big brown bat	
Scientific Name	<i>Eptesicus fuscus</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

Townsend's Big-eared Bat	
Scientific Name	<i>Corynorhinus townsendii</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Candidate
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00027

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.



April 2, 2024

Attn: City of Spokane Traffic Engineering Manager
 City of Spokane
 808 W. Spokane Falls Blvd.
 Spokane, WA 99201

RE: NW Renewables Rezone/Comp Plan Amendment Traffic Coordination
 Storhaug Engineering Project #23-165

Dear City of Spokane Traffic Review,

This Trip Generation Letter is intended to predict the number of trips for the NW Renewables Rezone/Comp Plan Amendment proposal currently under review, which is referenced as City project 476-COMP. The rezone will be over three parcels: 25243.1502, 25243.1309, and 25243.1308. One parcel has an existing office space, one parcel has an existing single family residential home, and one parcel is vacant. The project is currently under review for a rezone from the Neighborhood Retail and R1 zoning designation to the CB (Community Business) zone (all three parcels to become CB-55). The intent of the rezone, for this proposal, would be to expand the current office use to the north of the existing office use (parcel 25243.1502), onto parcels 25243.1309, and 25243.1308. However, our proposal is only aimed at creating more space for the current use and employment base - the company is not wanting to hire more employees, but rather just to create more space for larger offices and nicer facilities for their current operation. For good measure, we are basing trips on 2 additional employees (rather than zero). Basing our proposal off square footage would not capture the intent of the proposal accurately. Thus, we opted to use employees. And, two employees for good measure. The trip generation characteristics were calculated from traffic studies compiled by the Institute of Transportation Engineers, "Trip Generation Manual", 11th Edition, 2022, for an expansion of approximately 3,500 sf (two employees for calculations), calculated under land use 712 - Small Office Building. The trips provided are as follows:

EXISTING TRIPS ON SITE (1 single family home)
ITE Land Use Category #210; 'Single Family Detached Housing'

WEEKDAY ADT:

Average Rate: 9 (Total), 5 (Entry), 4 (Exit)
 50% entering, 50% exiting

AM PEAK HOUR BETWEEN 7 & 9 AM:

Average Rate: 1 (Total), 0 (Entry), 1 (Exit)
 25% entering, 75% exiting

PM PEAK HOUR BETWEEN 4 & 6 AM:

Average Rate: 1 (Total), 1 (Entry), 0 (Exit)
 63% entering, 37% exiting

PROPOSED TRIPS ON SITE (based off 2 additional employees)
ITE Land Use Category #712; 'Small Office Building'

WEEKDAY ADT:

Average Rate: 16 (Total), 8 (Entry), 8 (Exit)
50% entering, 50% exiting.

AM PEAK HOUR BETWEEN 7 & 9 AM:

Average Rate: 2 (Total), 2 (Entry), 0 (Exit)
85% entering, 15% exiting

PM PEAK HOUR BETWEEN 4 & 6 AM:

Average Rate: 2 (Total), 1 (Entry), 1 (Exit)
33% entering, 67% exiting

***Trip Generation summary for NEW TRIPS**

('existing' single family home subtracted from 'proposed' expanded commercial use):

ADT Total: 7 (Total), 3 (Entry), 4 (Exit)

A.M. Peak Total: 1 (Total), 2 (Entry), 0 (Exit)

P.M. Peak Total: 2 (Total), 0 (Entry), 1 (Exit)

Written by: Clifton Trimble

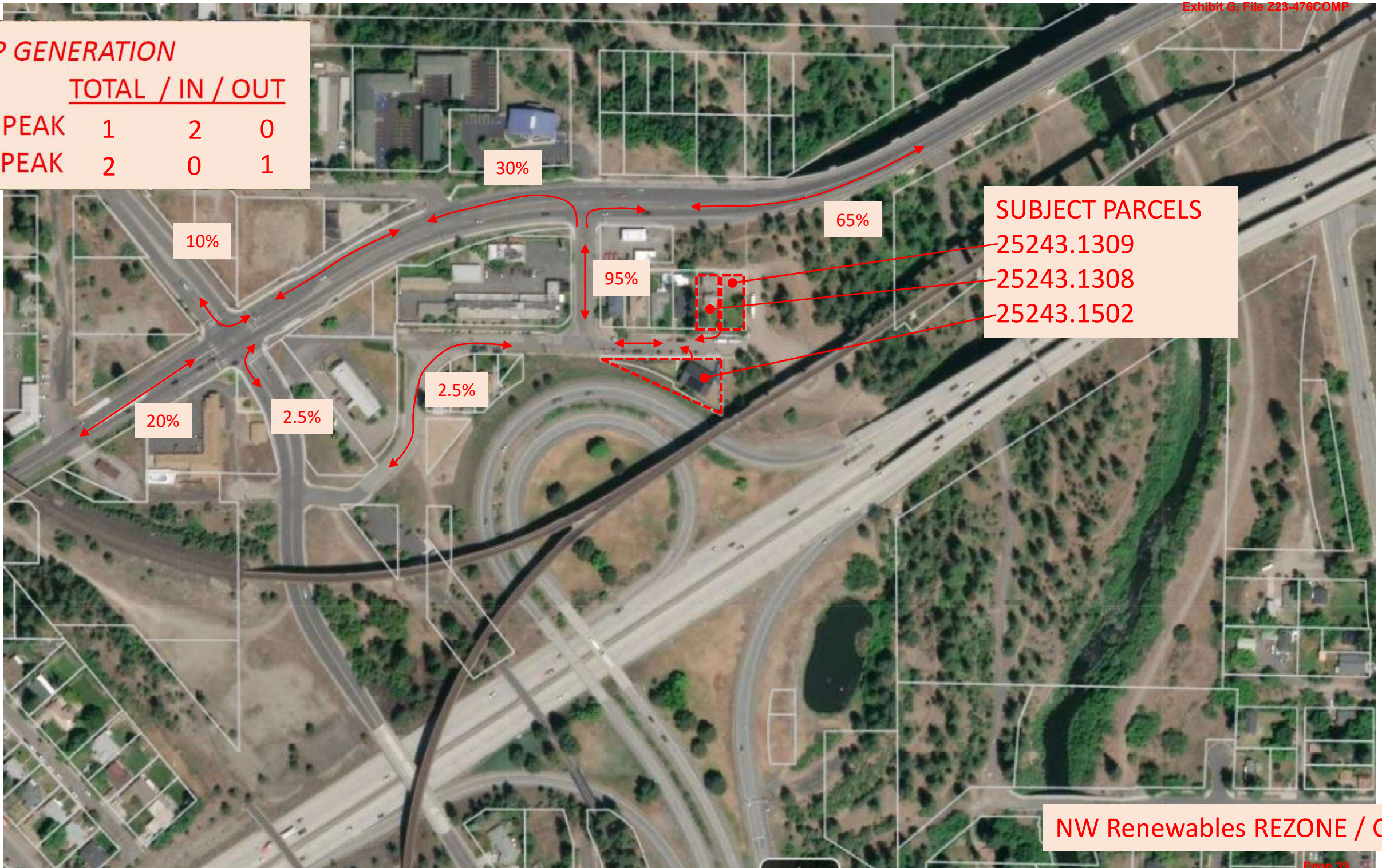


Reviewed by: Austin Storhaug, PE



TRIP GENERATION

	TOTAL	IN	OUT
AM PEAK	1	2	0
PM PEAK	2	0	1



NW Renewables REZONE / CPA

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

PROJECT: File Z23-476COMP 8th Avenue Comprehensive Plan Amendment

PROPONENT: Douglas Heise, Harlan Heise, and the City of Spokane

DESCRIPTION OF PROPOSAL: An amendment to the Land Use Plan Map (LU-1) of the Comprehensive Plan and attendant changes to the Official Zoning Map of the City of Spokane for 4.3 acres in the West Hills Neighborhood.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Southeast of the intersection of W Sunset Blvd and S Lindeke St.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

[] There is no comment period for this DNS.

[] This DNS is issued after using the optional DNS process in section WAC 197-11-355. There is no further comment period on the DNS.

[X] This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on October 8, 2024 if they are intended to alter the DNS.

Responsible Official: Spencer Gardner

Position/Title: Director, Planning Services **Phone:** (509) 625-6500

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: Sept 16, 2024 **Signature:**  _____

Exhibit I: Agency Comments

Whitmarsh, Brandon

From: Note, Inga
Sent: Tuesday, May 7, 2024 4:41 PM
To: Planning & Development Services Comp Plan
Subject: RE: Request for Comments for Z23-476COMP (Eighth Avenue) - Comments DUE May 21, 2024

No concerns.

From: Benzie, Ryan <rbenzie@spokanecity.org>
Sent: Tuesday, May 7, 2024 3:33 PM
To: Abrahamson, Randy <randya@spokanetribe.com>; Development Services Center Addressing <eradsca@spokanecity.org>; Allenton, Steven <sallenton@spokanecity.org>; **Subject:** Request for Comments for Z23-476COMP (Eighth Avenue) - Comments DUE May 21, 2024

Good afternoon,

Please see the attached request for comments, SEPA checklist, and associated documents for the following project:

Project Name: Z23-476COMP (Eighth Avenue)

Location: W 8th Ave east of S Lindeke St; SW 1/4, Section 24, Township 25N, Range 42E

Please direct any comments or questions to compplan@spokanecity.org by **May 21, 2024 at 5 PM.**

Thank you,



Ryan Benzie | Clerk III | Planning & Economic Development
509.625.6863 | my.spokanecity.org





**Spokane Tribe of Indians
Tribal Historic Preservation Office**

P.O. Box 100 Wellpinit WA 99040

May 13, 2024

To: Ryan Benzie, Planner

RE: Z23-476 Comp “Eight Avenue”

Mr. Benzie,

Thank you for contacting the Tribe’s Historic Preservation Office, we appreciate the opportunity to provide a cultural consent for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

After archive research this area has a high potential for encountering historical resources, and the proposed ground disturbing actions would destroy any cultural resources present.

Recommendation: Cultural resource survey completed before any ground disturbing activity and Inadvertent Discovery Plan (IDP) implemented into the scope of work.

Once the survey is completed, we will do more mitigation of the outcome of the cultural survey.

However, if any artifacts or human remains are found upon excavation activity this office is to be notified and the immediate area cease. Should additional information become available, or scope of work change our assessment may be revised.

Again, thank you for this opportunity to comment and consider this a positive action that will assist us in protecting our shared heritage.

If questions arise, please contact me at (509) 258 – 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer



2023/2024 Comprehensive Plan Amendments

EXHIBIT J: Z23-476COMP

Department of Planning & Economic Development

Legal Descriptions of Affected Parcels:

APPLICANT PROPOSAL:

Parcel 1 (25243.1502):

WINONA ADD LTS 3 THRU 7 B7 LYG NLY OF NLY LN OF SR 90 RAMP C

Parcel 2 (25243.1309):

24-25-42: WINONA (3103405) LOT 12 BLOCK 5

Parcel 3 (25243.1308):

WINONA ADD L11 B5

Rights of Way (Applicant Request):

WINONA ADD FORMER LTS 1 THRU 9 B6 LYG NLY OF NLY LN OF SR 90 RAMP C AND FORMER LTS 1 AND 2 BLK 7 LYG NLY OF NLY LN OF SR 90 RAMP C

CITY ADDITIONAL PROPOSAL:

Parcel 4 (25243.1304):

WINONA ADD L7 B5

Parcel 5 (25243.1305):

WINONA ADD L8 B5

Parcel 6 (25243.1306):

WINONA ADD L9 B5

Parcel 7 (25243.1307):

WINONA ADD L10 B5



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd 11/13/2024

Clerk's File # ORD C36611

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept PLANNING & ECONOMIC

Bid #

Contact Name/Phone KEVIN (509) 625 - 6184

Requisition #

Contact E-Mail KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type First Reading Ordinance

Council Sponsor(s) ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name 0650 - Z23-477COMP – RUSTLE & BEMIS – COMPREHENSIVE PLAN

Agenda Wording

Proposal Z23-477COMP seeks to amend the Land Use Plan Map and Zoning Map for 0.84 acres in the West Hills Neighborhood. This proposal is being considered as part of the Annual Comprehensive Plan Amendment Work Program.

Summary (Background)

The proposal concerns 1603 S Bemis St. and 4302 W Sunset Blvd (Parcels 25262.0505 and 25262.0108) in the West Hills Neighborhood. Application Z23-477COMP seeks to amend the Comprehensive Plan Land Use Plan Map from "Residential Low" to "General Commercial" and amend the Zoning Map from "R1" to "General Commercial, 75-foot height limit (GC-75)." This Application is being considered concurrently with five others through the annual Comprehensive Plan Amendment cycle as required by the

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.

Amount

Budget Account

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on October 9, 2024, to consider this Application and recommended approval of the proposal.

Approvals

<u>Dept Head</u>	GARDNER, SPENCER
<u>Division Director</u>	MACDONALD, STEVEN
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	SCHOEDEL, ELIZABETH
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

Distribution List

	Kfreibott@spokanecity.org
bwhitmarsh@spokanecity.org	eking@spokanecity.org
sgardner@spokanecity.org	smacdonald@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	November 11, 2024
Submitting Department	Planning & Economic Development
Contact Name	Kevin Freibott
Contact Email & Phone	kfreibott@spokanecity.org , (509) 625 - 6184
Council Sponsor(s)	<u>CM Zack Zappone, CM Jonathan Bingle, and CM Kitty Klitzke</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Z23-477COMP – Rustle & Bemis – Comprehensive Plan Amendment
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The proposal concerns 1603 S Bemis St. and 4302 W Sunset Blvd (Parcels 25262.0505 and 25262.0108) in the West Hills Neighborhood.</p> <p>*use the Fiscal Impact box below for relevant financial information</p> <p>Application Z23-477COMP seeks to amend the Comprehensive Plan Land Use Plan Map from “Residential Low” to “General Commercial” and amend the Zoning Map from “R1” to “General Commercial, 75-foot height limit (GC-75).”</p> <p>This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: Click or tap here to enter text.</p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: <u>Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.</u></p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
The is a private proposal to amend the land use and zoning map and is not directly related to historically excluded communities.	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The proposal is a land use and zoning map change and does not guarantee future development of the subject properties. No data is directly collected or analyzed on the listed topics, however the Planning & Economic Development Department generally follows these proposals to track whether the subject properties develop in the future.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

As stated above, the department generally tracks these proposals to see if they develop. Doing so allows for educated revisions to ensure the efficacy of the program if they are warranted.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This proposal is consistent with Comprehensive Plan Policies **LU 1.8 General Commercial Uses**. After reviewing the criteria set forth in SMC 17G.020.030, Plan Commission found the proposal consistent with the Comprehensive Plan and all applicable review criteria, voting to recommend City Council approval of the proposal, subject to the modification of height from 70 to 75 feet.

Ordinance No. C36611

AN ORDINANCE RELATING TO APPLICATION FILE Z23-477COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL LOW" TO "GENERAL COMMERCIAL" FOR APPROXIMATELY 0.84 ACRES IN THE WEST HILLS NEIGHBORHOOD; AND AMENDING THE ZONING MAP FROM "R1" TO "GENERAL COMMERCIAL, 75-FOOT HEIGHT LIMIT (GC-75)".

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 Z23-477COMP was submitted in a timely manner for review during the City's 2023/2024 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z23-477COMP sought to amend the Land Use Plan Map of the City's Comprehensive Plan for 0.84 acres from "Residential Low" to "General Commercial" for 4302 W Sunset Blvd and 1603 S Bemis St; and

WHEREAS; the corresponding zoning destination requested was "General Commercial, 70-foot height limit (GC-70)"; and

WHEREAS, City Council adopted RES 2024-0029 on March 25, 2024, including Application Z23-477COMP in the 2024 Comprehensive Plan Amendment Work Program; and

WHEREAS, staff requested comments from agencies and departments on May 7, 2024, and a public comment period ran from June 10, 2024 to August 9, 2024; and

WHEREAS, the Spokane Plan Commission held a workshop to study the application on July 10, 2024; and

WHEREAS, City Council adopted ORD C36555 on August 12, 2024, amending SMC 17C.122.220.B.1, establishing new maximum height options for commercial zones, following which the applicant requested that the City consider a maximum height of 75 feet for this proposal; 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 September 17, 2024; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Determination of Non-Significance was issued on September 16, 2024, for the amendment to the Comprehensive Plan, the comment period for which ended on October 8, 2024; and

WHEREAS, a staff report for Application Z23-477COMP reviewing all the criteria relevant to consideration of the application was published on September 20, 2024 and sent to all applicants, commenters, and the Plan Commission; and

WHEREAS, notice of the SEPA Checklist and Determination and announcement of the Plan Commission Hearing for the application was published in the Spokesman-Review on September 25, 2024, and October 2, 2024; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners, occupants, and taxpayers of record, as shown in the most recent Spokane County Assessor’s record for all properties within 400 linear feet of any portion of the boundary of the subject properties, pursuant to Spokane Municipal Code 17G.020.070, on September 25, 2024; and

WHEREAS, the Spokane Plan Commission held a public hearing on October 9, 2024, including staff presentation, taking of public testimony, closing of the verbal and written public record, and deliberations; and

WHEREAS, the Spokane Plan Commission found that Application Z23-477COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Spokane Plan Commission found that Application Z23-477COMP meets the final review criteria for Comprehensive Plan Amendments delineated in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission voted 9 to 0 to recommend approval of Application Z23-477COMP, conditioned upon their recommendation to amend the height maximum from 70 feet to 75 feet as requested by the applicant; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z23-477COMP is approved.

2. Amendment of the Land Use Map. Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from “Residential Low” to “General Commercial” for 0.84 acres, as shown in Exhibit B.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from “R1” to “General Commercial, 75-foot height limit (GC-75)” as shown in Exhibit C.

PASSED BY THE CITY COUNCIL ON _____, 2024.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

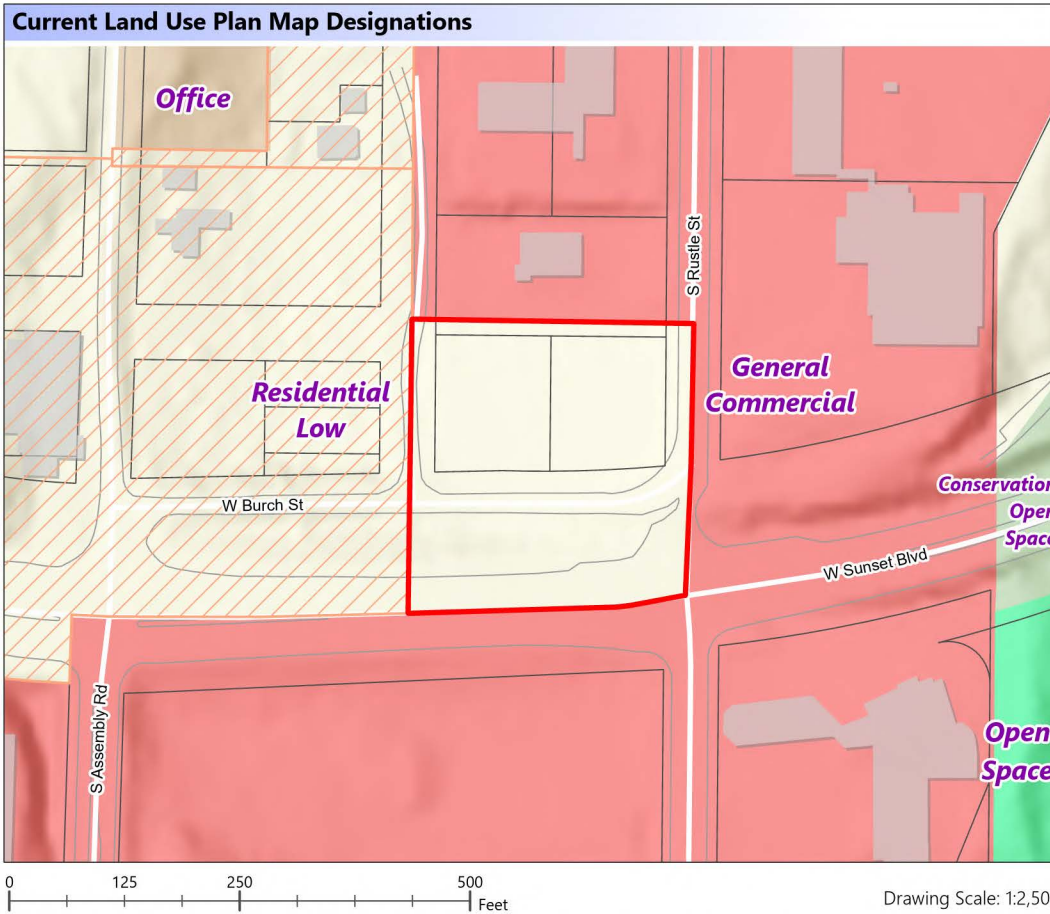


Exhibit B: Land Use Plan Map Changes

Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



Z23-477COMP

Z23-478COMP

Parcel

Buildings

Curb Line

Land Use Plan Designation

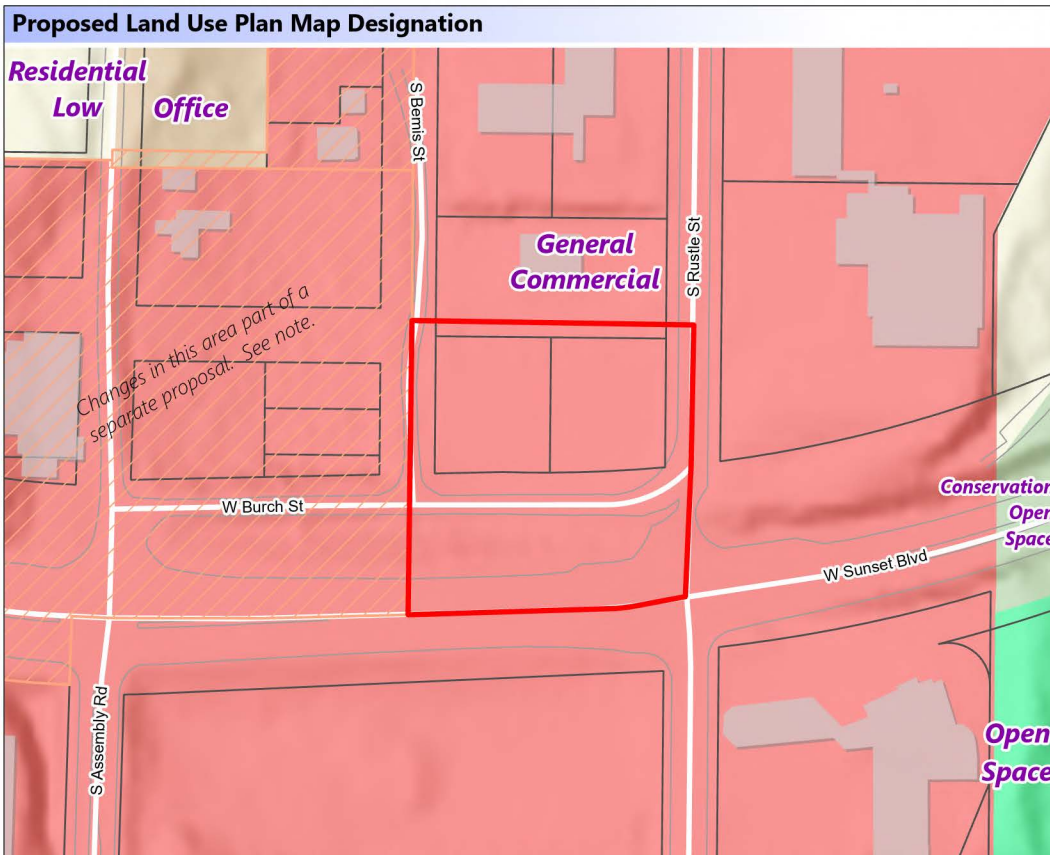
Conservation Open Space

Open Space

Residential Low

Office

General Commercial



Agent: Storhaug Engineering

Parcels: 25262.0108

25262.0505

Size: 0.84 acres

(Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-478COMP** for details as to the adjacent application.

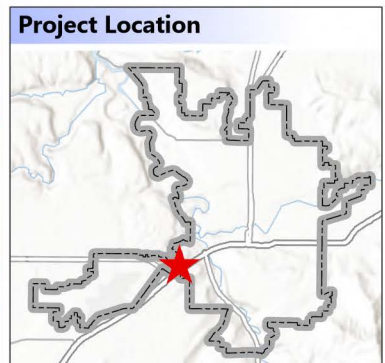


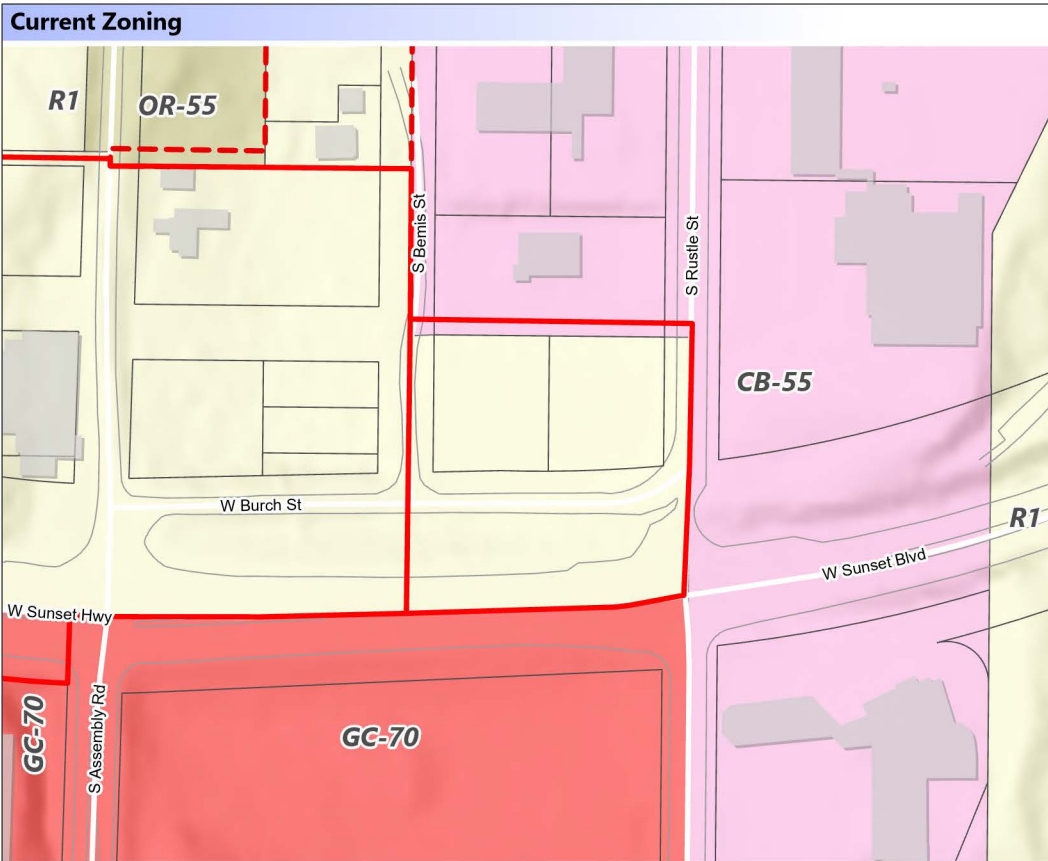


Exhibit C: Zoning Changes

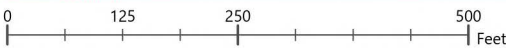
Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
 - Buildings
 - Parcel
 - Curb Line
- Zoning**
- Community Business
 - General Commercial
 - Office Retail
 - Residential 1

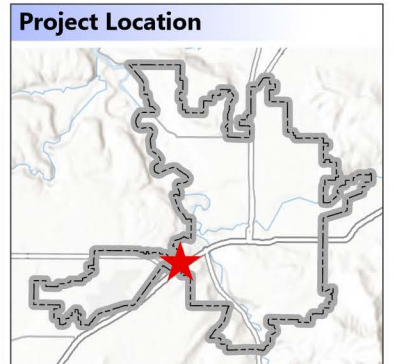
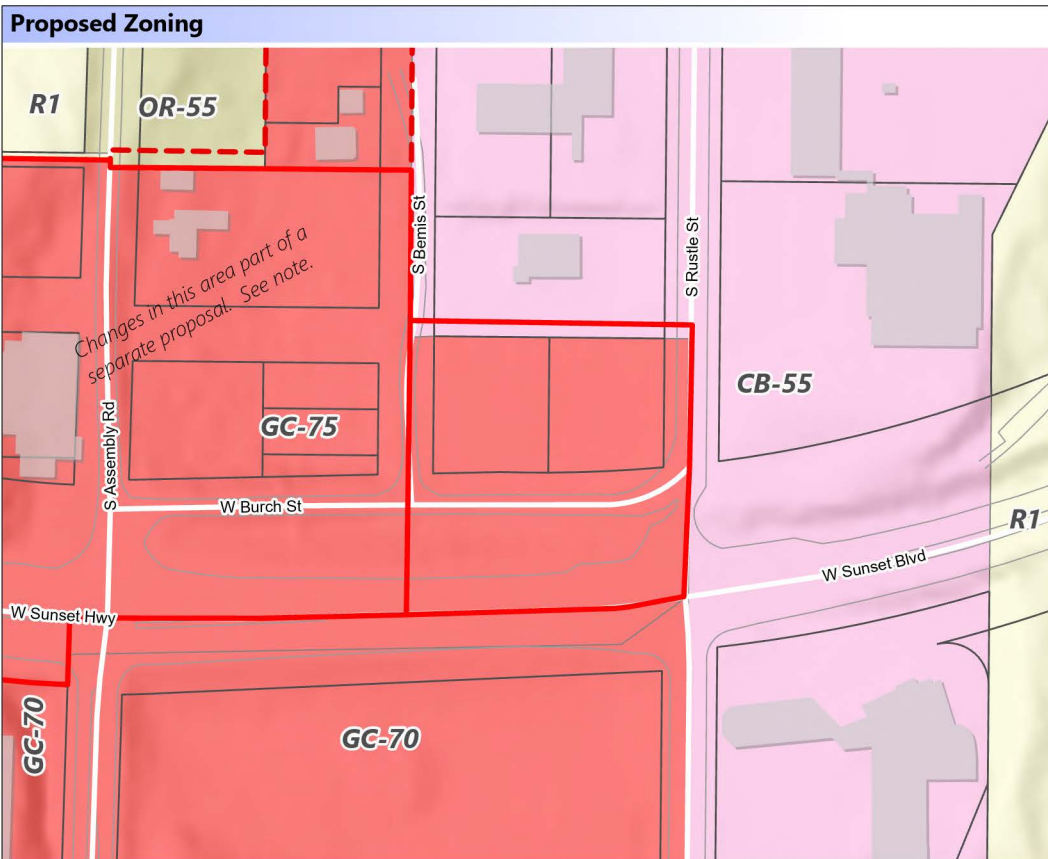


Drawing Scale: 1:2,500

Agent: Storhaug Engineering
Parcels: 25262.0108
 25262.0505
Size: 0.84 acres
 (Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-478COMP** for details as to the adjacent application.

This exhibit has been updated according to the recommendation of the Spokane Plan Commission during their hearing on October 9, 2024.





**PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT
FILE Z23-477COMP (RUSTLE & BEMIS)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application, subject to modification of the proposal relating to height, seeking to amend the land use plan map designation from “Residential Low” to “General Commercial” for two parcels totaling 0.84 acres located at 1603 S. Bemis St. and 4302 W. Sunset Blvd. The zoning designation requested is “General Commercial, 75-foot height limit (GC-75).”

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. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z23-477COMP (the “Application”) was submitted in a timely manner for review during the City’s 2023/2024 amendment cycle.
- D. The Application seeks to amend the land use plan map designation for two parcels totaling 0.84 acres located at 1603 S. Bemis St. and 4302 W. Sunset Blvd, from “Residential Low” to “General Commercial” with a corresponding change in zoning from “R1” to “General Commercial, 70-foot height limit (GC-70)”.
- E. The subject properties contain limited fencing and heavily deteriorated asphalt remaining from a parking lot no longer in use.
- F. Annual amendment applications were subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- G. On January 22, 2024, the City Council adopted Resolution RES 2024-0002 establishing the City Council members of the Ad Hoc City Council Threshold Committee.
- H. On February 9, 2024, an Ad Hoc City Council Threshold Committee reviewed the applications that had been submitted and forwarded its recommendation to City Council regarding the applications.
- I. On March 25, 2024, the City Council adopted Resolution RES 2024-0029 establishing the 2024 Comprehensive Plan Amendment Work Program, including the Application in the Work Program.

- J. On March 28, 2024, staff presented the 2023/2024 Comprehensive Plan Amendment Work Program to the Community Assembly Land Use Subcommittee on, including details regarding the Application, and provided information on the required process, upcoming Plan Commission Workshops, and how to submit comments.
- K. On May 7, 2024, staff requested comments from agencies, departments, and neighborhood councils. The comment period ended May 21, 2024. By the end of the comment period, comments were received from the Spokane Tribe of Indians and Spokane Transit Authority.
- L. On June 10, 2024, a Notice of Application was mailed to all properties, owners, and taxpayers within a 400-foot radius of the subject parcels and any adjacent properties with the same ownership. Signs were also placed on the subject parcels in plain view of the public. The notice was also published in the Spokesman Review on both June 10, 2024, and June 17, 2024.
- M. The Notice of Application initiated a 60-day public comment period from June 10, 2024, to August 9, 2024, during which no comments were received.
- N. No additional public comments on the Application were received by October 8, 2024, at 5pm.
- O. On July 10, 2024, and July 24, 2024, the Spokane Plan Commission held public workshops to study the Application.
 - 1. During these workshops, Plan Commission discussed possible alternative height limits for the parcels as well as the possibility of zoning them “Community Business” instead of “General Commercial.”
- P. On September 16, 2024, a State Environmental Policy Act (“SEPA”) Checklist and Determination of Non-Significance were issued for the Application. The deadline to appeal the SEPA determination was October 8, 2024. No comments on the SEPA determination were received.
- Q. On September 17, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- R. On September 20, 2024, staff published a report addressing SEPA and providing staff’s analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff’s analysis of the Application recommended approval of the Application.
- S. A Notice of SEPA Determination of Non-Significance and Plan Commission Hearing was published on September 25, 2024, in the Official Gazette and on September 25, 2024, and October 2, 2024, in the Spokesman Review.
- T. On September 25, 2024, a Notice of Public Hearing and SEPA Determination was posted on the Properties 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 Properties.
- U. On October 9, 2024, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, closing the verbal and written record, conducting deliberation on the application, and voting to recommend the City Council Approve this application.

1. No members of the public testified on this Application during the Plan Commission Hearing.
- V. During deliberation, the Plan Commission voted 9 to 0 to condition their recommendation on an amended height maximum for the subject properties from 70 to 75 feet. This was considered at the request of the applicant and conforms to amendments to SMC 17C.120.220.B.1 adopted by the City during the processing of the Application.
- W. 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.
- X. Except as may be otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").
- Y. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically Policy Lu 1.8 General Commercial Uses.
- Z. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, 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. Z23-477COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2023/2024 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2024 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.

8. SEPA review was completed for the Application.
9. The Application will 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.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z23-477COMP, a request by Clifton Trimble of Storhaug Engineering on behalf of CV the James, LLC to change the land use plan designation of 0.84 acres of land from "Residential Low" to "General Commercial" with a corresponding change of the implementing zoning from "R1" to "General Commercial, 70-foot height limit (GC-70)". Based upon the above listed findings and conclusions, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan with corresponding amendment to the City's Zoning Map, subject to the modification of the height limit from 70 feet to 75 feet, and authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the application.

Greg Francis

Greg Francis (Oct 22, 2024 15:08 PDT)

Greg Francis, President

Spokane Plan Commission

Date: Oct 22, 2024







PC Findings and Conclusions - Z23-477COMP

Final Audit Report

2024-10-22

Created:	2024-10-22
By:	Angela McCall (amccall@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAArPqdwAKN4Pz37KbtXSncSSotpGWYOPvI

"PC Findings and Conclusions - Z23-477COMP" History

-  Document created by Angela McCall (amccall@spokanecity.org)
2024-10-22 - 5:21:47 PM GMT
-  Document emailed to gfrancis@spokanecity.org for signature
2024-10-22 - 5:22:19 PM GMT
-  Email viewed by gfrancis@spokanecity.org
2024-10-22 - 10:07:41 PM GMT
-  Signer gfrancis@spokanecity.org entered name at signing as Greg Francis
2024-10-22 - 10:08:33 PM GMT
-  Document e-signed by Greg Francis (gfrancis@spokanecity.org)
Signature Date: 2024-10-22 - 10:08:35 PM GMT - Time Source: server
-  Agreement completed.
2024-10-22 - 10:08:35 PM GMT


2023/2024 Comprehensive Plan Amendments
STAFF REPORT FOR FILE Z23-477COMP (RUSTLE AND BEMIS)

Department of Neighborhood and Planning Services

The following staff report concerns a proposed amendment to the City's current Comprehensive Plan. The proposal is to amend the land use plan map designation and zoning of one or more parcels in the City of Spokane. Amendments to the Comprehensive Plan are enabled by Spokane Municipal Code (SMC) 17G.020 and Revised Code of Washington (RCW) 36.70A.130.

I. PROPERTY SUMMARY

Parcel(s):	25262.0108 & 25262.0505
Address(es):	4302 W Sunset Blvd & 1603 S Bemis St
Property Size:	0.84 acres
Legal Description:	GARDEN SPRINGS L22 EXC HWY; ALL L23-24 B5 TOG W/ S1/2 OF VAC BURCH ST LYG N OF & ADJ TO SD LOT 24 -and- GARDEN SPRINGS ADD LT 1-3 BLK 5 EXC HWY; TOG W S1/2 VAC BURCH ST N OF AND ADJ
General Location:	NW of the corner of S Rustle St and W Burch St, just north of W Sunset Hwy
Current Use:	Vacant

II. APPLICANT SUMMARY

This application has two applicants—a private applicant and the City of Spokane itself. The following information regards the original private applicant:

Agent:	Clifton Trimble, Storhaug Engineering
Applicant:	Northwest Renewables
Property Owner:	CV the James LLC

III. PROPOSAL SUMMARY

Current Land Use Designation:	Residential Low
Proposed Land Use Designation:	General Commercial
Current Zoning:	R1
Proposed Zoning:	General Commercial (70' max height)
SEPA Status:	A SEPA threshold determination of Non-Significance (DNS) was made on September 16, 2024. The appeal deadline is 5:00 PM on October 8, 2024.

Plan Commission Hearing Date:	October 9, 2024
Staff Contact:	Kevin Freibott, Senior Planner, kfreibott@spokanecity.org
Staff Recommendation:	Approve

IV. BACKGROUND INFORMATION

- 1. General Proposal Description:** Pursuant to the procedures established by SMC 17G.020, enabled by RCW 36.70A.130, the original applicant asked the City of Spokane to amend the land use plan map designation (Map LU-1 of the Comprehensive Plan) from “Residential Low to General Commercial and zoning designation (Official Zoning Map of the City of Spokane) from R1 to General Commercial-70 for two parcels in the West Hills Neighborhood. No specific development is proposed on the properties at this time, though the applicant has stated their preference to develop the site with multi-family residential uses in the future.
- 2. Site Description and Physical Conditions:** The site is currently vacant, exhibiting some severely eroded asphalt and some building materials left from the legal demolition of the previous car lot use on the site. The site is fenced with a low chain link fence but is otherwise unimproved. No frontage improvements (e.g. sidewalks) exist along the property edge.
- 3. Property Ownership:** Both subject parcels are owned by CV The James, LLC, a registered Limited Liability Corporation.
- 4. Adjacent Property Improvements and Uses:** The proposal is surrounded by existing development of the following nature:

Boundary	Land Use	Zone	Use
North	General Commercial	CB-55	Apartment building and a hotel.
East	General Commercial	CB-55	Commercial structure (photo processing/studio).
South	General Commercial	GC-70	Sunset Highway and then undeveloped land. Further south lies a large commercial operation (Uhaul)
West	Residential Low	R1	Vacant land, previously contained a single residential use but has since been demolished.

- 5. Street Class Designations:** All streets adjacent to the subject parcels are designated “local.” Sunset Highway is designated as a Major Arterial. Similarly, S Rustle Street south of Sunset Highway is designated as a “minor arterial.”
- 6. Current Land Use Designation and History:** As shown in **Exhibit B**, the subject parcels are currently designated for “Residential Low” in the Comprehensive Plan. While the name of that land use designation has changed from Residential 4-10 to its current name of Residential Low, the subject

parcels have been designated as the lowest level of residential intensity since the City’s adoption of the Growth Management Act (GMA) compliant Comprehensive Plan in 2001.

- 7. Proposed Land Use Designation:** As shown in **Exhibit B**, the proposal is to amend the land use plan map designation to “General Commercial.”
- 8. Current Zoning and History:** As shown in **Exhibit C**, the subject parcels are currently zoned R1, the lowest intensity residential zoning in the City. The subject parcels have been classified the same since the adoption of the current zoning map, except for the renaming of the “RSF” zone to “R1” in January 2024. The historical zoning, prior to 2006, is shown in the table below.

Year	Zone	Description
1958	N/A	These properties weren’t annexed until 1962
1975	R1	One-family residence zone
After 1975, Prior to 2006	R1	One-family residence zone

- 9. Proposed Zoning:** As Shown in **Exhibit C**, the proposed zoning for all parcels and the ROW is “General Commercial - 70.” During the Plan Commission workshop, the Plan Commission asked the applicant whether they would consider a different zoning of Community Business (CB).

When comparing General Commercial with Community Business, there are only a few key differences. Both zones allow the same primary uses, however the trigger for a Conditional Use Permit for industrial uses is smaller in Community Business (CUP is required when proposing industrial use over 20,000 square feet in Community Business rather than 50,000 square feet in General Commercial). Furthermore, the Floor Area Ratio (FAR) maximum in Community Business is smaller than in General Commercial (1.5 versus 2.5).

The applicant indicated in a following email that Community Business would be sufficient for their future concepts. Remaining zoning standards are identical between the two zones.

Also raised during the Plan Commission workshop is the issue of the height proposed by the applicant—70 feet. While processing this application the City separately proposed a suite of municipal code amendments resulting from the South Logan TOD Study¹. These changes did not require a Comprehensive Plan Amendment and are thus part of a different program than the Comprehensive Plan Amendment process. One of the changes proposed by that project is to amend the choices of alternative maximum heights available in commercial zones. Essentially, SMC 17C.120.220.B.1 now allows 75 feet as a choice, rather than 70 feet. Those proposed changes to the SMC were adopted by City Council on August 13, 2024. The applicant in this proposal has been asked if they would like to amend their proposed maximum height to 75 feet and they have indicated that they would.

According to the above special conditions and Plan Commission discussion, the City is now being asked to approve a resulting zoning for this proposal of either GC-75 or CB-75. The additional five

¹ <https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

feet of height has been added to the maps in this case (see **Exhibit C**) but the zoning remains GC on the maps.

V. APPLICATION PROCESS AND PUBLIC COMMENT

1. Key Steps: The application is being processed according to SMC 17G.060, including the following steps:

Application Submitted	October 31, 2023
Threshold Application Certified Complete	November 30, 2023
Council Threshold Subcommittee Established ²	January 22, 2024
Council Threshold Subcommittee Met	February 9, 2024
Annual Work Program Set ³	March 25, 2024
Agency/Department Comment Period Ended	May 21, 2024
Notice of Application Posted	June 10, 2024
Plan Commission Workshop	June 26, 2024
60-Day Public Comment Period Ended	August 9, 2024
SEPA Determination Issued	September 16, 2024
Notice of Public Hearing Posted	September 25, 2024
Plan Commission Hearing Date (Scheduled)	October 9, 2024

2. Agency Comments Received: A Request for Comments was issued for this proposal on May 7, 2024 by sending it to local agencies, jurisdictions, City departments, and the neighborhood council in which the proposal is located. This request initiated an agency comment period that ended May 21, 2024. Three comments were received during the agency comment period, as follows:

- Integrated Capital Management Department: No concerns.
- Spokane Tribe: No concerns about the proposal, but requests consultation if any future ground-disturbing activities are proposed. Requested notification of any inadvertent discovery of human remains.
- Spokane Transit Authority: Supportive of increased density near high-performance transit corridors like Sunset Highway.

Copies of all agency comments received are included in this staff report as **Exhibit I**.

3. Public Comments Received: A Notice of Application was issued for the proposal on June 10, 2024, initiating a public comment period that ended August 9, 2024. No public comments were received on this proposal.

²Spokane City Council Resolution 2024-0002

³Spokane City Council Resolution 2024-0029

4. **Public Workshop:** A public workshop with the Spokane Plan Commission was held on July 10, 2024, during which the particulars of the proposal were presented to the Plan Commission for their consideration and discussion. No public comment was taken per Plan Commission rules.

VI. APPLICATION REVIEW AND ANALYSIS

1. **Guiding Principles:** SMC 17G.020.010 provides the following guiding principles for the annual comprehensive plan amendment process:
- A. Keep the comprehensive plan alive and responsive to the community.
 - B. 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.
 - C. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 - D. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 - E. 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.
 - F. Amendments to the comprehensive plan must result in a net benefit to the general public.
2. **Review Criteria:** SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, by the Plan Commission making a recommendation on a proposal, and by the City Council in making a decision on the proposal. Following each of the considerations is staff's analysis relative to the proposed amendment.
- 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 reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposals would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal.

The proposal satisfies this criterion.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), which guided the City's development of its own comprehensive plan and development

regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA.

The proposal satisfies this criterion.

- 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 City did not require, nor did any Agency or City Department comment request or require a traffic impact analysis for the proposal. The subject properties are already served by water, sewer, bus rapid transit service, and adjacent existing City streets. Additionally, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020.

The proposal satisfies this criterion.

- 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: No evidence of a potential funding shortfall from this proposal exists.

The proposal satisfies this criterion.

E. Internal Consistency:

- 1.** *The requirement for internal consistency pertains to the comprehensive plan as it relates to all 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: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

- *Development Regulations.* As a non-project proposal, there are no specific plans for development of these sites. Additionally, any future development will be required to be consistent with the current development regulations at the time of application submittal. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and concurrent zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations. In fact, the previous presence of a commercial structure

and use on the site reinforces the idea that this location can be developed according to the standards of the City's development regulations.

- *Capital Facilities Program.* As described in the staff analysis of Criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.
- *Neighborhood Planning Documents Adopted after 2001.* The West Hills neighborhood completed its initial neighborhood planning project in 2016. This planning effort was centered on the stretch of Fort George Wright Drive adjacent to the Spokane Falls Community College, far from the subject parcels, and would not affect or be affected by this proposal.
- *Miscellaneous Comprehensive Plan Goals and Policies.* Staff have compiled a list of Comprehensive Plan Goals and Policies which bear on the proposal in **Exhibit E** of this report. Further discussion of these policies is provided under section K.2 below.

The proposal satisfies this criterion.

2. *If a proposed amendment is significantly inconsistent with current policy within 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: The proposal is generally consistent with current comprehensive plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject proposals.

The proposal satisfies this criterion.

- 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: The proposed change in land use designations affects a relatively small area within an existing urbanized area with no foreseeable implications to regional or inter-jurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent.

The proposal satisfies this criterion.

- 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.*

1. **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.*
2. **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: The City is concurrently reviewing this application and five other applications for Comprehensive Plan amendments as part of an annual plan amendment cycle. All six applications are for amendments to the land use plan map (LU-1) with attendant rezones. When considered together, these various applications do not interact, nor do they augment or detract from each other. Thus, the cumulative effects of these various applications are minor.

This proposal is located immediately adjacent to another, File Z23-478COMP. However, these two applications are separate proposals by different property owners and agents. They are both proposals for the same land use plan map designation and zoning. Accordingly, the two proposals' impacts would be identical in nature, differing only in magnitude due to the size difference between the proposals. When considering the impacts of each (e.g. traffic impacts), the City has considered their combined impact as well as their individual impacts. Regardless, neither proposal is expected to generate a significant cumulative impact to city systems, infrastructure, or the environment.

The proposal satisfies this criterion.

H. SEPA: *SEPA⁴ Review must be completed on all amendment proposals and is described in Chapter 17E.050.*

1. **Grouping:** *When possible, the SEPA review process should be combined for related land use types or affected geographic sectors 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 to allow adequate time for generating and processing the required environmental impact statement (EIS).*

Staff Analysis: The application is under review 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 the information contained in the environmental checklist (see **Exhibit G**), written comments from local and State departments and agencies concerned with land development within the City, and a review of other information

⁴ State Environmental Protection Act

available to the Director of Planning Services, a Determination of Non-Significance was issued on September 16, 2024 (see **Exhibit H**).

The proposal satisfies this criterion.

- 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: The proposal represents a change in land use plan map designation and zoning for a location already described for urban-scale development in the Comprehensive Plan. The nature of that potential development would change (low intensity residential to commercial) but the result on public facilities still represents urban development with similar impacts to urban services. To ensure that this proposal would not adversely affect the provision of public facilities, either existing or planned, the proposal was routed to City departments for review early in the application process. No comments were received from those departments that adverse impacts on our systems or facilities would occur. No other evidence has been found to that effect either. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020.

The proposal satisfies this criterion.

- 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 proposals do not include an expansion to the UGA.

This criterion does not apply.

K. **Demonstration of Need:**

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.*

Staff Analysis: The proposals do not include a policy adjustment.

This criterion does not apply.

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: The primary Comprehensive Plan policy that guides the location of General Commercial uses is LU 1.8, General Commercial Uses. LU 1.8 states that general commercial uses should be directed to “to Centers and Corridors designated on the Land Use Plan Map.”⁵ This proposal is not located in or near a Center or Corridor. However, LU 1.8 also includes an exception to this requirement, stating that “exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors.”⁶ The policy then states that the following factors should be considered in these cases:

. . . maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.⁷

While the proposal is located outside any designated Centers or Corridors, it is surrounded on three sides by existing General Commercial designations. Regarding depth from the arterial, the street alignment on the southern boundary of this site is problematic from a development perspective, as W Burch Street runs parallel to the arterial (Sunset Highway), making for a large distance between the arterial road surface and this proposal, more than 100 feet. If General Commercial uses are to be located on this site, their distance from the arterial would be naturally larger due to physical conditions outside the control of the applicant.

Regarding intrusion into incompatible neighborhoods, the existing neighborhood south, east, and north of this site has already developed with commercial uses. The addition of general commercial uses on the proposal site would not intrude into an existing residential neighborhood. Conversely, if the proposal site were to remain residential low, future development of this site with low intensity homes would place sensitive uses in an area functionally surrounded by much more intense use.

Regarding transitional uses, the proposal would not constitute a transitional use. However, as the site is surrounded on three side by designated General Commercial properties, a transition would seem superfluous in such a small area. Transitional uses would be more of a concern with the property to the west, however as that property is also seeking to amend their land use and zoning to Commercial, transitional land uses in that direction would likewise seem superfluous. If, however, this proposal was to be approved and the proposal to the west were *not* approved, that concern would be more valid. Because this

⁵ Shaping Spokane, the Comprehensive Plan for the City of Spokane, page 3-12.

⁶ *Ibid.*, page 3-13.

⁷ *Ibid.*

proposal is a relatively small site, likely to develop with only one use rather than many, and because the existing S Bemis St to the west would provide sufficient buffer between commercial uses on this site and low-intensity residential use to the west.

Because this site is small and functionally surrounded by General Commercial uses, the compatibility issues raised by policy LU 1.8 would seem either moot or of low potential impact to adjacent sites. Accordingly, this proposal appears compatible with Comprehensive Plan location criteria.

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

Staff Analysis:

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

See the discussion under K.2 above. This site is relatively small and functionally surrounded by general-commercial-scale uses on three sides. Accordingly, development of low-intensity residential uses on this site would potentially conflict with the many stipulations in Comprehensive Plan policy that seeks to avoid conflicts between low-intensity uses like detached homes and higher intensity uses. In fact, as general commercial uses are seen generally as one of the highest intensity uses outside the downtown, placing low-intensity housing here would seem contrary to the policy framework and development guidelines provided by the Comprehensive Plan. This becomes even more significant if the Comprehensive Plan proposal to the west is approved (file Z23-478COMP). If that application was approved, this site would become surrounded on all side by much more intense development. Accordingly, the applicants proposal appears to better implement the overall development strategy and framework provided by the Comprehensive Plan.

Staff Analysis:

The proposals satisfy this criterion.

- 3. Rezones, Land Use Plan 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 this proposal is adopted by City Council, changes will occur concurrently between the Land Use Plan Map in the Comprehensive Plan and the Zoning Map.

The proposal satisfies this criterion.

VII. CONCLUSION

The proposal has been processed and considered according to the requirements of the Spokane Municipal Code. According to the information provided above and the whole of the administrative record, the proposal appears to meet the criteria for a comprehensive plan amendment as provided in SMC 17G.020.030.

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 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.

VIII. STAFF RECOMMENDATION

Staff recommends the Plan Commission and City Council **approve** the proposal.

IX. LIST OF EXHIBITS

- A. Aerial Photos
- B. Existing and Proposed Land Use Plan Map
- C. Existing and Proposed Zoning Map
- D. Application Notification Area
- E. List of Relevant Comp Plan Policies
- F. Application Materials
- G. SEPA Checklist
- H. SEPA Determination of Non-Significance
- I. Agency Comments





Exhibit A: Aerial Photos



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Detailed Aerial Photo (2022)



-  Z23-477COMP
-  Z23-478COMP

Wide Area Aerial Photo (2022)



Agent: Storhaug Engineering
Parcels: 25262.0108
 25262.0505
Size: 0.84 acres
 (Size is Approximate)

Note: This application is located adjacent to another proposal by another applicant. See **File Z23-478COMP** for details as to the adjacent application.

Project Location



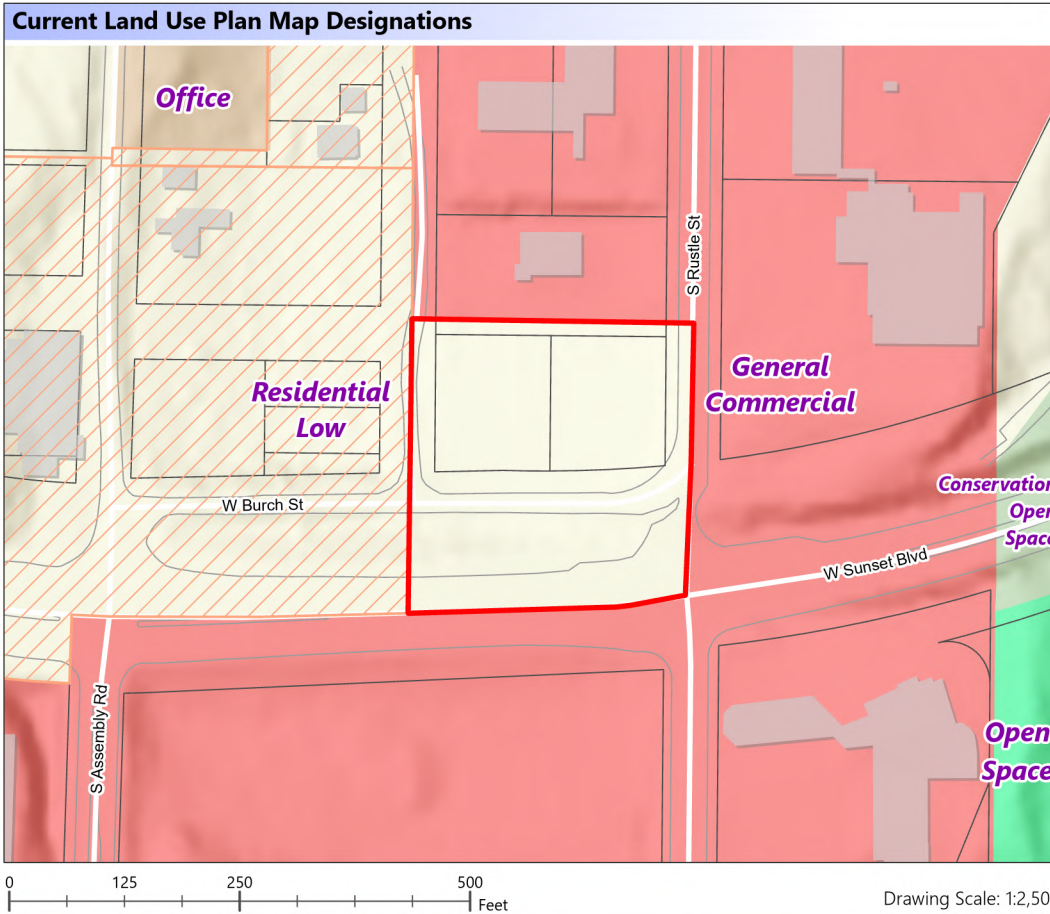


Exhibit B: Land Use Plan Map Changes

Department of Planning & Economic Development

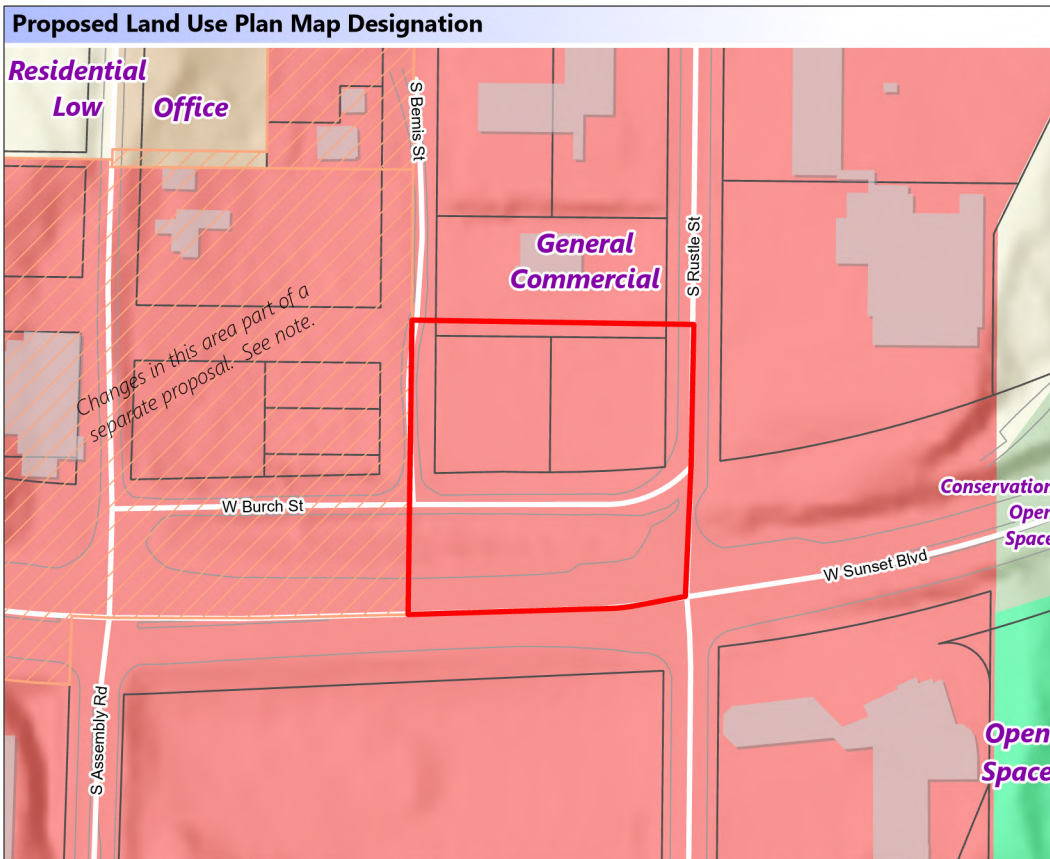
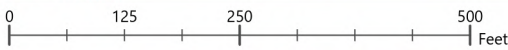


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- Z23-477COMP
- Z23-478COMP
- Parcel
- Buildings
- Curb Line

- Land Use Plan Designation**
- Conservation Open Space
 - Open Space
 - Residential Low
 - Office
 - General Commercial



Agent: Storhaug Engineering
Parcels: 25262.0108
 25262.0505
Size: 0.84 acres
 (Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-478COMP** for details as to the adjacent application.

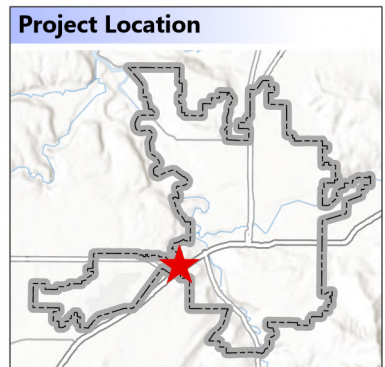


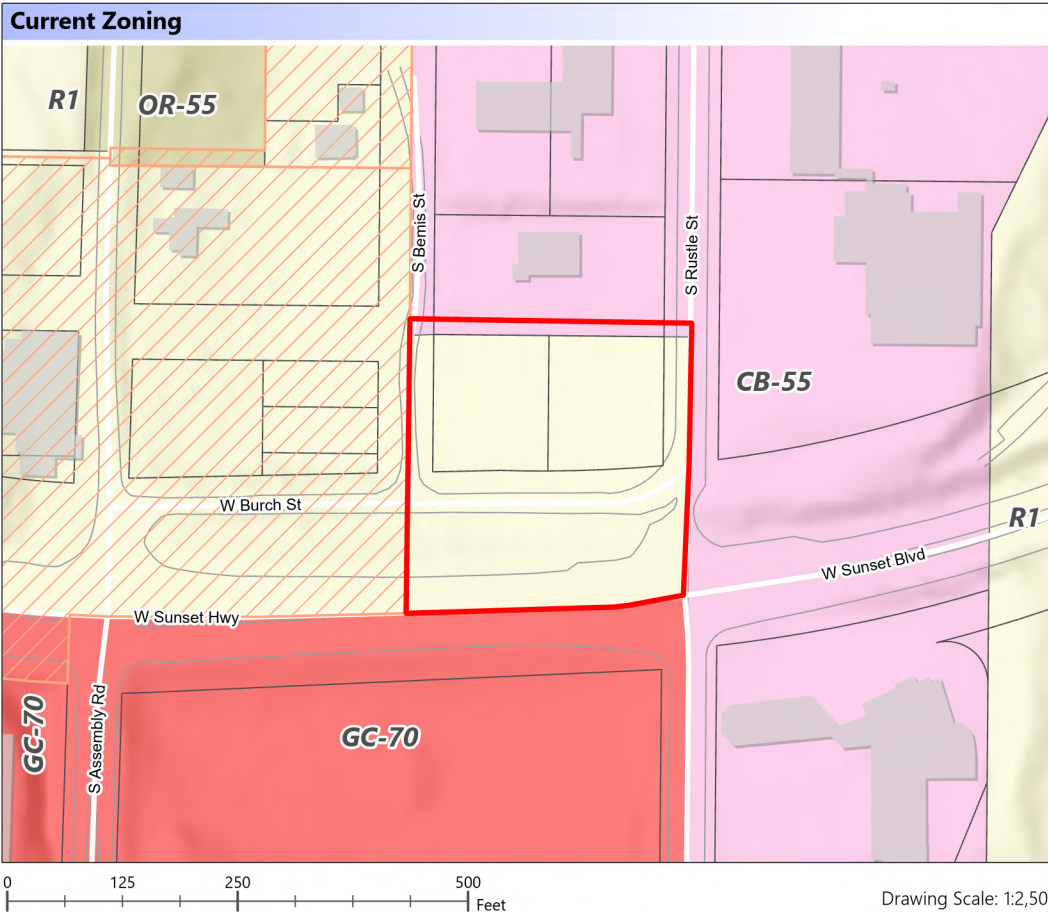


Exhibit C: Zoning Changes

Department of Planning & Economic Development



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Z23-477COMP

Z23-478COMP

Buildings

Parcel

Curb Line

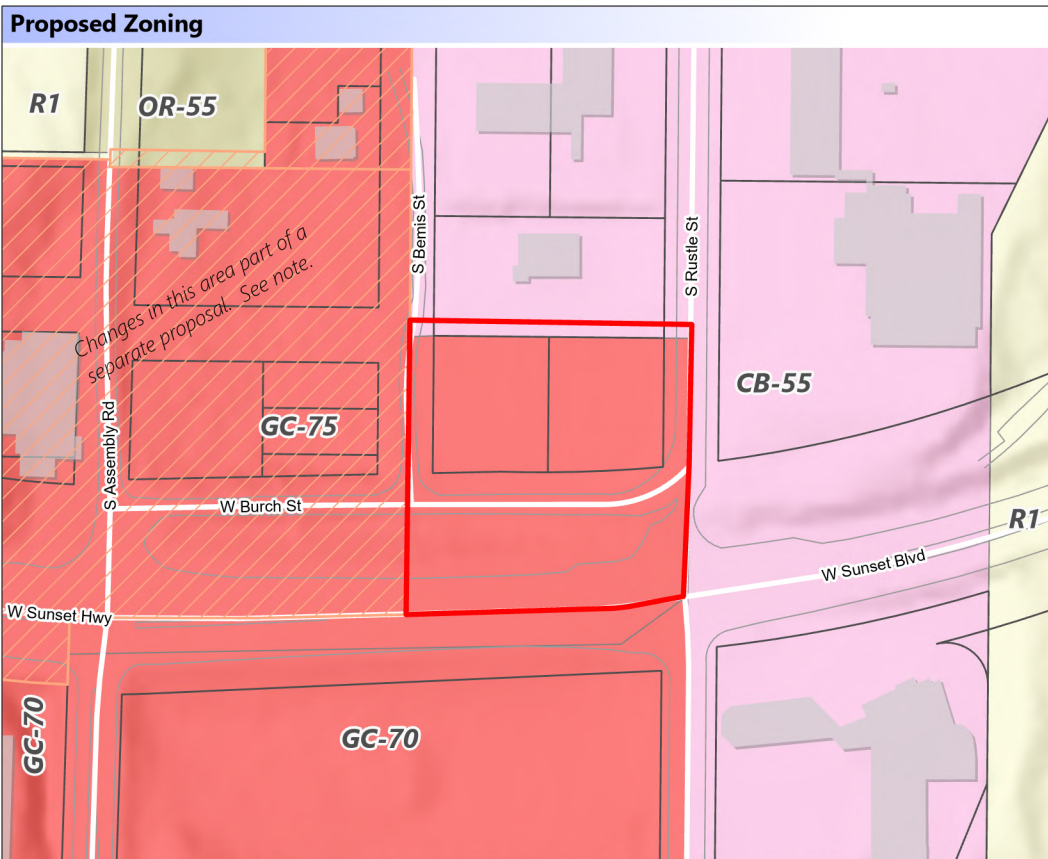
Zoning

Community Business

General Commercial

Office Retail

Residential 1



Agent: Storhaug Engineering

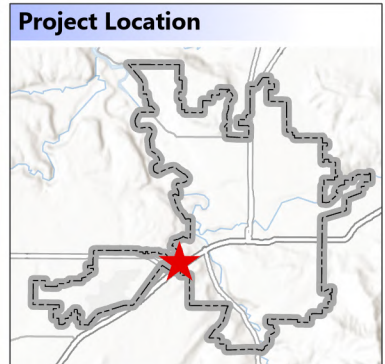
Parcels: 25262.0108

25262.0505

Size: 0.84 acres

(Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-478COMP** for details as to the adjacent application.





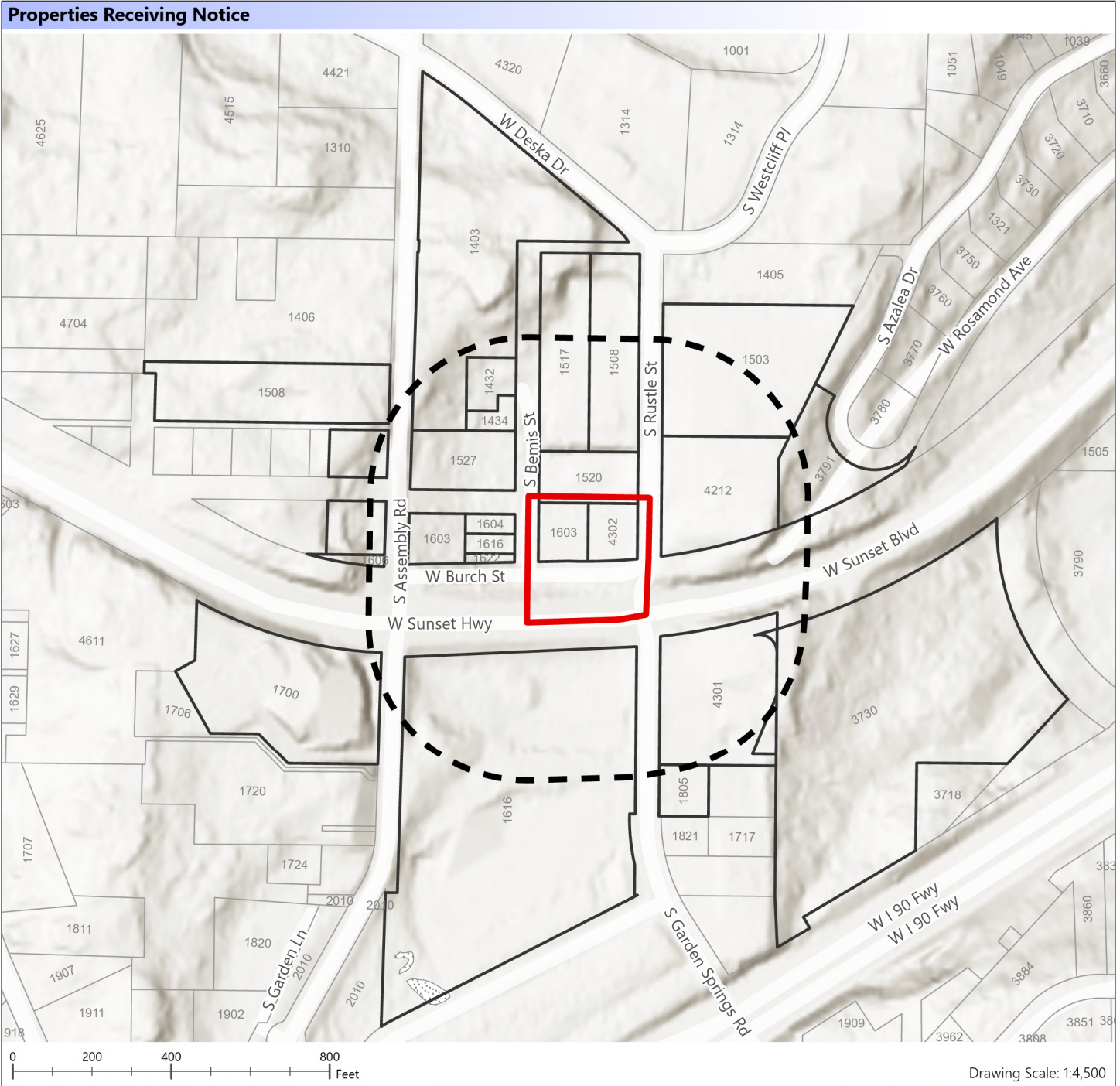
Notification Map - Comprehensive Plan Amendment

Department of Planning & Economic Development

Draw Date: 8/22/2024

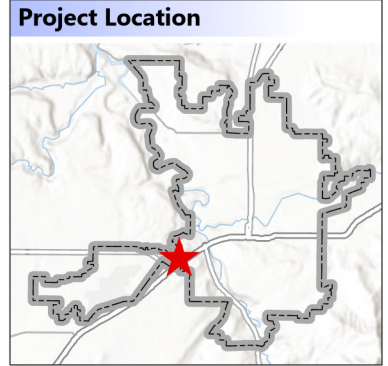


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Applicant: Storhaug Engineering
Parcels: 25262.0108, 25262.0505
Size: 0.84 acres (Size is Approximate)

- 400' Notification Area
- Proposal Area
- Parcels



This Proposal Would: Amend the Land Use Plan Map designation and Zoning for two (2) parcels in the West Hills Neighborhood. Parcels outlined in bold will receive notice of the proposal and the eventual Plan Commission hearing. Numbers indicate the parcel address.

Path: H:\Planning\Programs_Long_Range\GIS Mapping Program\23-042COMP Comp Plan Amendments 2023-2024 Cycle\23-042COMP Comp Plan Amendments 2023-2024 Cycle.aprx



Comprehensive Plan Policies Related to the Proposal

The following goals and policies are taken directly from the Comprehensive Plan and comprise those goals and policies that staff feels bears most directly on the proposal. The entire Comprehensive Plan is available for review and consideration at www.shapingspokane.org as well.

LU 1 CITYWIDE LAND USE

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane’s role as a vibrant urban center.

LU 1.1 Neighborhoods

Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.

Discussion: Neighborhoods generally should have identifiable physical boundaries, such as principal arterial streets or other major natural or built features. Ideally, they should have a geographical area of approximately one square mile and a population of around 3,000 to 8,000 people. 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.

A coordinated system of open space, nature space, parks, and trails should be furnished with a neighborhood park within walking distance or a short transit ride of all residences. A readily accessible elementary school should be available for neighborhood children. Neighborhood streets should be narrow and tree-lined with pedestrian buffer strips (planting strips) and sidewalks. They should be generally laid out in a grid pattern that allows easy access within the neighborhood. Alleys are used to provide access to garages and the rear part of lots. Pedestrian amenities like bus shelters, benches, and fountains should be available at transit stops.

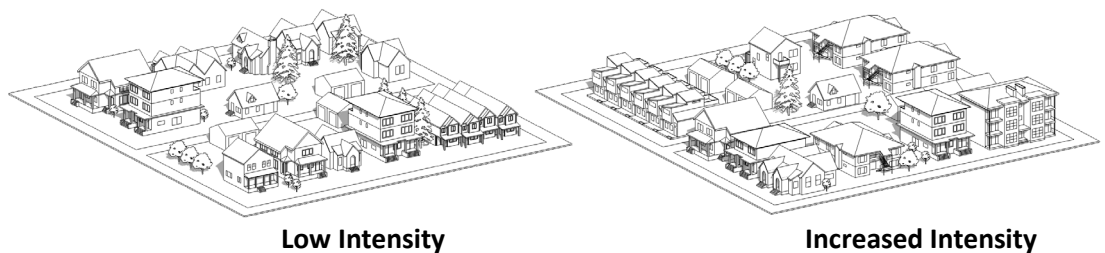
LU 1.3 Lower Intensity Residential Areas

Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.

Discussion: The city’s residential neighborhoods are one of its most valuable assets. Diversity in both housing type and residents in these areas is essential for the wellbeing and health of the city’s neighborhoods. Lower intensity residential uses, from detached homes to middle housing types, are generally compatible with each other and can be incorporated effectively into all neighborhoods. Accordingly, some residential areas would benefit from slightly increased intensities of residential use (e.g., somewhat taller buildings, more lot coverage), dependent on the context and nature of the surrounding neighborhood. These areas of increased residential development should focus on those parts of the neighborhood where proximity to adequate transportation (such as frequent transit), parks, schools, shopping, and other services already exists and where conditions allow for accommodation of increased utility/service needs and other impacts such as parking or the need for public green space.

Complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate. Complementary uses include those serving daily needs of residents, including schools, places of worship, grocery stores, recreation facilities, and small-format retail and medical uses. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the Land Use Plan Map designations guided by this policy—“Residential Low” and “Residential Plus”—see Section 3.4 below.

Policy LU 1.3 amended by Ordinance C36414 on September 7, 2023.

LU 1.4 Higher Intensity Residential Areas

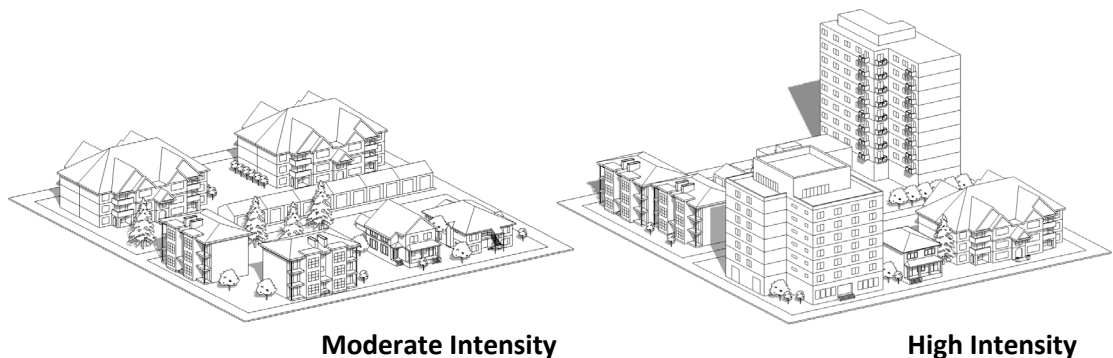
Direct new higher intensity residential uses to areas in and around Centers and Corridors designated on the Land Use Plan Map and to areas where existing development intensity is already consistent with development of this type..

Discussion: Higher intensity 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 to sustain more intense commercial development. Residential uses in and around Centers generally consist of multi-story condominiums and apartments. In some cases, smaller-scale residential development may be interspersed among those higher intensity uses, but generally uses of higher scale and height should predominate in these areas, especially as proximity to designated Centers or Corridors increases. Likewise, residential development should increase in height, mass, and lot coverage as properties are located closer to commercial areas or where employment is higher.

To ensure that the market for higher intensity residential use is directed to Centers, future housing of higher scale and form is generally limited in other areas. Whenever more intense residential uses are proposed outside the general vicinity of Centers and Corridors, topics such as the proximity of those areas to uses like commercial or downtown uses should be considered. Design and site requirements should be considered that minimize conflict between these areas and other uses.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the two Land Use Plan Map designations guided by this policy—"Residential Moderate" and "Residential High"—see Section 3.4 below.

Policy LU 1.4 amended by Ordinance C36414 on September 7, 2023.

LU 1.8 General Commercial Uses

Direct new General Commercial uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. New General Commercial areas should not be designated in locations outside

Centers and Corridors. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

However, recognizing existing investments, and given deference to existing land-use patterns, exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors. The factors to consider in such adjacent expansions include: maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

Policy LU 1.8 amended by Ordinance C35842 on January 17, 2020.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Policy LU 4.6 amended by Ordinance C35841 on January 17, 2020.

LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from

the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Policy LU 5.5 amended by Ordinance C35841 on January 17, 2020.

3.4 DESCRIPTION OF LAND USE DESIGNATIONS

The following land use plan map designations are necessary for development and growth in the city to achieve the vision and values discussed at the beginning of the chapter. These land use designations are shown on the following map, LU-1 Land Use Plan Map, which apply the requirements of land use and the goals and policies of the Comprehensive Plan to the physical environment, describing the types of development expected in each area. The overall strategy, as described above, is that development mass, height, and lot coverage be concentrated in focused growth areas (Centers and Corridors) while the remaining parts of the city remain occupied by lower intensity uses. Furthermore, future changes to the land use plan map should seek to achieve a transition between areas of lower and higher development mass and form and should avoid locations where the lowest intensity uses immediately transition to the highest intensity uses.

There is expected to be some variation in residential zones within each residential land use plan map designation. Contextual factors such as proximity to services, transportation options, and existing land use patterns should be considered when assigning a zoning category.

The land use designations and their general characteristics are as follows:

Residential Low: The Residential Low land use designation should focus on a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and housing categorized as middle housing (duplex, triplex, etc.). Combinations of these types should also be allowed, such as a duplex with an accessory dwelling unit. Other non-residential uses should be allowed conditionally, provided they integrate into the nature and context of the neighborhood. This would include uses such as schools, places of worship, grocery, small-format retail and medical services, and other resident serving uses.

Residential Low areas are appropriate in parts of the city where amenities and services are scaled for a lower level of development intensity.

Residential Plus: Uses in the Increased Intensity Residential designation are largely similar in type to low intensity residential areas. However, the overall development scale of those uses should be slightly higher, including possible design allowances like increased lot coverage, height, and other similar design requirements. The intent of Increased Intensity Residential areas is to provide a gradual increase in intensity, height, and overall context as the lower intensity areas transition into the more intense uses found in Centers and Corridors or significant commercial areas.

Residential Plus areas are appropriate whenever predominately lower scale residential is located near or around more intense uses like commercial locations or designated Centers and Corridors. Factors to be

considered in designating such areas should include proximity to arterials and collectors, availability of transit, the nearness of more intense development, available capacity in systems and infrastructure, and any other factors that help ensure the proposed land use designation integrates well into the existing built environment.

Development allowed in these areas is expected to be larger in form (height, lot coverage, etc.) than those in the Low Intensity Residential areas, while still maintaining a high level of continuity and consistency between the two less intense residential areas.

Residential Moderate: Residential Moderate areas provide increased intensity of development more appropriate to areas in the vicinity of designated Centers and Corridors and those served by substantial commercial or employment opportunities. The typical type of residential development appropriate to this designation include larger apartment buildings while also including a mix of the lower intensity areas where warranted. Example apartment types include the three-floor walkup and traditional apartment complexes as well as larger townhome and condo complexes. If neighborhood serving uses are included, such as places of worship or community centers, those non-residential uses can be of a higher scale and intensity than those conditionally permitted in Low and Increased Intensity Residential areas.

Residential Moderate uses should be generally limited to within moderate walking distance of a Center, Corridor, or major employment/commercial area. Placement of Moderate Residential outside walking distance of these more intense areas is acceptable if sufficient rationale exists to place them further out—such as proximity to high-capacity or frequent transit service (aka Transit Oriented Development).

Residential High: The Residential High designation allows for the highest intensity of residential uses, including construction types found in the Moderate Intensity Residential designation but also including taller and more intense apartment complexes. High Intensity Residential areas are intended to focus residential intensity in the near vicinity of downtown and other Centers and Corridors in the city, where sufficient services and employment opportunities exist nearby. A focus on accessibility, walkability, and equitable housing provisions should be provided in this area, including incentives and other bonuses for more affordable/attainable units as these areas are also located near to services and essential facilities like frequent transit.

H 1 HOUSING CHOICE AND DIVERSITY

Goal: Provide opportunities for a variety of housing types that is safe and affordable for all income levels to meet the diverse housing needs of current and future residents.

H 1.4 Use of Existing Infrastructure

Direct new residential development into areas where community and human public services and facilities are available.

Discussion: Using existing services and infrastructure often reduces the cost of creating new housing. New construction that takes advantage of existing services and infrastructure conserves public resources that can then be redirected to other needs such as adding amenities to these projects.

H 1.7 Socioeconomic Integration

Promote socioeconomic integration throughout the city.

Discussion: Socioeconomic integration includes people of all races, color, religion, sex, national origin, handicap, disability, economic status, familial status, age, sexual orientation, or other arbitrary factors. Often, housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community.

H 1.9 Mixed-Income Housing

Encourage mixed-income developments throughout the city.

Discussion: Mixed-income housing provides housing for people with a broad range of incomes on the same site, development, or immediate neighborhood. Mixed-income housing provides socio-economic diversity that enhances community stability and ensures that low-income households are not isolated in concentrations of poverty.

H 1.11 Access to Transportation

Encourage housing that provides easy access to public transit and other efficient modes of transportation.

Discussion: Transportation is the second largest expenditure after housing and can range from 10 to 25 percent of household expenditures. Examining where housing is located and the associated transportation costs may provide a more realistic evaluation of housing affordability in the future.

H 1.18 Distribution of Housing Options

Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.

Discussion: A variety of housing types should be available in each neighborhood. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must take into account the context of the area and should result in an improvement to the existing surrounding neighborhood.

H 2 HOUSING QUALITY

Goal: Improve the overall quality of the City of Spokane's housing.

H 2.4 Linking Housing With Other Uses

Ensure that plans provide increased physical connection between housing, employment, transportation, recreation, daily-needs services, and educational uses.

Discussion: The location of housing in relation to other land uses is a part of what determines the quality of housing. The desirability and viability of housing changes for different segments of the community, based on an area's mix of land uses. As complementary land uses become spread further apart, transportation options decrease while transportation costs increase. These added transportation costs reduce the amount of household income available for housing and other household needs. This affects

lower-income households first. In urban areas, basic services, such as grocery stores, public transportation, and public parks, should be available within a mile walk of all housing.

DP 1.2 New Development in Established Neighborhoods

Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

Discussion: New development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood.

DP 2.12 Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

Discussion: Infill construction can benefit the community when done in a manner that improves and does not detract from the livability of the neighborhood and the desirable design character of the area.

N 2 NEIGHBORHOOD DEVELOPMENT

Goal: Reinforce the stability and diversity of the city's neighborhoods in order to attract long-term residents and businesses and to ensure the city's residential quality, cultural opportunities, and economic vitality.

Policies

N 2.1 Neighborhood Quality of Life

Ensure that neighborhoods continue to offer residents transportation and living options, safe streets, quality schools, public services, and cultural, social, and recreational opportunities in order to sustain and enhance the vitality, diversity, and quality of life within neighborhoods.

Discussion: Spokane enjoys a rich variety of living opportunities within its individual neighborhoods, each with its unique character. Maintaining and enhancing our neighborhood assets is key to providing stability within neighborhoods and Spokane citizens with a prolonged sense of pride.



General Application

Rev.20180104

DESCRIPTION OF PROPOSAL

The current land use designation for parcels 25262.0505 and 25262.0108 is Residential Low (zoned RSF). We are requesting a Comprehensive Plan Amendment for the Land Use to become General Commercial, with the zoning designation to become GC-70.

Address of Site Proposal (if not yet assigned, obtain address from Public Works before submitting application):

1603 S BEMIS ST & 4302 W SUNSET BLVD

APPLICANT

Name: Storhaug Engineering

Address: 510 E Third Ave

Phone: 509-266-0029 Email: clifton.trimble@storhaug.com

PROPERTY OWNER

Name: CV THE JAMES, LLC

Address: 111 SW 5TH AVE, SUITE 3800, PORTLAND, OR, 97204-3642

Phone: 206-390-6113 Email: tchang@tolovanagroup.com

AGENT

Name: _____

Address: _____

Phone: _____ Email: _____

Assessor's Parcel Numbers: 25262.0505 and 25262.0108

Legal Description of Site: GARDEN SPRINGS ADD LT 1-3 BLK 5 EXC HWY; TOG W S1/2 VAC BURCH ST N OF AND ADJ & GARDEN SPRINGS L22 EXC HWY;ALL L23-24 B5 TOG W/ S1/2 OF VAC BURCH ST LYG N OF & ADJ TO SD LOT 24

2 General Application

Size of Property: .83 (total of the two parcels)

List Specific Permits Requested in this Application: Approval of change of land use designation (Comp Plan Amendment)

SUBMITTED BY:

Applicant Property Owner Property Purchaser Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:

I, Sean Keys, owner of the above-described property, do hereby authorize Storhaug Engineering to represent me and my interests in all matters regarding this application.

ACKNOWLEDGMENT

STATE OF WASHINGTON Oregon)
) ss.
COUNTY OF SPOKANE Multnomah)

On this 27 day of October, 2023, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Sean Keys to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.



[Signature]
Notary Public in and for the State of Oregon, residing at 732 NW 19th Ave, Portland, OR



Comprehensive Plan or Land Use Code Amendment

Pre-Application

Rev.20180102

DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es))

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-Wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions *(for all proposals):*

- a. Summarize the general nature of the proposed amendment. **See attached sheet**
- b. Why do you feel this change is needed? **See attached sheet**
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan? **See attached sheet**
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? **See attached sheet**
- e. For map amendments: **See attached sheet**
 1. What is the current Land Use designation and zoning for each affected parcel?
 2. What is the requested Land Use designation and zoning for each affected parcel?
 3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal? **See attached sheet**
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)? **See attached sheet**
- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--
- i. If yes, please answer the following questions: **See attached sheet**
 1. When was the amendment proposal submitted?
 2. Was it submitted as a consistent amendment or an inconsistent amendment?
 3. What were the Plan Commission recommendation and City Council decision at that time?
 4. Describe any ways that this amendment proposal varies from the previously considered version.

Comprehensive Plan or Land Use Code Amendment (Pre-Application)

1. General Questions (for all proposals):

a. Summarize the general nature of the proposed amendment.

The nature of the proposal is for a Comprehensive Plan Change for the Land Use to become General Commercial, with the zoning designation to become GC-70 (also general commercial with a height limit of 70 ft (same as across the HWY from our parcel). This would expand and compliment with existing commercial corridor along Sunset HWY.

b. Why do you feel this change is needed?

The proposal is necessary for the property to be available for more of a diversity of uses, which is supported by and consistent with the existing commercial development along Sunset Hwy. As the parcel is immediately adjacent to Sunset HWY, a Major Arterial, this parcel would be more appropriately zoned commercial. Typically, single family residential is not found along Sunset HWY, and commercial uses are better suited that kind of traffic, noise exposure, circulation, etc., against a HWY/Major Arterial. Single Family Residential is better suited to be buffered for safety and comfort, inset within neighborhoods.

c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?

The City of Spokane Comprehensive Plan, amended September 7, 2023, LU 1.8 states that "land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets". Our project is directly against a Major Arterial, supporting these scenarios with the incentive that Sunset HWY is an existing commercial corridor with compatible zoning. This strip is essentially the bridge between HWY 2 in Airway Heights and the commercial strip along Rosauers, the old Lucky You, and into the Spokane 3rd Ave commercial corridor where the Toyota and Honda Dealerships, etc. are located (as well as a myriad of other commercial goods and services).

d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? **N/A. We are not proposing a Text Amendment**

e. For map amendments:

1. What is the current Land Use designation and zoning for each affected parcel? The current land use designation for parcels 25262.0505 and 25262.0108 is Residential Low

2. What is the requested Land Use designation and zoning for each affected parcel? The requested land use designation for parcels 25262.0505 and 25262.0108 is General Commercial.

3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.

The use to the immediate north of the subject parcels is a multifamily apartment building; further north is a motel six and another vacant motel building. Across the street on Rustle to the immediate east is a commercial printing studio, and across sunset HWY to the south are various commercially zoned uses such as Catholic Charities, storage facilities, Uhaul and Ardurra (transportation planning company), Hampton Inn, and the Sunset Point commercial business park.

f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal? **None specific. Our plan is based off the goals and policies of the City's Comprehensive Plan, compatibility and the current use of Sunset HWY as a commercial corridor.**

g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)? **This process was proposed by the City as the correct application/path.**

h. Has there been a previous attempt to address this concern through a comprehensive plan amendment? **Not to our knowledge.**

i. If yes, please answer the following questions: **N/A**

- 1.** When was the amendment proposal submitted? **(N/A)**
- 2.** Was it submitted as a consistent amendment or an inconsistent amendment? **(N/A)**
- 3.** What were the Plan Commission recommendation and City Council decision at that time? **(N/A)**
- 4.** Describe any ways that this amendment proposal varies from the previously considered version. **(N/A)**



Comprehensive Plan or Land Use Code Amendment

Application

DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary.
See attached sheet
- b. How will the proposed change provide a substantial benefit to the public? **See attached sheet**
- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies. **See attached sheet**
- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies. **See attached sheet**
- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies. **See attached sheet**
- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan. **See attached sheet**
- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.
See attached sheet
- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide. **See attached sheet (N/A)**

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~. **N/A**
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added. **N/A**

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
- b. What is the current land use designation?
- c. What is the requested land use designation?
- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

Included in Application; attached

Comprehensive Plan or Land Use Code Amendment Application Answer Sheet

General Questions (for all proposals):

- a) Describe the nature of the proposed amendment and explain why the change is necessary.

The nature of the proposal is for a Comprehensive Plan Change for the Land Use to become General Commercial, with the zoning designation to become GC-70 (also general commercial with a height limit of 70 ft (same as across the HWY from our parcel). The proposal is necessary for the property to be available for more of a diversity of uses. As the parcel is immediately adjacent to Sunset HWY, a Major Arterial, this parcel would be more appropriately zoned commercial. Typically, single family residential is not found along Sunset HWY, and commercial uses are better suited that kind of traffic, noise exposure, circulation, etc., against a HWY/Major Arterial. Single Family Residential is better suited to be buffered for safety and comfort, inset within a neighborhood.

- b) How will the proposed change provide a substantial benefit to the public?

The proposal would expand the commercial corridor adjacent to Sunset HWY where the traffic, circulation, and compatible existing commercial uses are located. This is consistent with best management planning and land use practice, as well as those policies previously referenced in the City's Comprehensive Plan.

- c) Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent, please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.

The City of Spokane Comprehensive Plan, amended September 7, 2023, LU 1.8 General Commercial Uses supports our project in several areas. The Comp Plan states that "land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets"; our project is directly against a Major Arterial, supporting this policy with the incentive that Sunset HWY is an existing commercial corridor with compatible zoning. This strip is the bridge between HWY 2 in Airway Heights and the Commercial strip along Rosauers, the old Lucky You, and into the Spokane 3rd Ave commercial corridor where the Toyota and Honda Dealerships, etc. are located.

- d) Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

The project is within the City's boundary and supports proper 'growth management'. Other tangentially related items might include the LU 4 TRANSPORTATION goal, which is referenced within the Comprehensive Plan as to "promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation". Inside the existing commercial strip along Sunset HWY, buffered to the periphery of the HWY is RSF, RMF, RDH (residential uses), as well as other commercial uses related to 'General Commercial', zoned as Commercial Business lining Sunset HWY. Our project continues to link commercial use along the HWY, while keeping and promoting the live/work dynamic close to these residential uses. This relationship optimizes commute times - placing commercial near residential, in some areas, while buffering the residential use promoting safety as well as the 'quaint' residential feel advances efficient land use planning. Under LU 4.1 'Land Use and Transportation', it is noted that the Growth Management Act (GMA) intently focuses on the relationship between land use and transportation. This section of the Comp Plan, as it relates to

the GMA, requires transportation that is consistent with the land use. Section LU 4.2 *'Land Uses That Support Travel Options and Active Transportation'* supports a goal of promoting *"a compatible mix of housing and commercial uses in Neighborhood Centers, District Centers, Employment Centers, and Corridors"*. Our project, as previously presented, supports this programming.

- e) Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

Though this project is a (minor) map amendment to the City of Spokane's future land use map and not directly related to the CWPP, the comprehensive plans of neighboring jurisdictions, capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts, it does run with Policy #3 in *'Promotion of Contiguous and Orderly Development and Provision of Urban Services'*

For Topic #3, Contiguous and Orderly Development and Provision of Urban Services:

- *'The GMA establishes a goal of encouraging development in urban areas where adequate public facilities and services exist or can efficiently be provided. Growth planning must ensure that needed facilities and services are adequate to serve new development without decreasing current service levels below locally established minimum standards'. We meet this policy by continuing infill where commercial uses are currently located (infill, not sprawl).*
- *'The GMA requires that adequate urban governmental services and public facilities be available at the time growth occurs, commonly known as concurrency'. Utilities (both water and sewer mains, as well as electric) are available at the site, as well as other business uses currently in operation.*
- *To address the Policies under Topic #3 – in general, this areas is served by a fire district, municipal water and sewer, and is served by a Major Arterial. These policies are underscored by the proposed linkage of compatible uses, as well as by placing neighborhoods and corridors near commercial uses.*

LU 1.12 relates to *'Public Facilities and Services'* and is noted in the Comp Plan to *"ensure that public facilities and services systems are adequate to accommodate proposed development before permitting development to occur" – "Capital Facilities and Utilities, ensures that necessary public facilities and services are available at the time a development"*. Our parcels are adjacent to and surrounded by existing Commercial and Community Business zoning, and has the infrastructure available to assume the proposed zoning designation (commercial). It fits like a glove in both compatibility and best planning practices. As stated in question D, above, LU section 4.1 Land Use and Transportation development works in concert towards reducing sprawl, traffic congestion, and air pollution. In this goal, transportation *'must'* forecast future traffic capacity needs as the population grows. As Spokane's population increases, the gap between Airway Heights and West Spokane will become closer and denser (essentially bridged into one), with goods and services placed along Sunset HWY, at least in a perfect world... Which, is what this proposal aims at aligning with.

Sunset HWY is a designated tailor truck route with good access for commercial uses, with plans to improve sections on Sunset HWY in the 2023-2028 Six-Year Transportation Improvements Program. Our application doesn't propose increasing density, per say, but for background - according to US Census data, Spokane County's current population is approximately 560,000, and has grown by approximately 80,000 residents in the last decade. With the Seattle squeeze, and more people coming to Spokane

from the west side of the State, Spokane will continue to grow rapidly in the next ten years. According to the Spokane Journal, “projections imply a gain of 40,000 to 50,000 residents in the county by 2030. That addition is comparable to the populations of cities the size of Wenatchee and East Wenatchee combined in the next eight years.” This is only relevant in the fact that Sunset HWY will most likely continue to grow as a commercial corridor.

- f) Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan.

Sunset HWY #0514 is slated for a scope of work to ‘remove and scarify existing road. Ties to CRP’ for the length of .11 mi in the ‘2023-2028 Six-Year Transportation Improvement Program 2023 Annual Construction Program’. We do not believe this would affect any aspect of our application; just a side note.

- g) Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.

No. As we understand the process, our application would only require a comprehensive Plan Amendment to change to zoning form RSF to General Commercial (GC-70). It would not affect any master plan or capitol facilities plan, nor influence any critical areas.

- h) If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BOCC) reviews all UGA’s countywide.

N/A; no proposed change to the UGA

Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcel numbers.
See attached.

What is the current land use designation?

Residential Low



Notification Map Application

Rev.20180102

DESCRIPTION OF PROPOSAL:

The current land use designation for parcels 25262.0505 and 25262.0108 is Residential Low (zoned RSF). We are requesting a Comprehensive Plan Amendment for the Land Use to become General Commercial, with the zoning designation to become GC-70

ADDRESS SITE OF PROPOSAL: *(if not assigned yet, obtain address from Public Works before submitting application)*

1603 S BEMIS ST & 4302 W SUNSET BLVD

APPLICANT

Name: Storhaug Engineering

Address: 510 E Third Ave

Email Address: clifton.trimble@storhaug.com Phone: 509-266-0029

PROPERTY OWNER

Name: CV THE JAMES, LCC; Ted Chang

Address: 7683 SE 27th STE #297

Email Address: tchang@tolovanagroup.com Phone: 206-390-6113

AGENT

Name: _____

Address: _____

Email Address: _____ Phone: _____

ASSESSOR'S PARCEL NUMBERS: 25262.0505 and 25262.0108

LEGAL DESCRIPTION OF SITE: GARDEN SPRINGS ADD LT 1-3 BLK 5 EXC HWY; TOG W
S1/2 VAC BURCH ST N OF AND ADJ &
GARDEN SPRINGS L22 EXC HWY; ALL L23-24 B5 TOG W/
S1/2 OF VAC BURCH ST LYG N OF & ADJ TO SD LOT 24

SIZE OF PROPERTY: 25262.0505 = .42 acres & 25262.0108 = .41 acres

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Comprehensive Plan designation approval as General Commercial.

DOES OWNER/APPLICANT OWN PROPERTY ADJACENT TO SUBJECT PROPERTY? If yes, provide all parcel numbers.

The owner has interest in the parcel to the immediate north and east of the subject parcel,
known as parcel numbers 25262.0202 & 5262.0106 (in addition to the subject parcels).

I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in SMC 17G.060. for public hearing and community meeting. Copies of these instructions are available from the Development Services Department or on www.spokaneplanning.org.

SUBMITTED BY:

Applicant Property Owner Property Purchaser Agent

REZONE & COMPREHENSIVE PLAN LAND USE

Exhibit 5, File Z23-477COMP

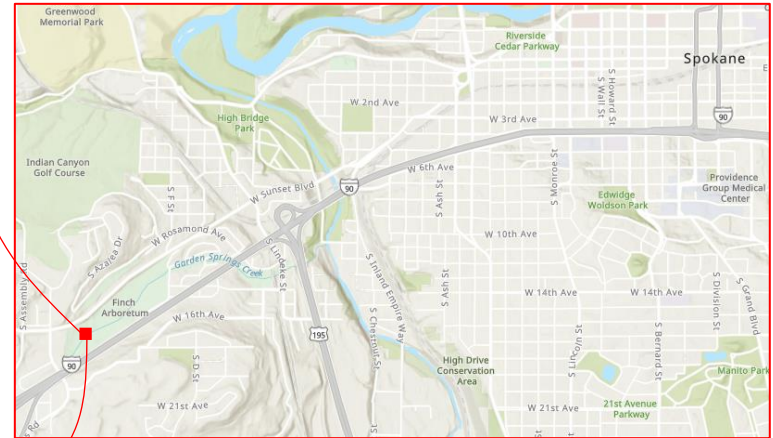
EXISTING LAND USE: RESIDENTIAL LOW



SUBJECT PARCELS

25262.0505 (.42 ACRES) & 25262.0108 (.41 ACRES)
 (address: 1603 S BEMIS ST & 4302 W SUNSET BLVD)

LOCATION MAP






PROPOSED LAND USE: GENERAL COMMERCIAL



LEGAL DESCRIPTION

GARDEN SPRINGS ADD LT 1-3
 BLK 5 EXC HWY; TOG W S1/2 VAC
 BURCH ST N OF AND ADJ & GARDEN
 SPRINGS L22 EXC HWY; ALL L23-24 B5
 TOG W/ OF VAC BURCH ST LYG N
 OF & ADJ S1/2 TO SD LOT 24

-  OFFICE
-  RESIDENTIAL LOW
-  GENERAL COMMERCIAL

OWNER

CV THE JAMES, LLC
 7683 SE 27th STE #297
 Mercer Island, WA. 98040

APPLICANT

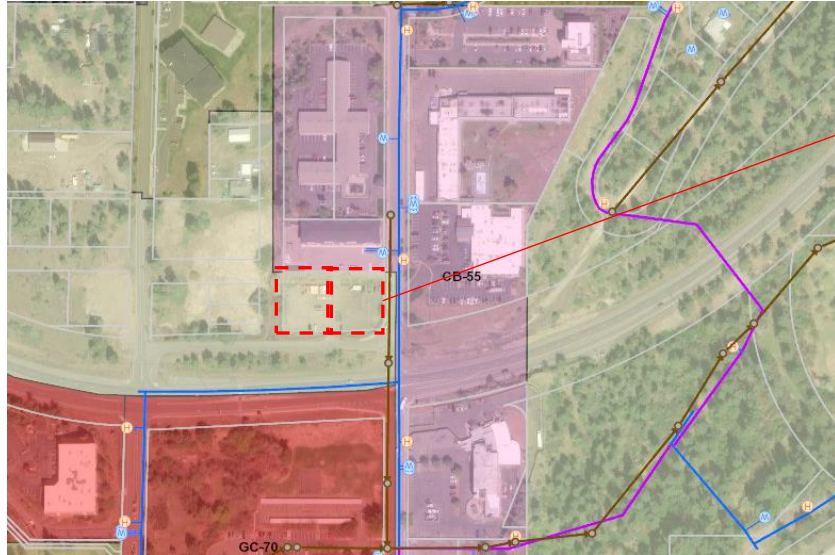
Storhaug Engineering
 510 E 3rd Ave.
 Spokane, WA. 99202
 (509) 242-1000



REZONE & COMPREHENSIVE PLAN AMENDMENT

Exhibit F File #23-177COMP

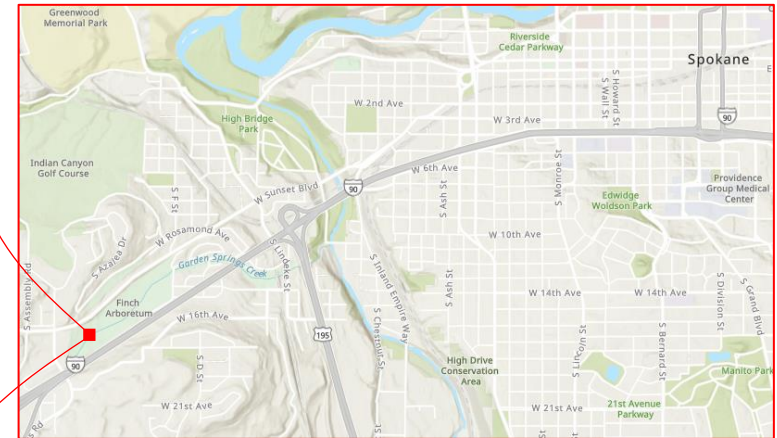
EXISTING ZONING: RSF (RESIDENTIAL SINGLE FAMILY)



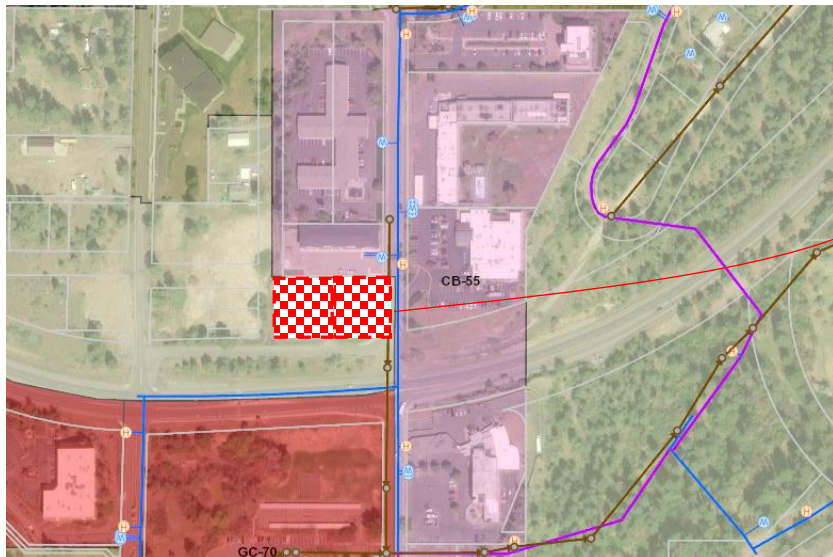
SUBJECT PARCELS

25262.0505 (.42 ACRES) & 25262.0108 (.41 ACRES)
 (address: 1603 S BEMIS ST & 4302 W SUNSET BLVD)

LOCATION MAP



PROPOSED ZONING: Commercial (GC-70)



LEGAL DESCRIPTION

GARDEN SPRINGS ADD LT 1-3
 BLK 5 EXC HWY; TOG W S1/2 VAC
 BURCH ST N OF AND ADJ & GARDEN
 SPRINGS L22 EXC HWY; ALL L23-24 B5
 TOG W/ OF VAC BURCH ST LYQ N
 OF & ADJ S1/2 TO SD LOT 24

-  **RSF**
-  **CB-55**
-  **GC-70**

OWNER

CV THE JAMES, LLC
 7683 SE 27th STE #297
 Mercer Island, WA. 98040

APPLICANT

Storhaug Engineering
 510 E 3rd Ave.
 Spokane, WA. 99202
 (509) 242-1000

RUSTLE ST. SURROUNDING AREA GRAPHIC



From: Clifton Trimble

Sent: Thursday, October 26, 2023 2:25 PM

To: 'pfbundy0@gmail.com' <pfbundy0@gmail.com>; 'mshkg@hotmail.com' <mshkg@hotmail.com>; mshkg@hotmail.com; derek.zandt@gmail.com

Cc: Jerry Storhaug <jerry.storhaug@storhaug.com>; Liam Taylor <liam.taylor@storhaug.com>; Freibott, Kevin <kfreibott@spokanecity.org>

Subject: 23-321 Rustle St Comp Plan Amendment

Dear West Hills Neighborhood Association,

My name is Clifton Trimble and I work for Storhaug Engineering. We are pursuing a comprehensive plan change on the attached parcels near Sunset HWY and Rustle St (maps attached) from Residential Low to Commercial. We believe this change in use will be more compatible with the surrounding parcels and those businesses in operation, as well as considering the parcel's proximity to Sunset HWY. I would be happy to meet and speak with you, if you would like, and will provide you with more information as we move forward in this process.

Feel free to call with any questions.

I look forward to speaking with you, soon.

Best,

Clifton Trimble, Planner 3



civil engineering | planning
landscape architecture | surveying
510 east third avenue | spokane, wa 99202
office. 509.242.1000 | www.storhaug.com
direct. 509.266.0029





A Note for Reviewers of this SEPA Checklist from City of Spokane Staff

As you consider the following checklist, please keep in mind that this proposal is a “non-project action” under the State Environmental Policy Act (SEPA). The proposal under consideration is a change only to the Land Use Plan Map of the Comprehensive Plan and the Zoning Map of Spokane. Accordingly, the proposal would amend the types of development expected and allowed on the subject parcels, but no actual physical improvements are under consideration at this time. The City expects that, if these proposals are approved, the property owners will come forward in the future for approval of building permits and other permits for physical changes to the site. However, no such permits have been requested by the applicants at this time and no approval for construction or physical changes to the site is under consideration by the City.

As such, when the applicant’s answers to the following checklist items mention physical improvements (e.g., the number of dwelling units to be constructed) reviewers should understand that these physical developments are not required or permitted by the proposal. Rather, future applications will be necessary before any physical changes occur to the site. Furthermore, requirements in place for construction permits, such as concurrency of services, stormwater controls, and any possible environmental surveys or analyses for that construction, will be analyzed and actions required before any construction or grading permits are issued, commensurate with the requirements of SEPA and the City’s Municipal Code.

For information on what could be permitted on the site, as opposed to the specifics the applicant may have provided in the following pages, reviewers are encouraged to review Title 17 of the Spokane Municipal Code for details as to what kinds of construction are permitted in the proposed zone, as well as any requirements for further analysis and consideration that must occur before any future permits for physical construction will be issued. Title 17 of the Spokane Municipal Code can be found at the following site:

<https://my.spokanecity.org/smc/>

**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**File No. Z23-477COMP**PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!****Purpose of Checklist:**

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "*does not apply.*"

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project: Bemis & Rustle Rezone / COMP Plan Amendment & Rezone
2. Applicant: Ted Change; CV the James / Storhaug Engineering
3. Address: 1603 S BEMIS ST & 4302 W SUNSET BLVD, Spokane, WA
 City/State/Zip: Spokane, WA. 99224 Phone: 509-242-1000 (office)
 Agent or Primary Contact: Clifton Trimble; Storhaug Engineering
 Address: 510 E Third Ave
 City/State/Zip: Spokane, WA. 99202 Phone: 509-266-0029 (direct)
 Location of Project: Corner of Rustle & Sunset BLVD; 1603 S BEMIS ST & 4302 W SUNSET BLVD
 Address: 1603 S BEMIS ST & 4302 W SUNSET BLVD, Spokane, WA
 Section: 26 Quarter: NW Township: 25 Range: 42E
 Tax Parcel Number(s) 25262.0505 & 25262.0108
4. Date checklist prepared: 3/21/2024
5. Agency requesting checklist: City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): Rezone to be considered spring of 2024; if approved, future development/construction to be determined in terms of both scope and timeline.
7. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Not at this time; If Comp Plan Amendment and Rezone are approve, subsequent development will be reviewed under a seperate building permit process.
- b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. CV The James also owns Parcel #25262.0106, addressed as 1503 S RUSTLE ST
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None known. See attached exhibits for environmental information.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. Rezoning/CPA application associated with this SEPA.

10. List any government approvals or permits that will be needed for your proposal, if known. Building permit approvals subsequent to the rezoning application/approval. Project scope, TBD.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. Comp Plan map amendment of parcels 25262.0505 & 25262.0108 from Residential Low to General Commercial; Zoning requested to change from R1 (Res Low) to General Commercial (GC-70). Subsequent development may be a +/- 32 unit multi-family development

12. Location of the proposal: Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. 1603 S BEMIS ST & 4302 W SUNSET BLVD (parcels 25262.0505 & 25262.0108)

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.) Yes to all four.

14. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

(1) Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities). Sanitary sewer will be disposed of into the City of Spokane sewer system. Stormwater will most likely be managed on site via swales and dry wells.

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored? No.
Not for this process.

(3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems. None. N/A.

(4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater? No.

b. Stormwater

(1) What are the depths on the site to groundwater and to bedrock (if known)? Not known.
See details RE soils info in Exhibit A, attached.

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts. Most likely,
stormwater runoff from impervious surfaces (buildings, asphalt, pavement) will
discharge into the ground via swales and drywells. An Erosion & Sediment Control
(ESC) plan Will also be included in civil submittal, at the time of permitting for any development.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

- Flat Rolling Hilly Steep slopes Mountainous

Other: _____

b. What is the steepest slope on the site (approximate percent slope)? Very flat, less than an approx. 2 - 4%
slope on site.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. _____
Please see attached Exhibit A:

Northstar-Rock outcrop-Rockly complex, 0 to 15 percent slopes on 0.1 acres; 6.4%; Urban land-Northstar,
disturbed complex, 3 to 8 percent slopes, 1.3 acres, 93.6%. Totals for Area of Interest 1.4 100%

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. _
Not known. See Exhibit A for soils info. Site is also developed as a parking lot.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill: N/A. Specific quantities are unknown at this time. The final grading plans will meet all permitting requirements at the time of development.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. During and post construction erosion is expected. An ESC plan that meets City of Spokane standards will be submitted and approved prior to construction. All permitting will be approved prior to development by the City of Spokane.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)? N/A for this process. Development design still pending. TBD in the future.

h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: An ESC plan that meets City of Spokane standards will be submitted and approved prior to construction.

2. Air

a. What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Dust emissions, vehicle emissions, and odors will be typical during construction, if rezone if approved. Vehicle emissions and odors will be typical of development within that zoning district. Any future construction on the site will comply with Spokane Regional Clear Air Agency requirements.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None that are known.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: None proposed at this time. Any and all control measures requested by the city will be completed prior to construction, and followed per City standards.
-
-
-

3. Water

a. SURFACE WATER:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. No.
-
-
-
-

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No.
-
-
-
-

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None.
-
-
-
-

- (4) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known. No.
-
-
-
-

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No.
Per the attached Exhibit B, FIRMETTE, the site is not in any flood zone.

(6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.

b. GROUNDWATER:

(1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No.

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None. The project will be served by City sewer and water, and no storage of hazardous materials are proposed.

c. WATER RUNOFF (INCLUDING STORMWATER):

(1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Stormwater runoff from impervious surfaces (buildings, asphalt, pavement) will most likely be discharge into the ground via swales and drywells, and/or other infiltration galleries at the time of development.

(2) Could waste materials enter ground or surface waters? If so, generally describe. No, not expected - no waste materials are proposed to be stored on site, and the project will connect to city sewer.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. Not anticipated. Drainage will be designed and approved prior to permitting meeting all City requirements prior to development. Final design will be submitted and approved prior to permitting and construction, meeting all City requirements prior to development.

d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water, and drainage patter impacts, if any. A drainage report/plan, and an ESC plan will be submitted to the City at the time of permitting. Erosion and stormwater will be controlled in accordance with applicable regulations at that time.

4. Plants

a. Check the type of vegetation found on the site:

Deciduous tree: alder maple aspen

Other: None on site - site is a parking lot/paved. no vegetation

Evergreen tree: fir cedar pine

Other: None on site

Shrubs Grass Pasture Crop or grain

Orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush skunk cabbage

Other: _____

Water plants: water lily eelgrass milfoil

Other: _____

Other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered? None. N/A. None exist on site.

c. List threatened and endangered species known to be on or near the site. Exhibit C is a PHS (Priority Habitat Species) report, which lists 'occurrence' names and habit information. See attached.

Occurrences include Townsend's Big-eared Bat, Big brown bat, Northwest white-tailed deer, Mule deer, and moose.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A, site is broken asphalt. Landscaping will conform to zoning at the time of development.

e. List all noxious weeds and invasive species known to be on or near the site. None known.
See exhibit C (PHS Report).

5. Animals

a. Check and List any birds and other animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk heron eagle songbirds

Other: _____

Mammals: deer bear elk beaver

Other: _____

Fish: bass salmon trout herring shellfish

Other: _____

Other (not listed in above categories): _____

b. List any threatened or endangered animal species known to be on or near the site.
None known. See exhibit C PHS (Priority Habitat Species) report, which lists 'occurrence' names and habit information.

c. Is the site part of a migration route? If so, explain. Not known.

d. Proposed measures to preserve or enhance wildlife, if any: None. N/A.

e. List any invasive animal species known to be on or near the site. None known. See exhibit C.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Future development may use electricity for lighting, cooking, mechanical operation, heating, and cooling. Natural gas may also be used for heating and cooking.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Not anticipated.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Future development will comply with applicable energy codes and regulations.

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. No.

(1) Describe any known or possible contamination at the site from present or past uses. None
known.

(2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None known.

(3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. None.

(4) Describe special emergency services that might be required. Emergency services such as ambulance, fire, police, may be needed for the future development.

(5) Proposed measures to reduce or control environmental health hazards, if any:
Future development will comply with applicable regulations.

b. NOISE:

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Noise from traffic and emergency services will be present but will not impact the project.

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Short-term noise associated with construction activities will be mitigated by applicable noise ordinance that regulates the hours of operation to daytime. Long-term noise generated is anticipated by future traffic associated with development subsequent to the zone change, which will be mitigated by applicable noise ordinances.

(3) Proposed measure to reduce or control noise impacts, if any: Future development is to comply with applicable noise ordinance requirements.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. The parcels are currently vacant with broken asphalt (abandoned parking lot). To the north is a multifamily development, as well as a motel - to the north of that is multifamily development. Accross the street to the east is a photography studio. To the south, across Sunset BLVD, is another motel.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? No.

Evaluation for
Agency Use Only

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No.

c. Describe any structures on the site. None.

d. Will any structures be demolished? If so, which? None.

e. What is the current zoning classification of the site? R1(Res Low)

f. What is the current comprehensive plan designation of the site? Residential Low

g. If applicable, what is the current shoreline master program designation of the site? N/A

h. Has any part of the site been classified as a critical area by the city or the county? If so, specify. Not that we can find.

i. Approximately how many people would reside or work in the completed project? None for this non project action. Could be up to 32 units, IF a multi-family project is done. TBD.

j. Approximately how many people would the completed project displace? None.

k. Proposed measures to avoid or reduce displacement impacts, if any: None at this time. N/A.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Compliance with the goals and policies with the City's Comprehensive Plan, as well as existing surrounding zoning.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: Not applicable as no such resources are located on or nearby the site.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. Unknown. TBD. MAY be approx 32 dwelling units at the time of development.

b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. 0

c. Proposed measures to reduce or control housing impacts, if any: None.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Any final design for the future use will meet all zoning performance standards at the time of final permitting.

b. What views in the immediate vicinity would be altered or obstructed? Typical view obstructions as a result of vertical construction as allowed by zoning/building code should be anticipate.

No specific landmarks or view-sheds would be eclipsed as a result of this proposal.

c. Proposed measures to reduce or control aesthetic impacts, if any: None.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? ____
 Future development is anticipated to produce headlight and street light typical of
 development when dark, typically in the evening/nighttime.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? No.
 Not anticipated.

- c. What existing off-site sources of light or glare may affect your proposal? None.

- d. Proposed measures to reduce or control light and glare impacts, if any: Any project will comply
with applicable regulations to reduce or control light or glare impacts, at the time of development.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? The
site is just to the NW of Finch Arboretum, and just south of Indian Canyon Golf Course.

- b. Would the proposed project displace any existing recreational uses? If so, describe. No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to
 be provided by the project or applicant, if any: None.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. No.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. Unknown at this time. None shown on mapping.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. Via this process the Tribes and SHPO will be solicited for a response as to if archaeological or historic artifacts or patterns are present, or if further review is required. If artifacts are found during any part of construction, work will stop and the appropriate historical preservation office will be contacted. The extent of these measures will be determined by this SEPA.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required N/A. None - the project is over broken asphalt. Nothing affected.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. Vehicles will access via W sunset BLVD, onto Rustle St (or Bemis).

b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop The closest bus stops are one block away on Sunset @ Sunset / Rustle Stop ID: 2531 & Sunset @ Rustle Stop ID: 2643

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). _____

Any improvements associated with the surrounding road network will be assessed by the City Public Works Dept. All mitigative measures for local safety, circulation, and functionality will be met at the time of permitting, or as a condition of the rezone.

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. _____

No.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? Per the Institute of Transportation Engineers, "Trip Generation", 11th Edition, 2022, based on 32 units (projection), under land use 220 - Multifamily Housing (Low-rise) the projected weekday Ave Rate is: 216 (Total), 108 (Entry), 108 (Exit), AM Peak hour would be: 13 (Total), 3 (Entry), 10 (Exit) and the PM peak our would be Ave Rate would generate 17 (Total), 11 (Entry), 6 (Exit)

(Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).)

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe. No.

h. Proposed measures to reduce or control transportation impacts, if any: None anticipated, for this process. However, traffic mitigation measures determined appropriate by the public works department will be complied with at the time of permitting. See above for PROJECTED trips on site.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. The project will most likely result in an incremental increase in the need for public services, depending on the chosen scope of development. Impacts are anticipated to be partially offset by tax revenues generated by the project. ROW improvements will be met at the time of permitting.

b. Proposed measures to reduce or control direct impacts on public services, if any: The project will comply with applicable regulations to reduce or control impacts to public services.

16. Utilities

a. Check utilities currently available at the site:

electricity

natural gas

water

refuse service

telephone

sanitary sewer

septic system

Other: _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed: _____

Electricity and Natural Gas: Avista. Sewer, Water, and Refuse: City of Spokane. Telephone:
Xfinity/Lumen.

Evaluation for
Agency Use Only

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 4-8-2024 Signature: Clifton Trimble Digitally signed by Clifton Trimble
Date: 2024.04.08 10:31:39 -07'00'

Please Print or Type:

Proponent: Clifton Trimble Address: 510 E Third Ave
Phone: 509-266-0029 Spokane, WA. 99202

Person completing form (if different from proponent): _____

Phone: _____ Address: _____

<p>FOR STAFF USE ONLY</p> <p>Staff member(s) reviewing checklist: <u>Kevin Freibott, Senior Planner</u></p> <p>Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:</p> <p><input checked="" type="checkbox"/> A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.</p> <p><input type="checkbox"/> B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.</p> <p><input type="checkbox"/> C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.</p>
--

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? It is anticipated that storm-water and emissions will be consistent with typical commercial development over the parcels. All development will meet City Code at the time of permitting. And, all storm-water will be managed on site to BMP's, per City code.

Proposed measures to avoid or reduce such increases are: An erosion and sediment control plan will be submitted at the time of permitting. And, all other requirements requested by public works and city planning and building departments will be met at the time of permitting.

- 2. How would the proposal be likely to affect plants, animals, fish or marine life? Most likely will not affect any wildlife or vegetation, as the area is capped by broken asphalt.

Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A. Is covered in asphalt.

- 3. How would the proposal be likely to deplete energy or natural resources? Upon build out, the project would comply with all state and local requirements, as well as City Land Dev. Code requirements

Proposed measures to protect or conserve energy and natural resources are: Per above, will be contemplated at the time of building permits.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands? The land action is not anticipated to affect any sensitive areas or ecosystems.

See the attached exhibits A, B, and C for a printout/reference of those items and resources.

Proposed measures to protect such resources or to avoid or reduce impacts are: _____

Compliance with all permitting and Land Development Code regulations at the time of permitting development; compliance with all agency comments and conditions, etc.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The site is not within any shoreline jurisdictional area. Regarding land use, the the project vicinity is already identified for urban scale development by the comprehensive plan. While the proposal might increase...

Proposed measures to avoid or reduce shoreline and land use impacts are: Will

comply will all applicable local and state requirements.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Any 'General Commercial' development in the future would have somewhat of an increase in traffic. Per this process, traffic impacts and mitigation will be solicited to the appropriate transportation departments and engineers by the City for comments.

Proposed measures to reduce or respond to such demand(s) are: _____

Compliance with traffic mitigation measures, as determined by WSDOT and/or the City.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment. Unknown, however not anticipated.

In addition, all state and federal regulations will be complied with at the time of permitting, and via this process.

#5 Continued: the overall scale and intensity of development on the site, such development would be consistent with existing development to the north and south of the site.

Evaluation for
Agency Use Only

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any Determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 4-8-2024 Signature: Clifton Trimble Digitally signed by Clifton Trimble
Date: 2024.04.08 10:35:40 -07'00'

Please Print or Type:

Proponent: Clifton Trimble Address: 510 E Third Ave

Phone: 509-266-0029 Spokane, WA. 99202

Person completing form (if different from proponent): _____

Phone: _____ Address: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Kevin Freibott, Senior Planner

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

EXHIBIT A

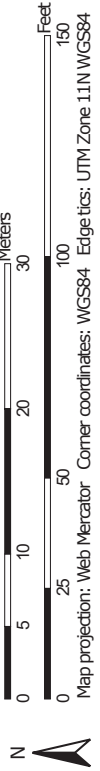
Soil Map—Spokane County, Washington
(Soil Map (Exhibit A))

117° 28' 28" W 47° 38' 28" N 117° 28' 22" W 47° 38' 25" N



Soil Map may not be valid at this scale.

Map Scale: 1:521 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

- Area of Interest (AOI)
- Area of Interest (AOI)
- Soils**
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features
- Water Features**
- Streams and Canals
- Transportation**
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads
- Background**
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Spokane County, Washington
Survey Area Data: Version 15, Aug 28, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 9, 2022—Aug 15, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3117	Northstar-Rock outcrop-Rockly complex, 0 to 15 percent slopes	0.1	6.4%
7131	Urban land-Northstar, disturbed complex, 3 to 8 percent slopes	1.3	93.6%
Totals for Area of Interest		1.4	100.0%

117°28'44"W 47°38'39"N



1:6,000

117°28'7"W 47°38'15"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS



Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X



Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee. See Notes. Zone X
Area with Flood Risk due to Levee Zone D



OTHER AREAS OF FLOOD HAZARD

NO SCREEN Area of Minimal Flood Hazard Zone X
Effective LOMRS Area of Undetermined Flood Hazard Zone D



OTHER AREAS

Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall



GENERAL STRUCTURES

Cross Sections with 1% Annual Chance Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study



OTHER FEATURES

Coastal Transect Baseline
Profile Baseline
Hydrographic Feature



Digital Data Available
No Digital Data Available
Unmapped



MAP PANELS



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

Exhibit G, File Z23-477COMP

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/21/2024 at 7:40 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

EXHIBIT C



Priority Habitats and Species on the Web





Report Date: 03/21/2024

PHS Species/Habitats Overview:

Occurrence Name	Federal Status		State Status		Sensitive Location	
Moose	N/A		N/A		No	
Mule deer	N/A		N/A		No	
Northwest white-tailed deer	N/A		N/A		No	
Big brown bat	N/A		N/A		Yes	
Townsend's Big-eared Bat	N/A		Candidate		Yes	

PHS Species/Habitats Details:

Moose	
Scientific Name	<i>Alces alces</i>
Priority Area	Regular Concentration
Site Name	SUNSET TOWER
Notes	MOOSE REGULAR CONCENTRATION. CALVING AREA. CONCENTRATIONS IN SUMMER AND FALL.
Source Record	913960
Source Dataset	PHSREGION
Source Name	MYERS, WOODY
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
ManagementRecommendations	http://wdfw.wa.gov/wlm/living/moose.htm
Geometry Type	Polygons

Mule deer	
Scientific Name	<i>Odocoileus hemionus hemionus</i>
Priority Area	Regular Concentration
Site Name	LINCOLN-SPOKANE MULE DEER HERD
Accuracy	1/4 mile (Quarter Section)
Notes	REGULAR CONCENTRATION IN WINTER TIME IN AREAS OF SHRUB. DEER ARE CONCENTRATED ON THE EDGE OF AG IN SHRUBS AND SPARCER TREED HABITAT. SOUTHERN EDGE OF LAKEROOSEVELT AND LAKE SPOKANE. MORE COMMONLY UTILIZING WINTER WHEAT AREAS.
Source Record	920012
Source Dataset	PHSREGION
Source Name	ATAMIAN, MIKE
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Management Recommendations	http://wdfw.wa.gov/publications/pub.php?id=00612
Geometry Type	Polygons

Northwest white-tailed deer	
Scientific Name	<i>Odocoileus virginianus ochrourus</i>
Priority Area	Regular Concentration
Site Name	LAKE ROOSEVELT WHITE -TAILED WINTER RANGE
Accuracy	1/4 mile (Quarter Section)
Notes	WINTER RANGE CONCENTRATIONS OF WHITE-TAILED DEER ALONG THE SOUTHERN SHORELINE OF LAKE ROOSEVELT AND LAKE SPOKANE. UTILIZING RIPARIAN AND WOODED AREAS NEXT TO AG LANDS.
Source Record	920017
Source Dataset	PHSREGION
Source Name	ATAMIAN, MIKE
Source Entity	WA Dept. of Fish and Wildlife
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS LISTED OCCURRENCE
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
Management Recommendations	http://wdfw.wa.gov/publications/pub.php?id=00612
Geometry Type	Polygons

Big brown bat	
Scientific Name	<i>Eptesicus fuscus</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

Townsend's Big-eared Bat	
Scientific Name	<i>Corynorhinus townsendii</i>
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release at phsproducts@dfw.wa.gov for obtaining information about masked sensitive species and habitats.
State Status	Candidate
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	Y
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00027

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

PROJECT: File Z23-477COMP Bemis & Rustle Comprehensive Plan Amendment

PROponent: CV the James LLC

DESCRIPTION OF PROPOSAL: An amendment to the Land Use Plan Map (LU-1) of the Comprehensive Plan and attendant changes to the Official Zoning Map of the City of Spokane for 0.84 acres in the West Hills Neighborhood.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Northwest of the intersection of S Rustle Street and W Burch St.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in section WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on October 8, 2024 if they are intended to alter the DNS.

Responsible Official: Spencer Gardner

Position/Title: Director, Planning Services **Phone:** (509) 625-6500

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: Sept 16, 2024 **Signature:**  _____

Whitmarsh, Brandon

From: Development Review <developmentreview@spokanetransit.com>
Sent: Friday, May 17, 2024 12:42 PM
To: Planning & Development Services Comp Plan
Subject: RE: Request for Comments for Z23-477COMP (Rustle and Bemis) - Comments DUE May 21, 2024

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good afternoon,

Thank you for taking the time to receive and record this comment for Z23-477COMP (Rustle and Bemis) from Spokane Transit Authority (STA). STA is supportive of the City's efforts to rezone land near transit service that adds more residential density. Denser, multi-family housing development generally supports increased transit ridership.

Additionally, STA has identified this section of Sunset Highway as a future High-Performance Transit (HPT) corridor. HPT investments support additional ridership by adding stop amenities and providing higher quality transit service (generally more frequent service with a longer span) in areas that warrant it.

Please coordinate any future construction at these sites with STA, as construction can impact our ability to operate safely there.

Please let me know if you have any questions or concerns, and thank you for working closely with STA.

Thanks,

Randy Brown

Associate Transit Planner

Office: (509) 344-2618

Email: RBrown@spokanetransit.com

spokanetransit.com

[Sign up](#) for regular STA text and email updates

We are hiring - [Drive your career](#) at STA!





Spokane Tribe of Indians
Tribal Historic Preservation Office
P.O. Box 100 Wellpinit WA 99040

May 13, 2023

To: Ryan Benzie, Planner

RE: File Z23-477comp

Mr. Benzie,

Thank you for contacting the Tribe's Historic Preservation Office. We appreciate the opportunity to provide a cultural consult for your project, the intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

In response we concur with recommendations made that the city is requesting *“residential low to general commercial and concurrent change of zoning from R1 to general commercial - 70* at this time I have no concern on code change, however if any ground disturbing activity there will be more consultation needed to complete this project.

However, if any artifacts or human remains are found upon inadvertent discovery, this office should be immediately notified and the work in the immediate area cease.

Should additional information become available or scope of work change our assessment may be revised.

Our tribe considers this a positive action that will assist us in protecting our shared heritage.

If question arise, contact my office at (509) 258 – 4222.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer.
Spokane Tribe of Indians

Whitmarsh, Brandon

From: Note, Inga
Sent: Tuesday, May 7, 2024 4:38 PM
To: Planning & Development Services Comp Plan
Subject: RE: Request for Comments for Z23-477COMP (Rustle and Bemis) - Comments DUE May 21, 2024

No concerns on this one.

From: Benzie, Ryan <rbenzie@spokanecity.org>
Sent: Tuesday, May 7, 2024 3:32 PM
Subject: Request for Comments for Z23-477COMP (Rustle and Bemis) - Comments DUE May 21, 2024

Good afternoon,

Please see the attached request for comments, SEPA checklist, and associated documents for the following project:

Project Name: Z23-477COMP (Rustle and Bemis)
Location: W Burch St between S Bemis St and S Rustle St; NW 1/4, Section 26, Township 25N, Range 42E

Please direct any comments or questions to compplan@spokanecity.org by **May 21, 2024 at 5 PM.**

Thank you,



Ryan Benzie | Clerk III | Planning & Economic Development
509.625.6863 | my.spokanecity.org





Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd 11/13/2024

Clerk's File # ORD C36612

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept PLANNING & ECONOMIC

Bid #

Contact Name/Phone KEVIN (509) 625 - 6184

Requisition #

Contact E-Mail KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type First Reading Ordinance

Council Sponsor(s) ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name 0650 - Z23-478COMP – ASSEMBLY & BEMIS – COMPREHENSIVE PLAN

Agenda Wording

Proposal Z23-478COMP seeks to amend the Land Use Plan Map and Zoning Map for 5.2 acres in the West Hills Neighborhood. This proposal is being considered as part of the Annual Comprehensive Plan Amendment Work Program.

Summary (Background)

The proposal concerns parcels 25236.0305, 25236.0401 thru .0403, 25236.0405, 25271.0408, 25271.0501, 25271.0502, 25271.0504, 25262.0311 and 25262.0312, 25271.0403 thru .0407, and a portion of parcel 25236.0057 in the West Hills Neighborhood. Application Z23-478COMP seeks to amend the Comprehensive Plan Land Use Plan Map from "Residential Low" to "General Commercial" and "Office" and amend the Zoning Map from "R1" to "General Commercial, 75-foot height limit (GC-75)" and

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.

Amount

Budget Account

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

"Office Retail, 55-foot height limit (OR-55)." This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.

Approvals

<u>Dept Head</u>	GARDNER, SPENCER
<u>Division Director</u>	GARDNER, SPENCER
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	KAPAUN, MEGAN
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

Distribution List

	Kfreibott@spokanecity.org
bwhitmarsh@spokanecity.org	eking@spokanecity.org
sgardner@spokanecity.org	smacdonald@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	November 11, 2024
Submitting Department	Planning & Economic Development
Contact Name	Kevin Freibott
Contact Email & Phone	kfreibott@spokanecity.org , (509) 625 - 6184
Council Sponsor(s)	<u>CM Zack Zappone, CM Jonathan Bingle, and CM Kitty Klitzke</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Z23-478COMP – Assembly & Bemis – Comprehensive Plan Amendment
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The proposal concerns parcels 25236.0305, 25236.0401 thru .0403, 25236.0405, 25271.0408, 25271.0501, 25271.0502, 25271.0504, 25262.0311 and 25262.0312, 25271.0403 thru .0407, and a portion of parcel 25236.0057 in the West Hills Neighborhood.</p> <p>Application Z23-478COMP seeks to amend the Comprehensive Plan Land Use Plan Map from “Residential Low” to “General Commercial” and “Office” and amend the Zoning Map from “R1” to “General Commercial, 75-foot height limit (GC-75)” and “Office Retail, 55-foot height limit (OR-55).”</p> <p>This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: <u>Click or tap here to enter text.</u></p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: <u>Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.</u></p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? <u>Click or tap here to enter text.</u></p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

The is a private proposal to amend the land use and zoning map and is not directly related to historically excluded communities.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The proposal is a land use and zoning map change and does not guarantee future development of the subject properties. No data is directly collected or analyzed on the listed topics, however the Planning & Economic Development Department generally follows these proposals to track whether the subject properties develop in the future.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

As stated above, the department generally tracks these proposals to see if they develop. Doing so allows for educated revisions to ensure the efficacy of the program if they are warranted.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This proposal is consistent with Comprehensive Plan Policies **LU 1.8 General Commercial Uses**. After reviewing the criteria set forth in SMC 17G.020.030, Plan Commission found the proposal consistent with the Comprehensive Plan and all applicable review criteria, voting to recommend City Council approval of the proposal, subject to the modification of height from 70 to 75 feet and the inclusion of all additional parcels requested by the applicant.

Ordinance No. C36612

AN ORDINANCE RELATING TO APPLICATION FILE Z23-478COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL LOW" TO "GENERAL COMMERCIAL" AND "OFFICE" FOR APPROXIMATELY 5.2 ACRES IN THE WEST HILLS NEIGHBORHOOD; AND AMENDING THE ZONING MAP FROM "R1" TO "GENERAL COMMERCIAL, 75-FOOT HEIGHT LIMIT (GC-75) AND "OFFICE RETAIL, 55-FOOT HEIGHT LIMIT (OR-55)."

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 Z23-478COMP was submitted in a timely manner for review during the City's 2023/2024 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z23-478COMP sought to amend the Land Use Plan Map of the City's Comprehensive Plan for 3.3 acres from "Residential Low" to "General Commercial" for parcels 25236.0305, 25236.0401 thru .0403, 25236.0405, 25271.0408, 25271.0501, 25271.0502, and 25271.0504; and

WHEREAS; the corresponding zoning destination requested was "General Commercial, 70-foot height limit (GC-70)"; and

WHEREAS, City Council adopted RES 2024-0029 on March 25, 2024, including Application Z23-478COMP in the 2024 Comprehensive Plan Amendment Work Program, and expanding the proposal to include consideration of parcels 25262.0311 and 25262.0312 and a portion of parcel 25236.0057, totaling 0.63 acres; and

WHEREAS, the applicant requested the City consider the inclusion of five additional parcels (25271.0403 thru .0407), totaling 1.3 acres, as an expansion to this proposal;

WHEREAS, the additional parcels (25271.0403 thru .0407) were subsequently included in all published materials including maps, noticing, and analysis; and

WHEREAS, staff requested comments from agencies and departments on May 7, 2024, and a public comment period ran from June 10, 2024 to August 9, 2024; and

WHEREAS, the Spokane Plan Commission held a workshop to study the application on July 10, 2024; and

WHEREAS, City Council adopted ORD C36555 on August 12, 2024, amending SMC 17C.122.220.B.1, establishing new maximum height options for commercial zones, following which the applicant requested that the City consider a maximum height of 75 feet for this proposal; 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 September 17, 2024; and

WHEREAS, a State Environmental Policy Act ("SEPA") Determination of Non-Significance was issued on September 16, 2024, for the amendment to the Comprehensive Plan, the comment period for which ended on October 8, 2024; and

WHEREAS, a staff report for Application Z23-478COMP reviewing all the criteria relevant to consideration of the application was published on September 20, 2024, and sent to all applicants, commenters, and the Plan Commission; and

WHEREAS, notice of the SEPA Checklist and Determination and announcement of the Plan Commission Hearing for the application was published in the Spokesman-Review on September 25, 2024, and October 2, 2024; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners, occupants, and taxpayers of record, as shown in the most recent Spokane County Assessor's record for all properties within 400 linear feet of any portion of the boundary of the subject properties, pursuant to Spokane Municipal Code 17G.020.070, on September 25, 2024; and

WHEREAS, the Spokane Plan Commission held a public hearing on October 9, 2024, including staff presentation, taking of public testimony, closing of the verbal and written public record, and deliberations; and

WHEREAS, the Spokane Plan Commission found that Application Z23-478COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Spokane Plan Commission found that Application Z23-478COMP meets the final review criteria for Comprehensive Plan Amendments delineated in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission voted 8 to 1 to recommend approval of Application Z23-478COMP, conditioned upon their recommendation to include the five parcels requested by the applicant and to amend the height maximum for the “General Commercial” zoned parcels from 70 feet to 75 feet; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z23-478COMP is approved.
2. Amendment of the Land Use Map. Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from “Residential Low” to “General Commercial” and “Office” for 5.2 acres, as shown in Exhibit B.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from “R1” to “General Commercial, 75-foot height limit (GC-75)” and “Office Retail, 55-foot height limit (OR-55),” as shown in Exhibit C.

PASSED BY THE CITY COUNCIL ON _____, 2024.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



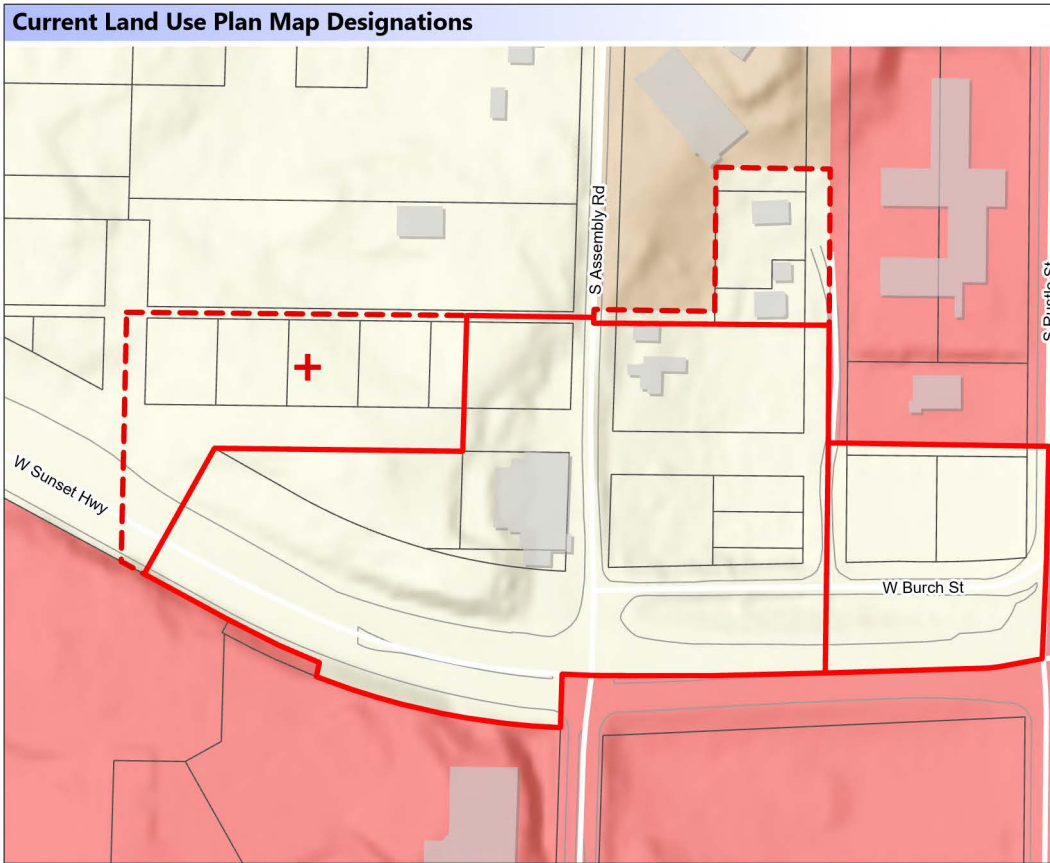
Exhibit B: Land Use Plan Map Changes

Department of Planning & Economic Development



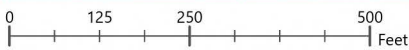
Draw Date: 4/8/2024

THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

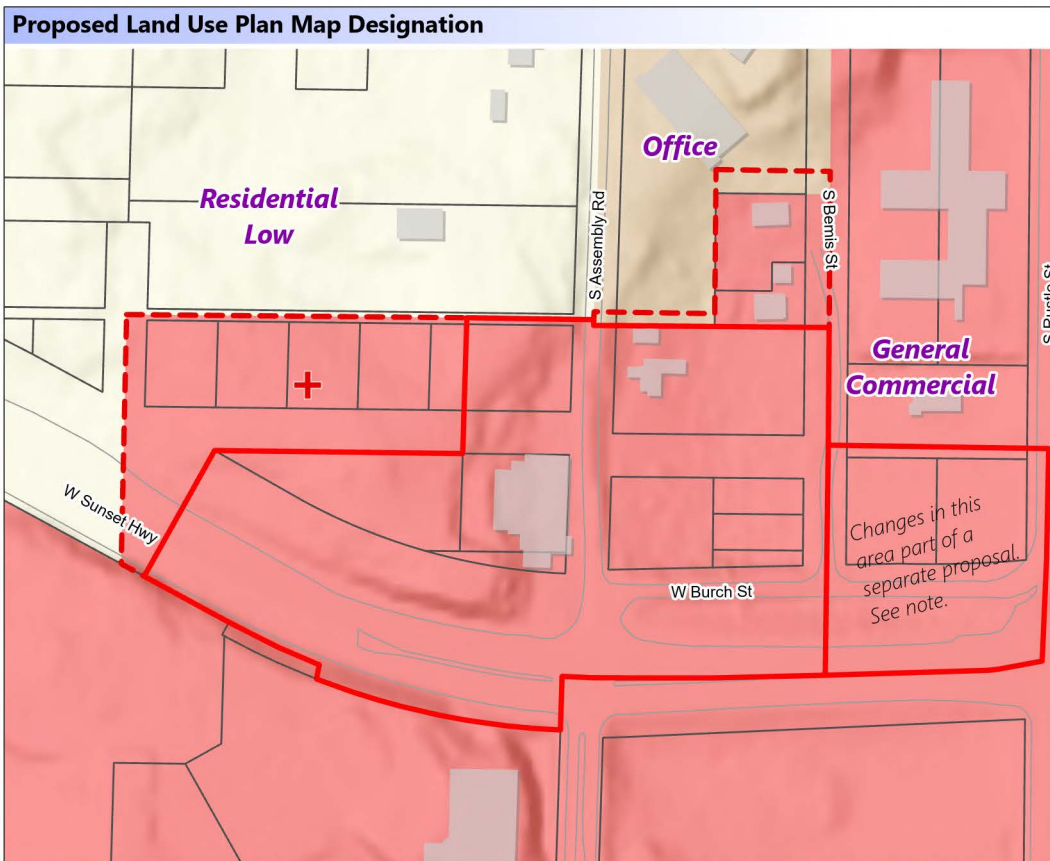


- Project Area
 - Expanded Area
 - Parcel
 - Buildings
 - Curb Line
- Land Use Plan Designation**
- Residential Low
 - Office
 - General Commercial

+ This expansion area was requested by the applicant after docketing was complete--its inclusion is subject to Plan Commission/City Council approval.



Drawing Scale: 1:3,200



- Agent:** Land Use Solutions & Entitlement
- Parcels:** 25236.0057 25271.0404
25236.0305 25271.0405
25236.0311 25271.0406
25236.0312 25271.0407
25236.0401 25271.0408
25236.0402 25271.0501
25236.0403 25271.0502
25236.0405 25271.0504
25271.0403
- Size:** 5.22 acres
(Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-477COMP** for details as to the adjacent application.

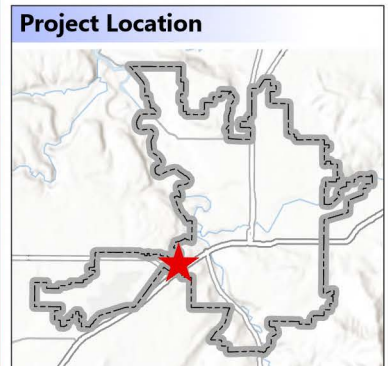


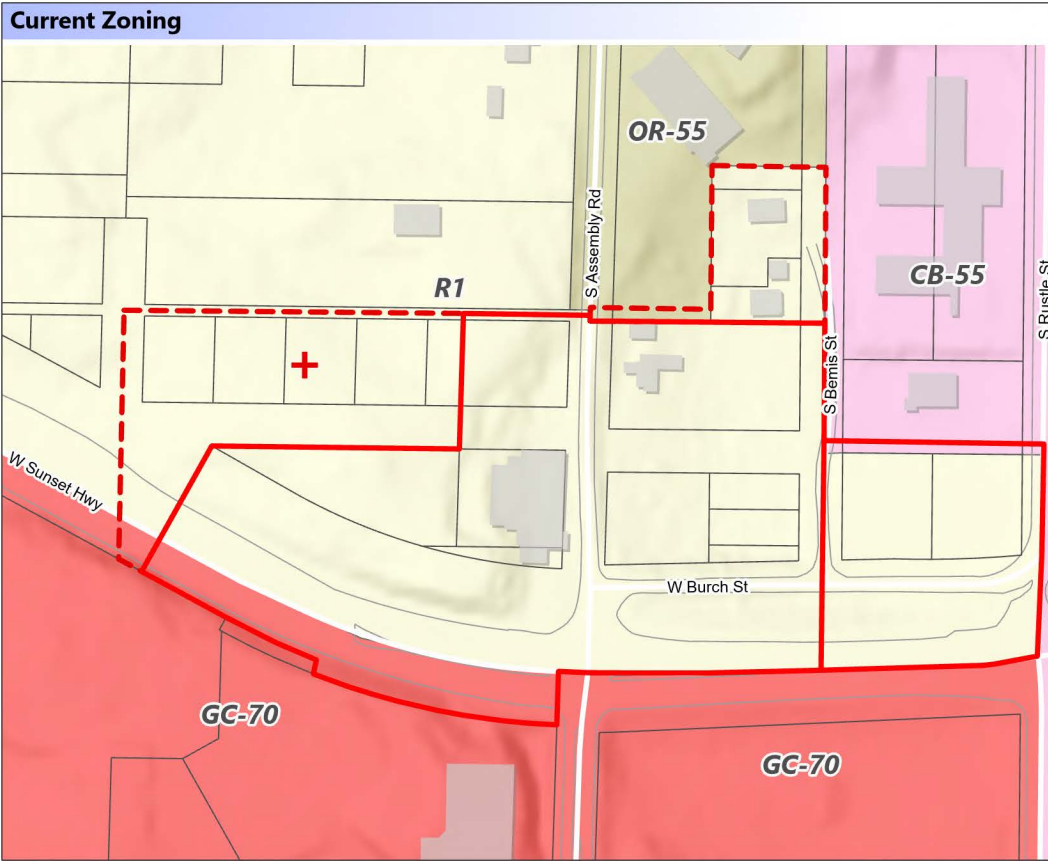


Exhibit C: Zoning Changes

Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
 - Expansion Area
 - Buildings
 - Parcel
 - Curb Line
- Zoning**
- Community Business
 - General Commercial
 - Office Retail
 - Residential 1

+ This expansion area was requested by the applicant after docketing was complete--its inclusion is subject to Plan Commission/City Council approval.

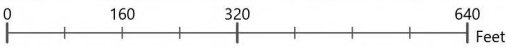
Agent: Land Use Solutions & Entitlement

- Parcels:** 25236.0057 25271.0404
 25236.0305 25271.0405
 25236.0311 25271.0406
 25236.0312 25271.0407
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 25236.0405 25271.0504
 25271.0403

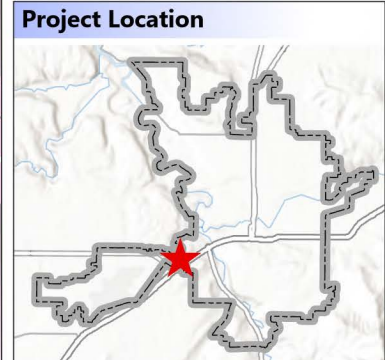
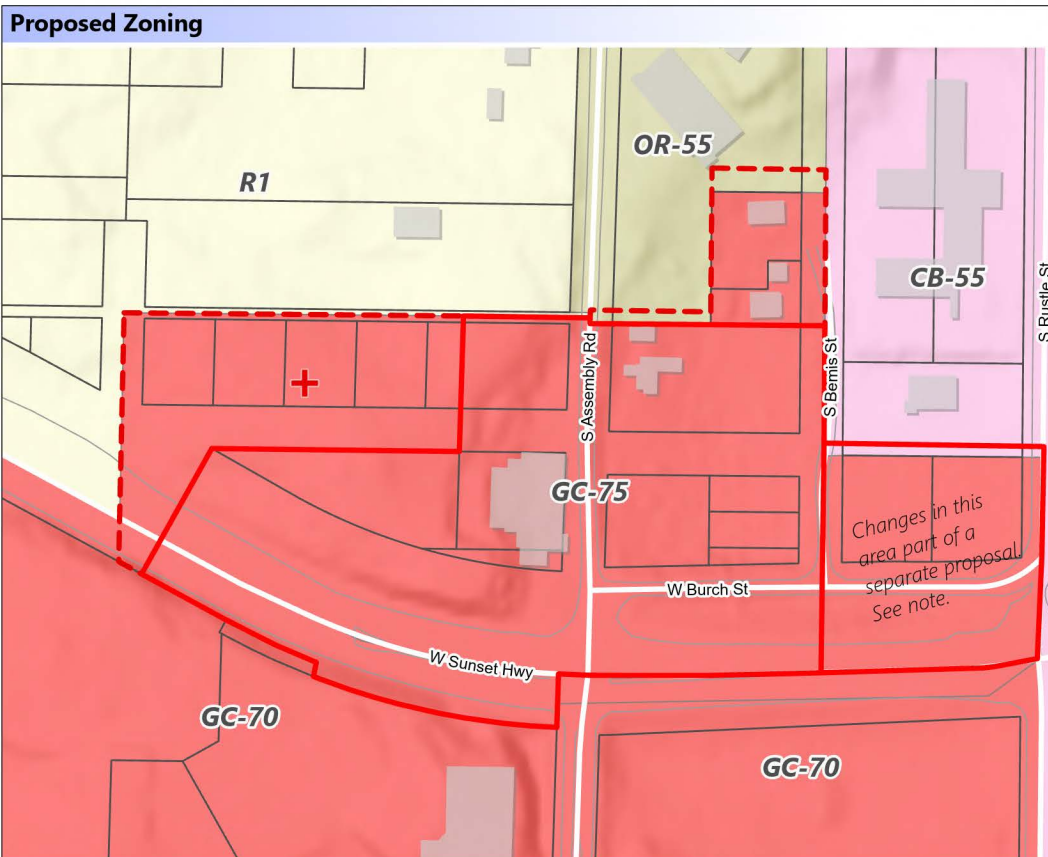
Size: 5.22 acres
(Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-477COMP** for details as to the adjacent application.

This exhibit has been updated according to the recommendation of the Spokane Plan Commission during their hearing on October 9, 2024.



Drawing Scale: 1:3,200





**PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT
FILE Z23-478COMP (ASSEMBLY & BEMIS)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application, subject to modification of the proposal relating to height, seeking to amend the land use plan map designation from “Residential Low” to “General Commercial” and “Office” for all or portions of parcels 25236.0305, 25236.0401 thru .0403, 25236.0405, 25271.0403 thru .0408, 25271.0501, 25271.0502, 25271.0504, 25236.0057, 25262.0311, and 25262.0312 totaling 5.2 acres. The zoning designation proposed is “General Commercial, 75-foot height limit (GC-75)” and “Office Retail, 55-foot height limit (OR-55).”

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. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z23-478COMP (the “Application”) was submitted in a timely manner for review during the City’s 2023/2024 amendment cycle.
- D. The Application sought to amend the land use plan map designation for parcels 25236.0305, 25236.0401 thru .0403, 25236.0405, 25271.0408, 25271.0501, 25271.0502, and 25271.0504, totaling 3.3 acres, from “Residential Low” to “General Commercial” with a corresponding change in zoning from “R1” to “General Commercial, 70-foot height limit (GC-70).”
- E. The subject properties are primarily vacant with several rock outcroppings and sparse vegetation along with a single-unit home and a garage.
- F. Annual amendment applications were subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- G. On January 22, 2024, the City Council adopted Resolution RES 2024-0002 establishing the City Council members of the Ad Hoc City Council Threshold Committee.
- H. On February 9, 2024, an Ad Hoc City Council Threshold Committee reviewed the applications that had been submitted and forwarded its recommendation to City Council regarding the applications.
- I. On March 25, 2024, the City Council adopted Resolution RES 2024-0029 establishing the 2024 Comprehensive Plan Amendment Work Program, including the Application. The City Council

included all of parcels 25262.0311 and 25262.0312 and a portion of parcel 25236.0057 as a 0.63-acre expansion for consideration along with this Application. Those parcels were included at City Council's behest in order to avoid leaving an island of Residential Low properties completely surrounded by General Commercial if this proposal were adopted.

- J. Geographic expansion of applications for Comprehensive Plan Amendments by City Council is allowed within the Spokane Municipal Code ("SMC") under Title 17G.020.025.A.1.a. After the Application was added to the Work Program, the applicant requested five additional parcels be considered for inclusion in the Application totaling 1.3 acres (Parcels 25271.0403 thru .0407). The additional parcels were included in all published maps, noticing, and analysis as well as discussed at the Plan Commission Workshop.
- K. On March 28, 2024, staff presented the 2023/2024 Comprehensive Plan Amendment Work Program to the Community Assembly Land Use Subcommittee on, including details regarding the Application, and provided information on the required process, upcoming Plan Commission Workshops, and how to submit comments.
- L. On May 7, 2024, staff requested comments from agencies, departments, and neighborhood councils. The comment period ended May 21, 2024. By the end of the comment period, comments were received from the Integrated Capital Management Department and Spokane Transit Authority.
- M. On June 10, 2024, a Notice of Application was mailed to all properties, owners, and taxpayers within a 400-foot radius of the subject parcels and any adjacent properties with the same ownership. Signs were also placed on the subject parcels in plain view of the public. Notice was also published in the Spokesman Review on both June 10, 2024, and June 17, 2024.
- N. The Notice of Application initiated a 60-day public comment period from June 10, 2024, to August 9, 2024, during which two comments were received (as included in the Staff Report).
- O. No additional public comments were received by October 8, 2024, at 5pm.
- P. On July 10, 2024, and July 24, 2024, the Spokane City Plan Commission held public workshops to study the Application.
 - 1. During these workshops, Plan Commission discussed possible alternative height limits for the parcels as well as the possibility of zoning them "Community Business" instead of "General Commercial."
- Q. On September 16, 2024, a State Environmental Policy Act ("SEPA") Checklist and Determination of Non-Significance were issued for the Application. The deadline to appeal the SEPA determination was October 8, 2024. No comments on the SEPA determination were received.
- R. On September 17, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- S. On September 20, 2024, staff published a report addressing SEPA and providing staff's analysis of the merits of the Application, copies of which were circulated as prescribed by SMC

17G.020.060B.8. After analysis of the Application, Staff had no recommendation for the Application.

- T. A Notice of SEPA Determination of Non-Significance and Plan Commission Hearing was published on September 25, 2024, in the Official Gazette and on September 25, 2024, and October 2, 2024, in the Spokesman Review.
- U. On September 25, 2024, a Notice of Public Hearing and SEPA Determination was posted on the Properties 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 Properties.
- V. On October 9, 2024, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, closing the verbal and written record, conducting deliberation on the application, and voting to recommend the City Council Approve this application, including all additional parcels requested by the applicant after docketing.
 - 1. One member of the public testified in support of the change but also encouraging considerations for sidewalks and accessibility at the development stage.
- W. During deliberation, the Plan Commission voted 9 to 0 to condition their recommendation on an amended height maximum for the subject properties from 70 to 75 feet. This was considered at the request of the applicant and conforms to amendments to SMC 17C.120.220.B.1 adopted by the City during the processing of the Application.
- X. Also during deliberation, Plan Commission requested a finding be added to the record that, while they recommend including the additional parcels requested after docketing by the applicant, they do not support future applicants expanding their applications similarly, outside the normal docketing process.
 - 1. Plan Commission accepts the additional parcels this time due to the fact that the requested parcels were included in all noticing and public outreach and because the City will not be accepting Comprehensive Plan Amendments applications for the following two years, representing significant delays for the property owners in this case if they are not included.
- Y. 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.
- Z. Except as may be otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").
- AA. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically Policy LU 1.8, General Commercial Uses.
- BB. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, 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. Z23-478COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2023/2024 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2024 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application.
9. The Application will 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.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z23-478COMP, a request by Dwight Hume of Land Use Solutions and Entitlement on behalf of WJL, LLC, and expanded by the City of Spokane, to change the land use plan designation of 5.2 acres of land from "Residential Low" to "General Commercial" and "Office" with a corresponding change of the implementing zoning from "R1" to "General Commercial, 70-foot height limit (GC-70)" and "Office Retail, 55-foot height limit (OR-55)". Based upon the above listed findings and conclusions, by a vote of **8**

to 1, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendment to the Land Use Plan Map of the City’s Comprehensive Plan with corresponding amendment to the City’s Zoning Map, subject to the modification of the height limit from 70 feet to 75 feet, and authorizes the President to prepare and sign on the Commission’s behalf a written decision setting forth the Commission’s findings, conclusions, and recommendation on the application.

Greg Francis

Greg Francis (Oct 22, 2024 15:06 PDT)

Greg Francis, President

Spokane Plan Commission

Date: Oct 22, 2024







PC Findings and Conclusions - Z23-478COMP

Final Audit Report

2024-10-22

Created:	2024-10-22
By:	Angela McCall (amccall@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGqW8fAtvCt3B6vNL855-4Uj3Og-GBOCa

"PC Findings and Conclusions - Z23-478COMP" History

-  Document created by Angela McCall (amccall@spokanecity.org)
2024-10-22 - 5:16:19 PM GMT
-  Document emailed to gfrancis@spokanecity.org for signature
2024-10-22 - 5:16:42 PM GMT
-  Email viewed by gfrancis@spokanecity.org
2024-10-22 - 10:04:23 PM GMT
-  Signer gfrancis@spokanecity.org entered name at signing as Greg Francis
2024-10-22 - 10:06:33 PM GMT
-  Document e-signed by Greg Francis (gfrancis@spokanecity.org)
Signature Date: 2024-10-22 - 10:06:35 PM GMT - Time Source: server
-  Agreement completed.
2024-10-22 - 10:06:35 PM GMT



2023/2024 Comprehensive Plan Amendments

STAFF REPORT FOR FILE Z23-478COMP (ASSEMBLY AND BEMIS)

Department of Neighborhood and Planning Services

The following staff report concerns a proposed amendment to the City's current Comprehensive Plan. The proposal is to amend the land use plan map designation and zoning of one or more parcels in the City of Spokane. Amendments to the Comprehensive Plan are enabled by Spokane Municipal Code (SMC) 17G.020 and Revised Code of Washington (RCW) 36.70A.130.

I. PROPERTY SUMMARY

Parcel(s):	<i>Applicant Proposal:</i> 25236.0305, 25236.0311, 25236.0312, 25236.0401, 25236.0402, 25236.0403, 25236.0405, 25271.0403, 25271.0404, 25271.0405, 25271.0406, 25271.0407, 25271.0408, 25271.0501, 25271.0502, 25271.0504 <i>City Expanded Area:</i> 25236.0057, 25262.0311, and 25262.0312
Address(es):	1527 & 1606 S Assembly St, 1603 S Assembly Rd, and 1604, 1616, &1622 S Bemis St
Property Size:	<i>Applicant Original Proposal:</i> 3.33 acres <i>City-Proposed Expanded Area:</i> 0.7 acres <i>Additional Applicant Request:</i> 1.26 acres
Legal Description:	See Exhibit K
General Location:	East and west sides of S Assembly Rd immediately north of W Sunset Hwy
Current Use:	Vacant

II. APPLICANT SUMMARY

This application has two applicants—a private applicant and the City of Spokane itself. The following information regards the original private applicant:

Agent:	Dwight Hume, Land Use Solutions & Entitlement
Applicant:	WJL, LLC
Property Owner:	WJL, LLC; Christine & Sandra Noltimier; Thomas & Kelle Vigeland

The following information regards the properties added by the City:

Representative:	Kevin Freibott, Planning & Economic Development, City of Spokane
Property Owners:	City View LLC; Rusland & Alyona Bak; and Justin & Deanna Pillow

III. PROPOSAL SUMMARY

Current Land Use Designation:	Residential Low
Proposed Land Use Designation:	General Commercial & Office
Current Zoning:	R1
Proposed Zoning:	General Commercial (70' max height) & Office Retail (55' max height)
SEPA Status:	A SEPA threshold determination of Non-Significance (DNS) was made on September 16, 2024. The appeal deadline is 5:00 PM on October 8, 2024.
Plan Commission Hearing Date:	October 9, 2024
Staff Contact:	Kevin Freibott, Senior Planner, kfreibott@spokanecity.org
Staff Recommendation:	No Recommendation

IV. BACKGROUND INFORMATION

- General Proposal Description:** Pursuant to the procedures established by SMC 17G.020, enabled by RCW 36.70A.130, the applicant asked the City of Spokane to amend the land use plan map designation (Map LU-1 of the Comprehensive Plan) from “Residential Low” to “General Commercial” and zoning designation (Official Zoning Map of the City of Spokane) from “R1” to “General Commercial-70” for nine (9) parcels in the West Hills Neighborhood. No specific development is proposed on the properties at this time, though the applicant has stated their preference to develop the site with multi-family residential uses in the future.

During the threshold determination process and setting of the Work Program, City Council added two additional parcels and a portion of a third to the proposal. These are included to avoid creating an island of Residential Low properties surrounded by more intense land use plan map designations (General Commercial and Office) as well as to ensure that parcel 25236.0057 is no longer split-zoned. No actual development has been proposed for these three properties at this time--rather City Council included these parcels to ensure that the City’s land use plan map remains relatively consistent with the vision in the Comprehensive Plan.

Following the threshold process, the applicant secured ownership of an additional parcel adjacent to their original proposal. They have since requested that the City expand the application to include all the parcels between that parcel (25271.0403) and their original proposal. This would include their additional parcel plus four more of different ownership, for a total area of 1.26 acres. While there is no specific provision in the Spokane Municipal Code (SMC) for the addition of parcels by an applicant after the threshold determination stage, the SMC provides both Plan Commission and the City Council the opportunity to modify the proposal as a condition of their approval. In this case, to include these additional five (5) parcels, Plan Commission and/or City Council would need to condition their approval on the addition. If these properties were added to the proposal, the entire proposal would affect approximately 5.29 acres of the City.

Regarding the various additional areas in this application, reviewers should note there are three distinct portions of this proposal: (1) the original applicant's proposal, (2) the City's expansion, and (3) the additional parcels requested later by the applicant. The following figure gives a rule-of-thumb picture of those three parts.



2. **Site Description and Physical Conditions:** The applicant's parcels are currently vacant. Two parcels, those immediately adjacent to S Assembly Rd on the west side of that street, contain portions of severely eroded asphalt and scattered building materials remaining from legal demolition of a commercial greenhouse on the property. No other improvements were evident. The two entire parcels added by the City Council contain a single family home and an enclosed garage or pole barn. A small residential garage is located adjacent to the home as well. The portions of the apartment property to the north, a portion of which is included in this proposal, contain only landscaping and a rock retaining structure.
3. **Property Ownership:** Most of the subject parcels are owned by WJL, LLC, a registered an active limited liability corporation in Washington State. The remaining parcels are owned as follows:

Parcel 25236.0057: City View, LLC
 Parcel 25262.0311: Rusland & Alyona Bak
 Parcel 25262.0312: Justin & Deanna Pillow
 Parcel 25271.0407: Thomas & Kelle Vigeland
 Parcels 25271.0404 thru 28271.0406: Christine & Sandra Noltimier

The property manager for City View, LLC contacted staff by telephone and expressed no concerns about the inclusion of part of their property in the proposal. Attempts by City staff to contact the remaining owners (aside from WJL LLC and City View LLC) have not been successful.

4. **Adjacent Property Improvements and Uses:** The proposal is surrounded by existing development of the following nature:

Boundary	Land Use	Zone	Use
North	Residential Low & Office	R1 & O	Single-family residential use and an apartment complex.
East	General Commercial & Residential Low	CB-55 & R1	Hotel, Apartments, and vacant land.
South	General Commercial	GC-70	Sunset Highway and then commercial uses.
West	Residential Low	R1	Vacant land and a single home more than 500 feet to the west of the subject properties.

5. **Street Class Designations:** All streets adjacent to the subject parcels are designated “local.” Sunset Highway is designated as a Major Arterial. Assembly Rd continues south of Sunset Highway but remains a “local” street.
6. **Current Land Use Designation and History:** As shown in **Exhibit B**, the subject parcels are currently designated for “Residential Low” in the Comprehensive Plan. While the name of that land use designation has changed from Residential 4-10 to its current name of Residential Low, the subject parcels have been designated as the lowest level of residential intensity since the City’s adoption of the Growth Management Act (GMA) compliant Comprehensive Plan in 2001.
7. **Proposed Land Use Designation:** As shown in **Exhibit B**, the proposal is to amend the land use plan map designation to “General Commercial,” except for the parcel owned by City View LLC, containing the existing apartment complex. That parcel (25236.0057) would be designated Office, bringing the entire parcel into the same land use plan map designation.
8. **Current Zoning and History:** As shown in **Exhibit C**, the subject parcels are currently zoned R1, the lowest intensity residential zoning in the City. The subject parcels have been classified the same since the adoption of the current zoning map, except for the renaming of the “RSF” zone to “R1” in January 2024. The historical zoning, prior to 2006, is shown in the table below.

Year	Zone	Description
1958	N/A	Properties east of Assembly Rd weren’t annexed until 1962. Properties west of Assembly Rd were only added to the City in 2012
1975	R1	Properties east of Assembly Rd one: one-family residence zone.
After 1975, Prior to 2006	R1	Properties east of Assembly Rd only: one-family residence zone

9. **Proposed Zoning:** As Shown in **Exhibit C**, the proposed zoning for all parcels and the ROW is “General Commercial - 70” except for the parcel containing the existing apartment building (25236.0057) which is proposed for “Office Retail – 55” to match the zoning of the remainder of that parcel.

During the Plan Commission workshop, the Plan Commission asked the applicant whether they would consider a different zoning of Community Business (CB). When comparing General Commercial with Community Business, there are only a few key differences. Both zones allow the same primary uses, however the trigger for a Conditional Use Permit for industrial uses is smaller in Community Business (CUP is required when proposing industrial use over 20,000 square feet in Community Business rather than 50,000 square feet in General Commercial). Furthermore, the Floor Area Ratio (FAR) maximum in Community Business is smaller than in General Commercial (1.5 versus 2.5).

The applicant indicated in a following email that the applicant continues to request General Commercial zoning.

Plan Commission also raised the issue of the height proposed by the applicant—70 feet—during the workshop. While processing this application, the City separately proposed a suite of municipal code amendments resulting from the South Logan TOD Study¹. These changes did not require a Comprehensive Plan Amendment and were thus part of a different program than the Comprehensive Plan Amendment process. One of the changes proposed by that project was to amend the choices of alternative maximum heights available in commercial zones. Those proposed changes to the SMC were adopted by City Council on August 12, 2024². Essentially, as that proposal was approved, SMC 17C.120.220.B.1 now allows 75 feet as a choice, rather than 70 feet. Staff asked the applicant in this proposal if they would like to amend their proposed maximum height to 75 feet and they have indicated that they would.

According to the above special conditions and Plan Commission discussion, the City is now being asked to approve a resulting zoning for this proposal of GC-75. The additional five feet of height has been added to the maps in this case (see **Exhibit C**) but the zoning remains GC on the maps per the applicant's preference.

V. APPLICATION PROCESS AND PUBLIC COMMENT

- Key Steps:** The application is being processed according to SMC 17G.060, including the following steps:

Application Submitted	October 31, 2023
Threshold Application Certified Complete	November 30, 2023
Council Threshold Subcommittee Established ³	January 22, 2024
Council Threshold Subcommittee Met	February 9, 2024
Annual Work Program Set ⁴	March 25, 2024
Agency/Department Comment Period Ended	May 21, 2024

¹ <https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

² Spokane Ordinance C36555, Adopted August 12, 2024

³ Spokane City Council Resolution 2024-0002

⁴ Spokane City Council Resolution 2024-0029

Notice of Application Posted	June 10, 2024
Plan Commission Workshop	June 26, 2024
60-Day Public Comment Period Ended	August 9, 2024
SEPA Determination Issued	September 16, 2024
Notice of Public Hearing Posted	September 25, 2024
Plan Commission Hearing Date (Scheduled)	October 9, 2024

2. Agency Comments Received: A Request for Comments was issued for this proposal on May 7, 2024 by sending it to local agencies, jurisdictions, City departments, and the neighborhood council in which the proposal is located. This request initiated an agency comment period that ended May 21, 2024. Two comments were received during the agency comment period, as follows:

- Integrated Capital Management (ICM) Department: ICM requested a traffic generation memo for the proposal. That memo was provided, and changes were requested by ICM, specifically as it relates to the need for a signal at Sunset Highway and Assembly Rd. ICM noted in their response to Planning staff that a signal has been planned for Sunset Highway and Assembly Road—this proposal in combination with any others may require that signal to be built, but that determination will be made at the building permit stage. Per the analysis provided by the applicant’s traffic engineer, the need for a new signal at Sunset Highway and Assembly would not be met, even if this application and File Z23-477COMP (adjacent to this proposal) were approved.
- Spokane Transit Authority: STA provided a letter supportive of increased density near high-performance transit corridors like Sunset Highway.

Copies of all agency comments received are included in this staff report as **Exhibit I**.

3. Public Comments Received: A Notice of Application was issued for the proposal on June 10, 2024, initiating a public comment period that ended August 9, 2024. Two emails were received by the City, as follows:

- Robert Peterson: Asked what would be constructed. City staff replied, stating there is no actual construction proposed at this time, only a land use plan map change and rezone.
- Steven Oliver: Mr. Oliver provided a detailed letter with multiple concerns. Responses to those concerns follow:
 - The commenter states that the historic transformation of this area from rural to multi-family residential has been “the will of the city planners” and developers but not the residents.

Staff Response: The proposal is a private application issued by the owner of the main properties involved. The City’s expanded area is intended to minimize the effects of these proposals on adjacent properties and, in the case of the apartment complex, to clean up zoning issues that resulted from mapping accuracy in the past. This proposal is not a part of any city plan or study.

- The commenter expresses concern over the lack of transition from intense use (general commercial) to low intensity residential. The commenter then requests that Plan Commission “make it easy/inexpensive” for adjacent property owners to likewise change to a more intense land use/zoning for their property.

Staff Response: The City’s municipal code provides a distinct process through which individual property owners can request a different Land Use Plan Map designation and zoning for their property. Contrary to the commenter’s request, staff cannot designate an ‘easier/less-expensive’ process by which a property owner can do that short of a municipal code amendment. However, the commenter’s wishes are noted and will be communicated to Plan Commission and City Council for consideration.

- The commenter asks about the impact of the proposal on the provision of water and sewer service.

Staff Response: The proposal was routed to the Water and Wastewater departments along with the five other proposals under consideration this year, including the application immediately adjacent to this one. Neither department communicated any concerns about water or sewer provision in this location. Furthermore, the general vicinity has been planned for urban scale development since it’s annexation in 1962 (east of Assembly) and 2012 (west of Assembly). Long range planning for service provisions has included the potential development of this area for some time.

It's important to note, as well, that SMC 17D.010.020 requires that prior to any future development of the site, adequate provision for sewer and water capacity be determined by the City.

Copies of all public comments received are included in this staff report as **Exhibit J**.

- 4. Public Workshop:** A public workshop with the Spokane Plan Commission was held on July 10, 2024, during which the particulars of the proposal were presented to the Plan Commission for their consideration and discussion. No public comment was taken per Plan Commission rules.

VI. APPLICATION REVIEW AND ANALYSIS

- 1. Guiding Principles:** SMC 17G.020.010 provides the following guiding principles for the annual comprehensive plan amendment process:
 - A.** Keep the comprehensive plan alive and responsive to the community.
 - B.** 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.
 - C.** Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.

- D. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 - E. 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.
 - F. Amendments to the comprehensive plan must result in a net benefit to the general public.
2. **Review Criteria:** SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, by the Plan Commission making a recommendation on a proposal, and by the City Council in making a decision on the proposal. Following each of the considerations is staff's analysis relative to the proposed amendment.
- 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 reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposals would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal.

The proposal satisfies this criterion.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), which guided the City's development of its own comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA.

The proposal satisfies this criterion.

- 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 ICM department requested and received a traffic generation memo for this proposal, but did not require a full Traffic Impact Analysis. A signal at Sunset Highway and Assembly Road is planned for some time in the future and the City has gone so far as to install the subsurface infrastructure necessary for the signal. However, at this time traffic has not increased to the point that the signal would be required, nor would the development anticipated by this proposal and the adjacent proposal (File Z23-477COMP). Furthermore, any future development

permits requested at this location will be routed to ICM to ensure that the warrants for that signal have not yet been met.

The subject properties are already served by water, sewer, bus service, and adjacent existing City streets. Additionally, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020.

The proposal satisfies this criterion.

- 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: No evidence of a potential funding shortfall from this proposal exists. The potential future signal discussed under criterion C above is already part of the City's Traffic Impact Fee program, which will provide funding for that improvement when it is warranted.

The proposal satisfies this criterion.

E. Internal Consistency:

1. *The requirement for internal consistency pertains to the comprehensive plan as it relates to all 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: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

- *Development Regulations.* As a non-project proposal, there are no specific plans for development of these sites. Additionally, any future development will be required to be consistent with the current development regulations at the time of application submittal. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and concurrent zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations. In fact, the previous presence of a commercial structure and uses on the site reinforces the idea that this location can be developed according to the standards of the City's development regulations.
- *Capital Facilities Program.* As described in the staff analysis of criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.

- *Neighborhood Planning Documents Adopted after 2001.* The West Hills neighborhood completed its initial neighborhood planning project in 2016. This planning effort was centered on the stretch of Fort George Wright Drive adjacent to the Spokane Falls Community College, far from the subject parcels, and would not affect or be affected by this proposal.
- *Miscellaneous Comprehensive Plan Goals and Policies.* Staff have compiled a list of Comprehensive Plan Goals and Policies which bear on the proposal in **Exhibit E** of this report. Further discussion of these policies is provided under section K.2 below.

The proposal satisfies this criterion.

2. *If a proposed amendment is significantly inconsistent with current policy within 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: The proposal is generally consistent with current comprehensive plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject proposals.

The proposal satisfies this criterion.

- 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: The proposed change in land use designations affects a relatively small area within an existing urbanized area with no foreseeable implications to regional or inter-jurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent.

The proposal satisfies this criterion.

- 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.*

1. **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.*
2. **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: The City is concurrently reviewing this application and five other applications for Comprehensive Plan amendments as part of an annual plan amendment cycle. All six applications are for amendments to the land use plan map (LU-1) with attendant rezones. When considered together, these various applications do not interact, nor do they augment or detract from each other. Thus, the cumulative effects of these various applications are minor.

This proposal is located immediately adjacent to another, File Z23-477COMP. However, these two applications are separate proposals by different property owners and agents. They are both proposals for the same land use plan map designation and zoning. Accordingly, the two proposals' impacts would be identical in nature, differing only in magnitude due to the size difference between the proposals. When considering the impacts of each (e.g. traffic impacts), the City has considered their combined impact as well as their individual impacts. Regardless, neither proposal is expected to generate a significant cumulative impact to city systems, infrastructure, or the environment.

The proposal satisfies this criterion.

H. SEPA: *SEPA⁵ Review must be completed on all amendment proposals and is described in Chapter 17E.050.*

1. **Grouping:** *When possible, the SEPA review process should be combined for related land use types or affected geographic sectors 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 to allow adequate time for generating and processing the required environmental impact statement (EIS).*

Staff Analysis: The application is under review 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 the information contained in the environmental checklist (see **Exhibit G**), written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Determination of Non-Significance was issued on September 16, 2024 (see **Exhibit H**).

The proposal satisfies this criterion.

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*

⁵ State Environmental Protection Act

at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Staff Analysis: The proposal represents a change in land use plan map designation and zoning for a location already described for urban-scale development in the Comprehensive Plan. The nature of that potential development would change (low intensity residential to commercial) but the result on public facilities still represents urban development with similar impacts to urban services. To ensure that this proposal would not adversely affect the provision of public facilities, either existing or planned, the proposal was routed to City departments for review early in the application process. No comments were received from those departments stating adverse impacts on our systems or facilities would occur. No other evidence has been found to that effect either. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020.

The proposal satisfies this criterion.

- 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 proposals do not include an expansion to the UGA.

This criterion does not apply.

K. Demonstration of Need:

- 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.*

Staff Analysis: The proposals do not include a policy adjustment.

This criterion does not apply.

- 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: The primary Comprehensive Plan policy that guides the location of General Commercial uses is LU 1.8, General Commercial Uses. LU 1.8 states that general commercial uses should be directed to “to Centers and Corridors designated on the Land Use Plan Map.”⁶ This proposal is not located in or near a Center or Corridor. However, LU 1.8 also includes an exception to this

⁶ Shaping Spokane, the Comprehensive Plan for the City of Spokane, page 3-12.

requirement, stating that “exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors.”⁷ The policy then states that the following factors should be considered in these cases:

. . . maintaining the minimum depth from an arterial street necessary for the establishment of a general commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.⁸

The proposal is located outside any designated Centers or Corridors. While it is adjacent to existing General Commercial designations to the south, all other boundaries are either Residential Low or Office. Regardless, this location is technically “adjacent to existing General Commercial areas.” Regarding depth from the arterial, if the additional properties requested by the applicant are considered, the proposal would create a new area of General Commercial that is a maximum 490 feet from the centerline of Sunset Highway. This distance reduces significantly westward from Assembly Rd, as Sunset Highway begins a sloping turn northward. The minimum distance from Sunset that this proposal represents is 280 feet. This depth is not a deliberate choice to ensure compatibility or function of the general commercial area, rather it represents the physical bounds of the property owned by the applicant. Furthermore, Policy LU 1.8 does not provide any guidance as to how much distance from an arterial is necessary, rather that the City merely “consider” the distance as a factor in the decision.

Regarding intrusion into incompatible neighborhoods and transitional uses, the existing area’s condition as almost entirely undeveloped should be taken into consideration. What development there is north of the proposal and west of Assembly Rd. is limited to rural scale, low-intensity residential uses that pre-date the inclusion of these properties in the City. The proposal would not provide any transitional land uses in this location.

Existing uses north of the proposal but east of Assembly are largely of a multi-family residential nature, serving as a transition between general commercial uses as proposed and more low-intensity residential further north.

Approval of this proposal as it stands would result in Residential Low areas being located immediately adjacent to General Commercial areas. Furthermore, if this proposal were adopted but the proposal immediately adjacent to the east were not approved, the result would be an island of low intensity residential uses

⁷ Ibid., page 3-13.

⁸ Ibid.

completely surrounded by General Commercial uses. See the staff report for File Z23-478COMP for more on this potential impact.

Regardless, the applicant's proposal here does not include any transition between General Commercial and Residential Low found in properties north and west of this location. Similar to the intrusion question in previous paragraphs, policy LU 1.8 does not *require* transitional use, only that the City consider them as a factor when approving or denying such a request. The maximum number of existing homes that would be directly impacted by the placement of commercial uses adjacent to their properties is approximately three—the two single-family homes located north of the proposal and the one more than 500 feet to the west. However, the lands to the west and north remain designated for low intensity residential use so any new homes in these locations would also be potentially impacted by the proximity to general commercial uses on the applicant's property.

The policy language in LU 1.8 provides for the opportunity to place General Commercial land uses outside Centers and Corridors. While it includes certain topics to "consider," the policy does not provide specific guidance as to how those topics should inform the decision. Accordingly, staff cannot provide a determination as to whether the proposal meets this criterion or not. As such, staff requests that Plan Commission provide input and a determination as to the proposal's relationship with Policy LU 1.8 when considering their recommendation on this project at the hearing stage.

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

Staff Analysis: This location has been planned for urban-scale development since it was added to the City in 1962 and 2012. The relatively undeveloped state of these properties does not point to a condition that would prevent physical development on this site—in fact there has been development on some of the properties in the past, development that has since been demolished. Accordingly, there is no substantial sign that these properties cannot be developed in a manner proposed by the applicant.

c. *The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.*

Staff Analysis: See the discussion under K.2 above. While the relationship of this proposal with the location criteria in the Comprehensive Plan remains unclear, there are other factors in play. Firstly, the proposal is located along a principal arterial in an area of ongoing commercial development and use. While impacts to adjacent residential uses to the north and west should be considered, more intense development along arterials and future high-performance transit routes such as Sunset Highway are supported by the Comprehensive Plan (e.g policy LU 4.6, Transit Oriented Development) However, there remain multiple statements in the Comprehensive Plan that seek to maximize compatibility between new

development and existing uses (e.g. LU 5.5, Compatible Development). As such, the relationship of this proposal to the implementation of the overall Comprehensive Plan vision and strategy remains unclear.

Staff expresses no opinion whether the proposal meets this criterion.

- 3. Rezones, Land Use Plan 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 this proposal is adopted by City Council, changes will occur concurrently between the Land Use Plan Map in the Comprehensive Plan and the Zoning Map.

The proposal satisfies this criterion.

VII. CONCLUSION

The proposals have been processed and considered according to the requirements of the Spokane Municipal Code. Staff defers to the Plan Commission to make a determination at the time of the hearing as to the consistency of the original applicant's proposal with the final criteria for comprehensive plan amendments as provided in SMC 17G.020.030.

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 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.

VIII. STAFF RECOMMENDATION

Staff has **no recommendation** for the proposal.

IX. LIST OF EXHIBITS

- A. Aerial Photos
- B. Existing and Proposed Land Use Plan Map
- C. Existing and Proposed Zoning Map
- D. Application Notification Area
- E. List of Relevant Comp Plan Policies
- F. Application Materials
- G. SEPA Checklist
- H. SEPA Determination of Non-Significance
- I. Agency Comments
- J. Public Comments
- K. Legal Descriptions of Affected Parcels

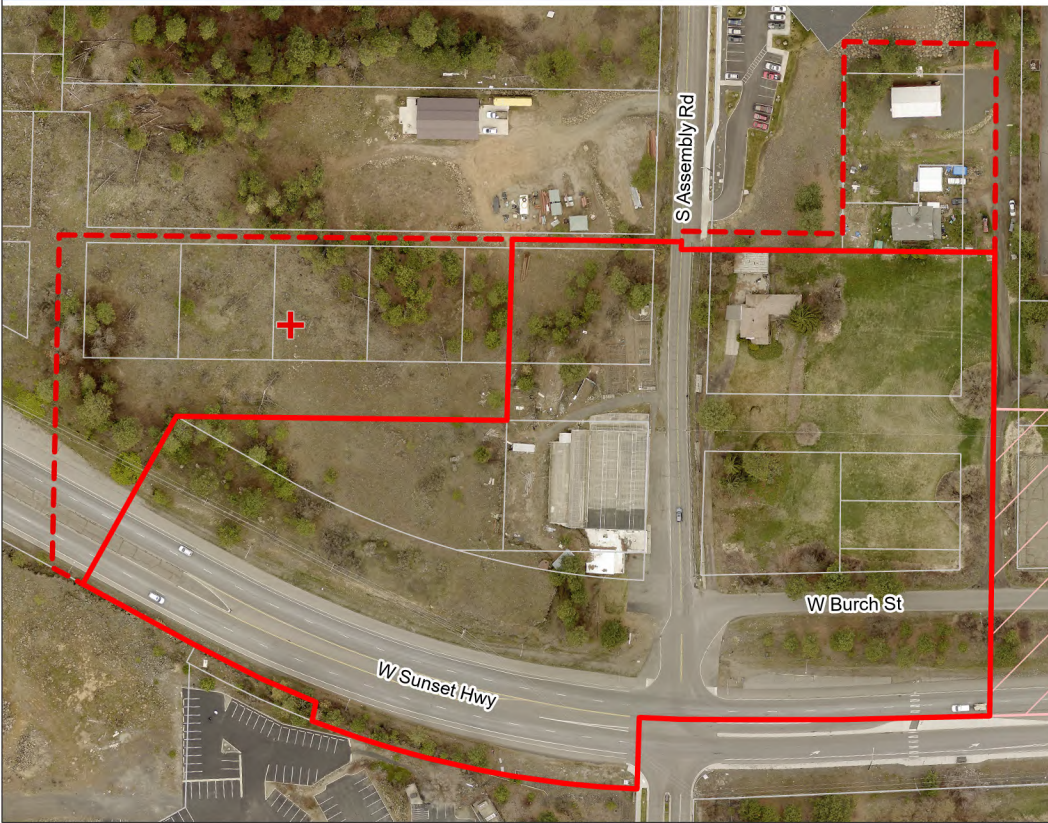


Exhibit A: Aerial Photos



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Detailed Aerial Photo (2022)



-  Application Area
-  Other Application*
-  Expansion Areas

+ This expansion area was requested by the applicant after docketing was complete--its inclusion is subject to Plan Commission/City Council approval.

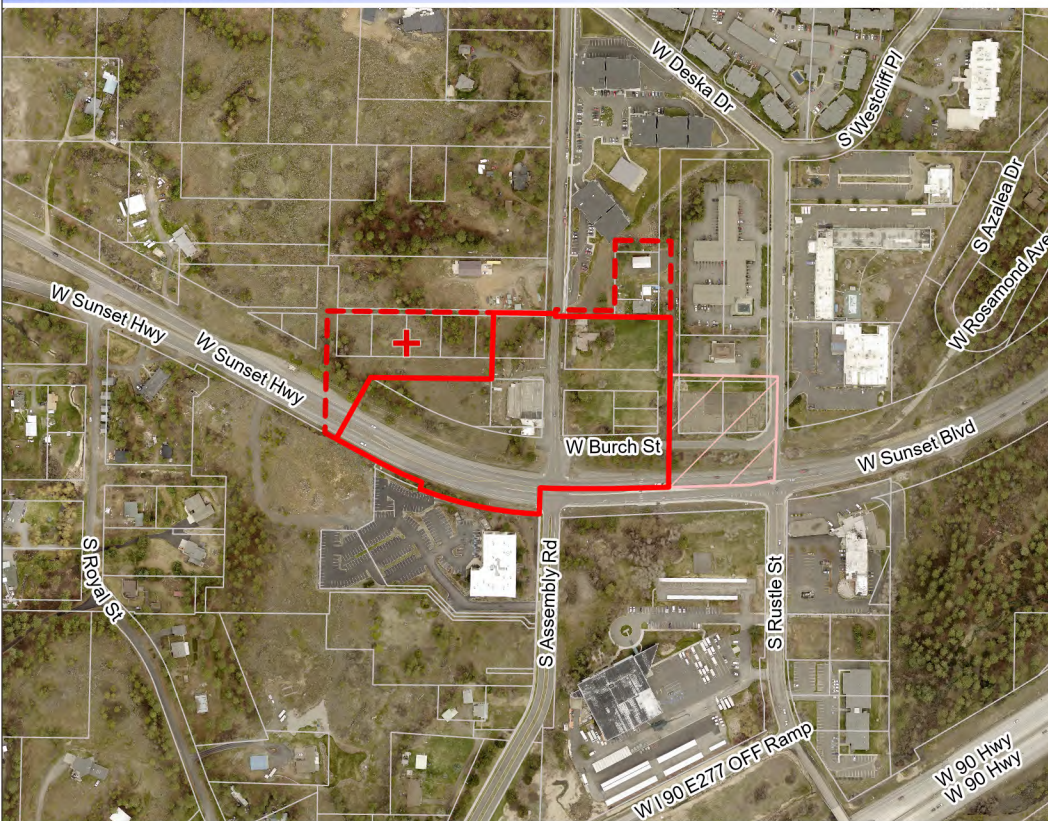
Agent: Land Use Solutions & Entitlement

- Parcels:** 25236.0057 25271.0404
 25236.0305 25271.0405
 25236.0311 25271.0406
 25236.0312 25271.0407
 25236.0401 25271.0408
 25236.0402 25271.0501
 25236.0403 25271.0502
 25236.0405 25271.0504
 25271.0403

Size: 5.22 acres
(Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-477COMP** for details as to the adjacent application.

Wide Area Aerial Photo (2022)



Project Location

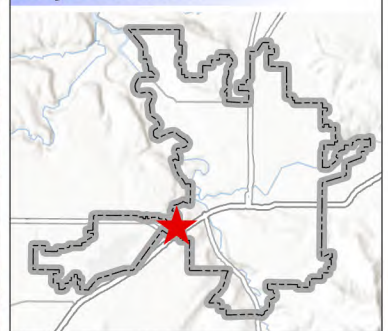




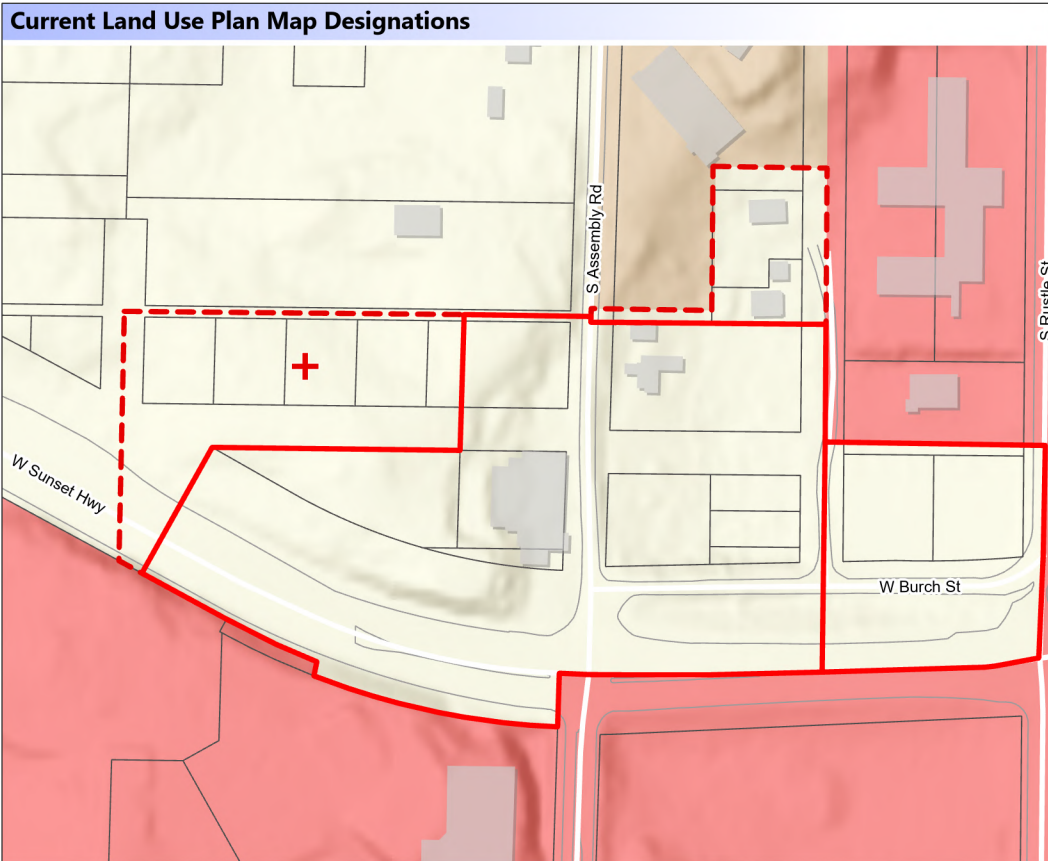
Exhibit B: Land Use Plan Map Changes

Department of Planning & Economic Development



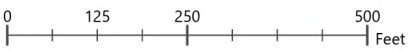
Draw Date: 4/8/2024

THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
 - Expanded Area
 - Parcel
 - Buildings
 - Curb Line
- Land Use Plan Designation**
- Residential Low
 - Office
 - General Commercial

+ This expansion area was requested by the applicant after docketing was complete--its inclusion is subject to Plan Commission/City Council approval.



Drawing Scale: 1:3,200

Agent: Land Use Solutions & Entitlement

- Parcels:** 25236.0057 25271.0404
 25236.0305 25271.0405
 25236.0311 25271.0406
 25236.0312 25271.0407
 25236.0401 25271.0408
 25236.0402 25271.0501
 25236.0403 25271.0502
 25236.0405 25271.0504
 25271.0403

Size: 5.22 acres
(Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-477COMP** for details as to the adjacent application.

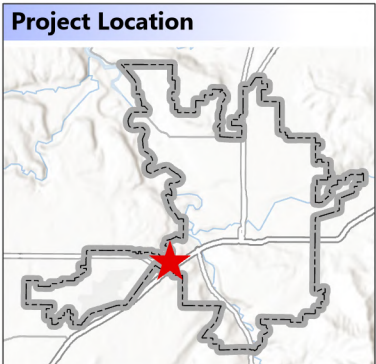
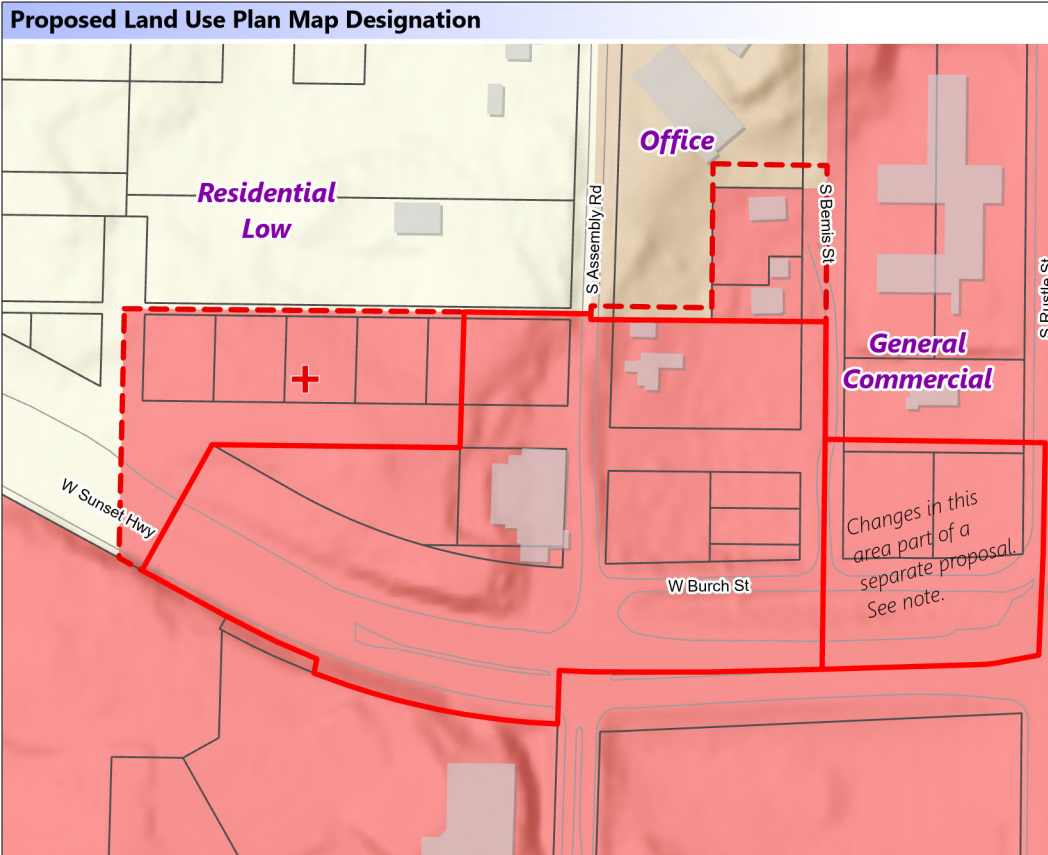


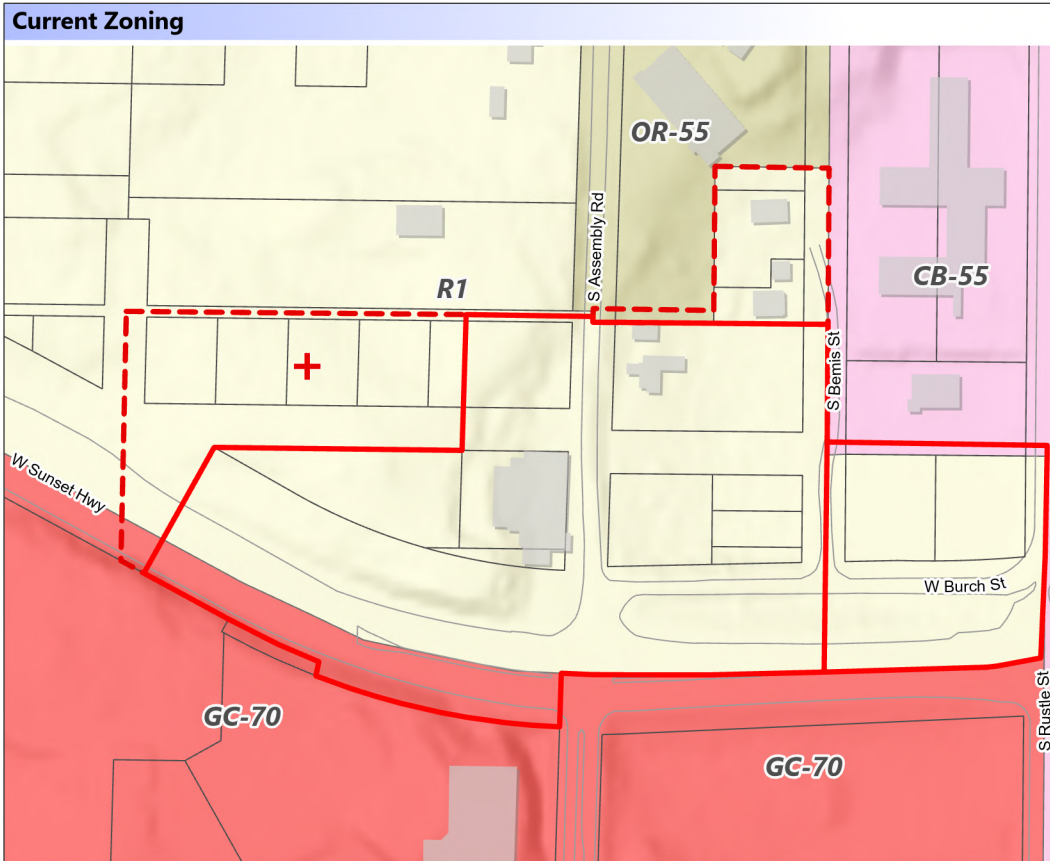


Exhibit C: Zoning Changes

Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

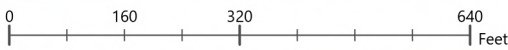


- Project Area
- Expansion Area
- Buildings
- Parcel
- Curb Line

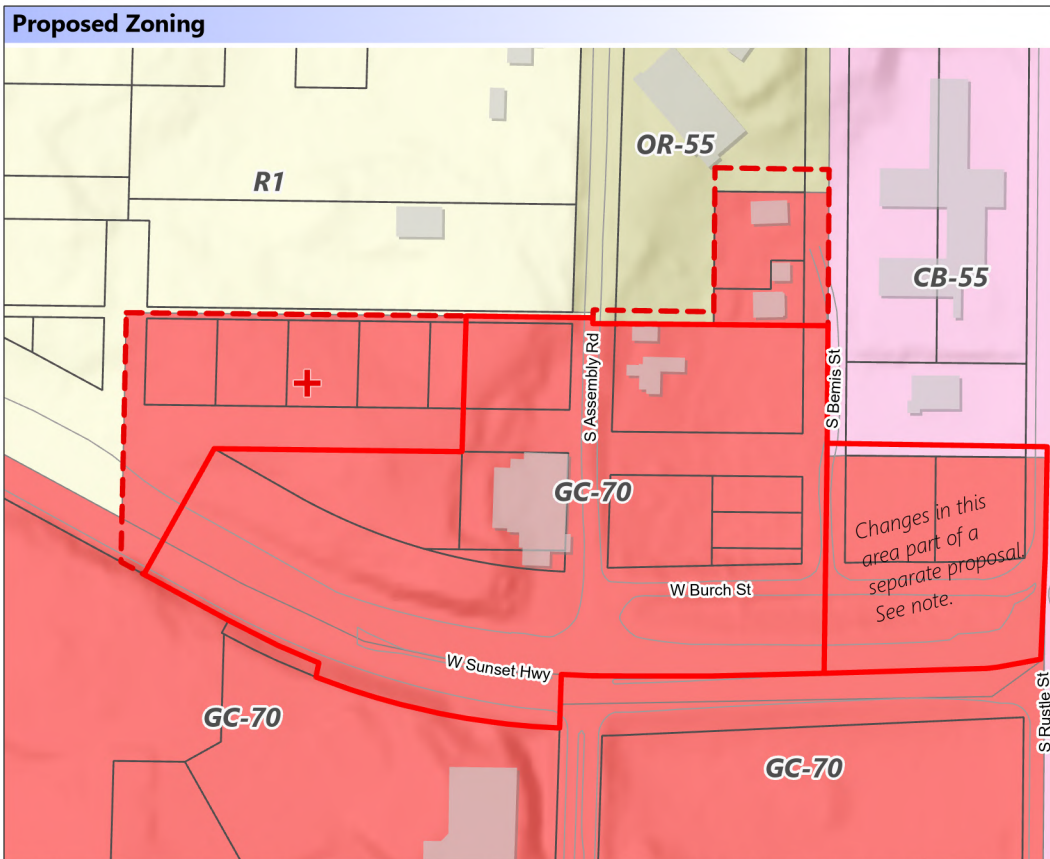
Zoning

- Community Business
- General Commercial
- Office Retail
- Residential 1

+ This expansion area was requested by the applicant after docketing was complete--its inclusion is subject to Plan Commission/City Council approval.



Drawing Scale: 1:3,200

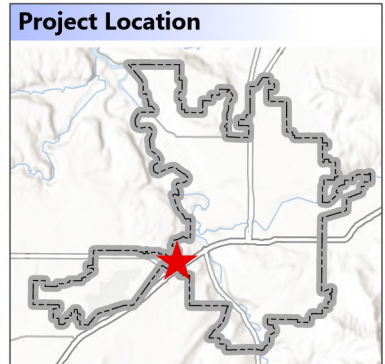


Agent: Land Use Solutions & Entitlement

- Parcels:** 25236.0057 25271.0404
 25236.0305 25271.0405
 25236.0311 25271.0406
 25236.0312 25271.0407
 25236.0401 25271.0408
 25236.0402 25271.0501
 25236.0403 25271.0502
 25236.0405 25271.0504
 25271.0403

Size: 5.22 acres
(Size is Approximate)

Note: This application is located adjacent to another proposal by a another applicant. See **File Z23-477COMP** for details as to the adjacent application.



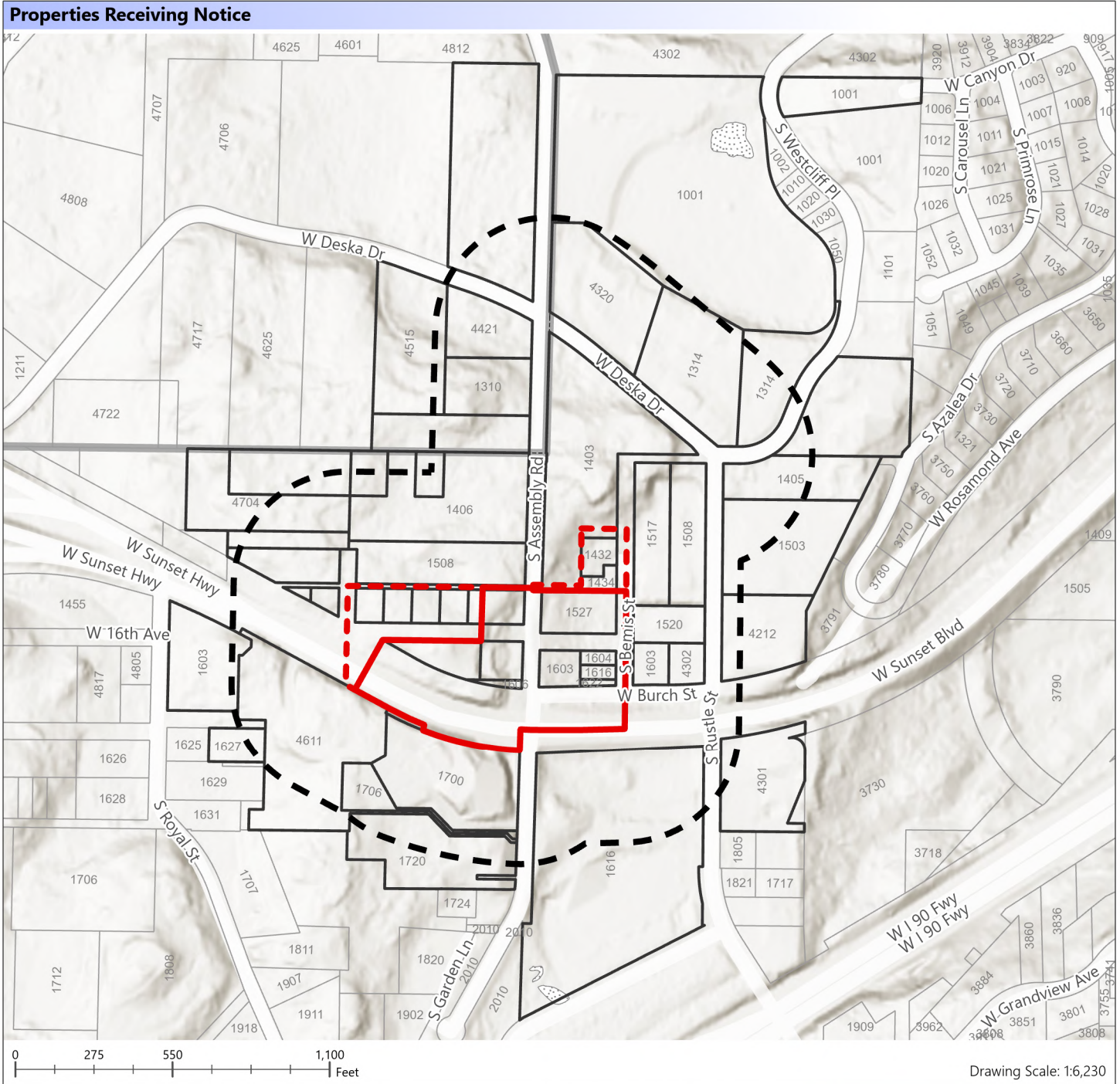


Notification Map - Comprehensive Plan Amendment

Department of Planning & Economic Development



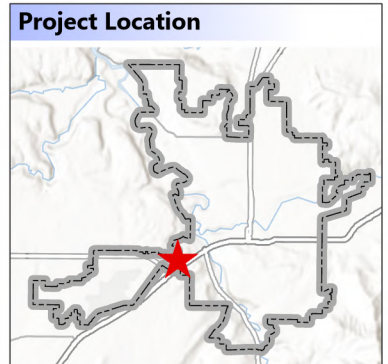
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



Applicant: Land Use Solutions & Entitlement
Parcels: 25236.0057, 25271.0404, 25236.0305, 25271.0405, 25236.0311, 25271.0406, 25236.0312, 25271.0407, 25236.0401, 25271.0408, 25236.0402, 25271.0501, 25236.0403, 25271.0502, 25236.0405, 25271.0504, 25271.0403
Size: 5.22 acres (Size is Approximate)

- 400' Notification Area
- Original Proposal
- Also Under Consideration
- Parcels
- City Limits

This Proposal Would: Amend the Land Use Plan Map designation and Zoning for 17 parcels in the West Hills Neighborhood. Parcels outlined in bold will receive notice of the proposal and the eventual Plan Commission hearing. Numbers indicate the parcel address.





Comprehensive Plan Policies Related to the Proposal

The following goals and policies are taken directly from the Comprehensive Plan and comprise those goals and policies that staff feels bears most directly on the proposal. The entire Comprehensive Plan is available for review and consideration at www.shapingspokane.org as well.

LU 1 CITYWIDE LAND USE

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane’s role as a vibrant urban center.

LU 1.1 Neighborhoods

Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.

Discussion: Neighborhoods generally should have identifiable physical boundaries, such as principal arterial streets or other major natural or built features. Ideally, they should have a geographical area of approximately one square mile and a population of around 3,000 to 8,000 people. 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.

A coordinated system of open space, nature space, parks, and trails should be furnished with a neighborhood park within walking distance or a short transit ride of all residences. A readily accessible elementary school should be available for neighborhood children. Neighborhood streets should be narrow and tree-lined with pedestrian buffer strips (planting strips) and sidewalks. They should be generally laid out in a grid pattern that allows easy access within the neighborhood. Alleys are used to provide access to garages and the rear part of lots. Pedestrian amenities like bus shelters, benches, and fountains should be available at transit stops.

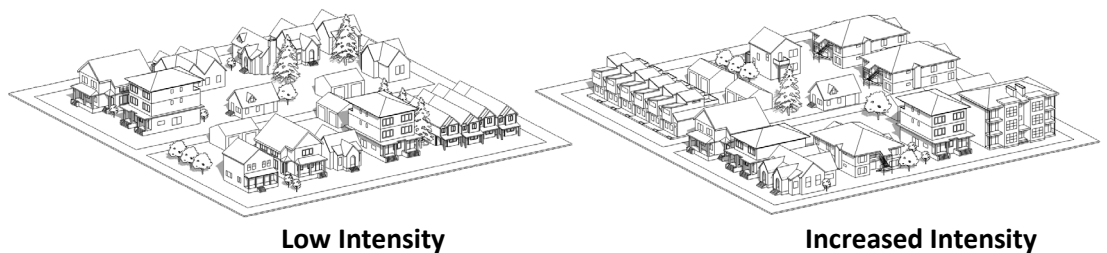
LU 1.3 Lower Intensity Residential Areas

Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.

Discussion: The city’s residential neighborhoods are one of its most valuable assets. Diversity in both housing type and residents in these areas is essential for the wellbeing and health of the city’s neighborhoods. Lower intensity residential uses, from detached homes to middle housing types, are generally compatible with each other and can be incorporated effectively into all neighborhoods. Accordingly, some residential areas would benefit from slightly increased intensities of residential use (e.g., somewhat taller buildings, more lot coverage), dependent on the context and nature of the surrounding neighborhood. These areas of increased residential development should focus on those parts of the neighborhood where proximity to adequate transportation (such as frequent transit), parks, schools, shopping, and other services already exists and where conditions allow for accommodation of increased utility/service needs and other impacts such as parking or the need for public green space.

Complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate. Complementary uses include those serving daily needs of residents, including schools, places of worship, grocery stores, recreation facilities, and small-format retail and medical uses. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the Land Use Plan Map designations guided by this policy—“Residential Low” and “Residential Plus”—see Section 3.4 below.

Policy LU 1.3 amended by Ordinance C36414 on September 7, 2023.

LU 1.4 Higher Intensity Residential Areas

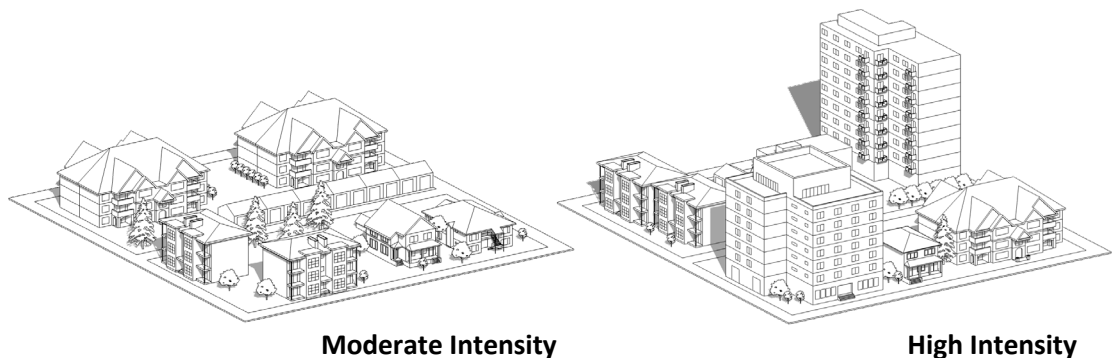
Direct new higher intensity residential uses to areas in and around Centers and Corridors designated on the Land Use Plan Map and to areas where existing development intensity is already consistent with development of this type..

Discussion: Higher intensity 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 to sustain more intense commercial development. Residential uses in and around Centers generally consist of multi-story condominiums and apartments. In some cases, smaller-scale residential development may be interspersed among those higher intensity uses, but generally uses of higher scale and height should predominate in these areas, especially as proximity to designated Centers or Corridors increases. Likewise, residential development should increase in height, mass, and lot coverage as properties are located closer to commercial areas or where employment is higher.

To ensure that the market for higher intensity residential use is directed to Centers, future housing of higher scale and form is generally limited in other areas. Whenever more intense residential uses are proposed outside the general vicinity of Centers and Corridors, topics such as the proximity of those areas to uses like commercial or downtown uses should be considered. Design and site requirements should be considered that minimize conflict between these areas and other uses.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the two Land Use Plan Map designations guided by this policy—"Residential Moderate" and "Residential High"—see Section 3.4 below.

Policy LU 1.4 amended by Ordinance C36414 on September 7, 2023.

LU 1.8 General Commercial Uses

Direct new General Commercial uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. New General Commercial areas should not be designated in locations outside

Centers and Corridors. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

However, recognizing existing investments, and given deference to existing land-use patterns, exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors. The factors to consider in such adjacent expansions include: maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

Policy LU 1.8 amended by Ordinance C35842 on January 17, 2020.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Policy LU 4.6 amended by Ordinance C35841 on January 17, 2020.

LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from

the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Policy LU 5.5 amended by Ordinance C35841 on January 17, 2020.

3.4 DESCRIPTION OF LAND USE DESIGNATIONS

The following land use plan map designations are necessary for development and growth in the city to achieve the vision and values discussed at the beginning of the chapter. These land use designations are shown on the following map, LU-1 Land Use Plan Map, which apply the requirements of land use and the goals and policies of the Comprehensive Plan to the physical environment, describing the types of development expected in each area. The overall strategy, as described above, is that development mass, height, and lot coverage be concentrated in focused growth areas (Centers and Corridors) while the remaining parts of the city remain occupied by lower intensity uses. Furthermore, future changes to the land use plan map should seek to achieve a transition between areas of lower and higher development mass and form and should avoid locations where the lowest intensity uses immediately transition to the highest intensity uses.

There is expected to be some variation in residential zones within each residential land use plan map designation. Contextual factors such as proximity to services, transportation options, and existing land use patterns should be considered when assigning a zoning category.

The land use designations and their general characteristics are as follows:

Residential Low: The Residential Low land use designation should focus on a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and housing categorized as middle housing (duplex, triplex, etc.). Combinations of these types should also be allowed, such as a duplex with an accessory dwelling unit. Other non-residential uses should be allowed conditionally, provided they integrate into the nature and context of the neighborhood. This would include uses such as schools, places of worship, grocery, small-format retail and medical services, and other resident serving uses.

Residential Low areas are appropriate in parts of the city where amenities and services are scaled for a lower level of development intensity.

Residential Plus: Uses in the Increased Intensity Residential designation are largely similar in type to low intensity residential areas. However, the overall development scale of those uses should be slightly higher, including possible design allowances like increased lot coverage, height, and other similar design requirements. The intent of Increased Intensity Residential areas is to provide a gradual increase in intensity, height, and overall context as the lower intensity areas transition into the more intense uses found in Centers and Corridors or significant commercial areas.

Residential Plus areas are appropriate whenever predominately lower scale residential is located near or around more intense uses like commercial locations or designated Centers and Corridors. Factors to be

considered in designating such areas should include proximity to arterials and collectors, availability of transit, the nearness of more intense development, available capacity in systems and infrastructure, and any other factors that help ensure the proposed land use designation integrates well into the existing built environment.

Development allowed in these areas is expected to be larger in form (height, lot coverage, etc.) than those in the Low Intensity Residential areas, while still maintaining a high level of continuity and consistency between the two less intense residential areas.

Residential Moderate: Residential Moderate areas provide increased intensity of development more appropriate to areas in the vicinity of designated Centers and Corridors and those served by substantial commercial or employment opportunities. The typical type of residential development appropriate to this designation include larger apartment buildings while also including a mix of the lower intensity areas where warranted. Example apartment types include the three-floor walkup and traditional apartment complexes as well as larger townhome and condo complexes. If neighborhood serving uses are included, such as places of worship or community centers, those non-residential uses can be of a higher scale and intensity than those conditionally permitted in Low and Increased Intensity Residential areas.

Residential Moderate uses should be generally limited to within moderate walking distance of a Center, Corridor, or major employment/commercial area. Placement of Moderate Residential outside walking distance of these more intense areas is acceptable if sufficient rationale exists to place them further out—such as proximity to high-capacity or frequent transit service (aka Transit Oriented Development).

Residential High: The Residential High designation allows for the highest intensity of residential uses, including construction types found in the Moderate Intensity Residential designation but also including taller and more intense apartment complexes. High Intensity Residential areas are intended to focus residential intensity in the near vicinity of downtown and other Centers and Corridors in the city, where sufficient services and employment opportunities exist nearby. A focus on accessibility, walkability, and equitable housing provisions should be provided in this area, including incentives and other bonuses for more affordable/attainable units as these areas are also located near to services and essential facilities like frequent transit.

H 1 HOUSING CHOICE AND DIVERSITY

Goal: Provide opportunities for a variety of housing types that is safe and affordable for all income levels to meet the diverse housing needs of current and future residents.

H 1.4 Use of Existing Infrastructure

Direct new residential development into areas where community and human public services and facilities are available.

Discussion: Using existing services and infrastructure often reduces the cost of creating new housing. New construction that takes advantage of existing services and infrastructure conserves public resources that can then be redirected to other needs such as adding amenities to these projects.

H 1.7 Socioeconomic Integration

Promote socioeconomic integration throughout the city.

Discussion: Socioeconomic integration includes people of all races, color, religion, sex, national origin, handicap, disability, economic status, familial status, age, sexual orientation, or other arbitrary factors. Often, housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community.

H 1.9 Mixed-Income Housing

Encourage mixed-income developments throughout the city.

Discussion: Mixed-income housing provides housing for people with a broad range of incomes on the same site, development, or immediate neighborhood. Mixed-income housing provides socio-economic diversity that enhances community stability and ensures that low-income households are not isolated in concentrations of poverty.

H 1.11 Access to Transportation

Encourage housing that provides easy access to public transit and other efficient modes of transportation.

Discussion: Transportation is the second largest expenditure after housing and can range from 10 to 25 percent of household expenditures. Examining where housing is located and the associated transportation costs may provide a more realistic evaluation of housing affordability in the future.

H 1.18 Distribution of Housing Options

Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.

Discussion: A variety of housing types should be available in each neighborhood. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must take into account the context of the area and should result in an improvement to the existing surrounding neighborhood.

H 2 HOUSING QUALITY

Goal: Improve the overall quality of the City of Spokane's housing.

H 2.4 Linking Housing With Other Uses

Ensure that plans provide increased physical connection between housing, employment, transportation, recreation, daily-needs services, and educational uses.

Discussion: The location of housing in relation to other land uses is a part of what determines the quality of housing. The desirability and viability of housing changes for different segments of the community, based on an area's mix of land uses. As complementary land uses become spread further apart, transportation options decrease while transportation costs increase. These added transportation costs reduce the amount of household income available for housing and other household needs. This affects

lower-income households first. In urban areas, basic services, such as grocery stores, public transportation, and public parks, should be available within a mile walk of all housing.

DP 1.2 New Development in Established Neighborhoods

Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

Discussion: New development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood.

DP 2.12 Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

Discussion: Infill construction can benefit the community when done in a manner that improves and does not detract from the livability of the neighborhood and the desirable design character of the area.

N 2 NEIGHBORHOOD DEVELOPMENT

Goal: Reinforce the stability and diversity of the city's neighborhoods in order to attract long-term residents and businesses and to ensure the city's residential quality, cultural opportunities, and economic vitality.

Policies

N 2.1 Neighborhood Quality of Life

Ensure that neighborhoods continue to offer residents transportation and living options, safe streets, quality schools, public services, and cultural, social, and recreational opportunities in order to sustain and enhance the vitality, diversity, and quality of life within neighborhoods.

Discussion: Spokane enjoys a rich variety of living opportunities within its individual neighborhoods, each with its unique character. Maintaining and enhancing our neighborhood assets is key to providing stability within neighborhoods and Spokane citizens with a prolonged sense of pride.

City of Spokane

Planning Services Department



General Application

DESCRIPTION OF PROPOSAL:
Comprehensive Plan Amendment and zone change from R 4-10 and RSF to GC and GC-70

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)
1604, 1616, 1622 S Bemis; 1527, 1603, 1606 S Assembly

APPLICANT:
Name: Land Use Solutions & Entitlement
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): 509-435-3108 **Phone (work):** Same
Email address: dhume@spokane-landuse.com

PROPERTY OWNER:
Name: WJL, LLC C/O Adrian Lawson
Address: 621 W Mallon Avenue Suite 509 Spokane WA 99201
Phone (home): **Phone (work):** 509-710-8872
Email address: adrian@aacdi.com

AGENT:
Name: Dwight Hume
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509-435-3108
Email address: dhume@spokane-landuse.com


ASSESSOR'S PARCEL NUMBERS:
25262.0401, 0402, 0403, 0405; 25262.0305; 25271.0408; 25271.0501, 0502, 0504

LEGAL DESCRIPTION OF SITE:
See Attached

SIZE OF PROPERTY:
1.68 + 1.65 = 3.33 acres * Does not include unbuilt streets

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:
Comprehensive Plan Map amendment and zone change from R 4-10 and RSF to GC and GC-70

SUBMITTED BY:


 Applicant Property Owner Property Purchaser Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:


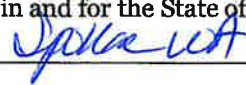
I, , owner of the above-described property do hereby authorize Dwight J Hume to represent me and my interests in all matters regarding this application.

ACKNOWLEDGMENT:

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

On this 30 day of October, 2023, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared William J Lawson, to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.


Notary Public in and for the State of Washington,
residing at 



Legal Description

Lots 10-15, Block 3 Garden Springs Addition; and

Lots 1-2 Block 4 Garden Springs Addition, and all that portion of Lot 3, Block 4, lying north of Sunset Hwy; together with, Lots 23-24 Block 4 and all that portion of Lot 22, Block 4, lying north of Sunset Hwy.

Together with:

Lots 22,23,24 Block 4 Argo Lilly Addition; and

Lots 1- 5 Block 5 Argo Lilly Addition, lying north of Sunset Hwy, together with vacated 16 ft. strip south of and adjacent thereto; and,

Lots 6-10, Block 5 Argo Lilly Addition, lying north of Sunset Highway; and

That portion of Lots 21,22,23,24, Block 5 Argo Lilly Addition, lying north of Sunset Highway.

End of Legal Description



DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. Summarize the general nature of the proposed amendment.
2. Why do you feel this change is needed?
3. In what way(s) is your proposal similar to or different from the fundamental concepts contained in comprehensive plan?
4. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal?
5. For map amendments:
 - a. What is the current Land Use designation and zoning for each affected parcel?
 - b. What is the requested Land Use designation and zoning for each affected parcel?
 - c. Describe the land uses surrounding the proposed amendment site(s); e.g., land use type, vacant/occupied, etc.
6. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal?
7. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Planning Services department's work program (e.g., neighborhood planning, public input on new regulations, etc.)?
8. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

Yes No

If yes, please answer the following questions:

- a. When was the amendment proposal submitted?
- b. Was it submitted as a consistent amendment or an inconsistent amendment?
- c. What were the Plan Commission recommendation and City Council decision at that time?
- d. Describe any ways that this amendment proposal varies from the previously considered version.

Comprehensive Plan Pre-Application Supplement

General Questions:

- 1) Summarize the general nature of the proposed amendment.

To change the current land use category from R 4-10 to GC on vacant land located both, east and west of Assembly at Sunset and lying along the north side of W. Burch St. and to request GC-70 zoning on all parcels.

The portion lying west of Assembly is the location of the former Sunset Florist and Greenhouse, now vacant and is four parcels totaling, 1.65 acres. The portion lying east of Assembly consists of 5 parcels and totals 1.68 acres.

Neither portion includes future vacated rights of way. Which the owner intends to include in the future development of these parcels.

The purpose of the GC-70 zone is to allow possible retail and high rise residential due to the variable terrain limiting development potential.

- 2) Why do you feel this change is needed?

The R 4-10 designation is no longer the highest and best use of the property. The easterly portion is designated General Commercial, as is th land located south of the subject across Sunset Highway. The area formerly used for Sunset Florist was never residential and adjoins the intersection of Assembly and Sunset with a high-rise office building at the SWC of said intersection. Rock outcroppings will remain undevelopable and serve as a buffer to the west.

- 3) In what way(s) is your proposal like or different from the fundamental concepts contained in comprehensive plan?

The request is like the fundamental concepts of the comprehensive plan, as evidenced by the existence of the GC designation to the NE, E, SE and, south. All of that, including the subject, being served by Sunset Highway. It should be noted that Burch Street serves as an E/W frontage road to the request lying east of Assembly. Nevertheless, the vacant land lying along the south side of Burch Street, is owned by the state and is part of the Sunset Highway rights-of-way. So, for all intents and purposes, the subject property fronts the Sunset Highway with approximately 275 ft. of frontage.

- 4) For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? *Not Applicable to this request.*

- 5) For map amendments:

- a. What is the current Land Use designation and zoning for each affected parcel?

R-4-10 and RSF zone

- b. What is the requested Land Use designation and zoning for each affected parcel?

General Commercial and GC-70 zone

- c. Describe the land uses surrounding the proposed amendment site(s); e.g., land use type, vacant/ occupied, etc.

North West: Vacant and Storage Building

North: Apartments

West: Vacant

East Apartments, and Hotels.

South: U-Haul Storage and Rental, Hotel and Office.

6) Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal? *No plans would affect this proposal*

7) Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Planning Services department's work program (e.g., neighborhood planning, public input on new regulations, etc.)?

The CPA is the only means of changing the zone from RSF to GC-70.

8) Has there been a previous attempt to address this concern through a comprehensive plan amendment? *No.*



Comprehensive Plan or Land Use Code Amendment

Application

DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary.
- b. How will the proposed change provide a substantial benefit to the public?
- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.
- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?
- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.
- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide.

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
- b. What is the current land use designation? **R 4-10**
- c. What is the requested land use designation? **GC**
- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

Existing: Vacant

North S/F, Storage, Apartments, and Hotel

East: Apartments and vacant

South: U Haul Catholic Charities, Office

West: Vacant and storage.

Comprehensive Plan Application Supplement

1. General Questions:

- a) Describe the nature of the proposed amendment and explain why the change is necessary.

The nature of the proposal is to change the designation from R 4 -10 to GC on approximately 3.3 acres located on both sides of Assembly at Sunset Hwy and/or Burch Street.

The subject property is within an area of General Commercial properties which have hotels, retail and or apartment uses. The highest and best use for this property is no longer R 4 -10 as evidenced by the vacancy and proximity to retail uses.

- b) How will the proposed change provide a substantial benefit to the public?

The proposed change to GC would allow some appropriate retail service to the nearby apartment tenants and add additional housing (apartments) to this area.

- c) Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.

The request is consistent with LU 1.8 wherein, expansion of existing general commercial areas is allowed, when fronting an existing arterial and giving deference to existing land use patterns.

The subject request is vacant R-4-10 designated, but unused and vacant. It is surrounded by high density apartments, hotels, retail and office uses and fronts the Sunset Highway, with increasing traffic from continuous growth on the west plains.

This is clearly an in-fill with no impact to the surrounding land use pattern.

- d) Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

The request is consistent with applicable GMA regulations.

- e) Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

The request is consistent with the CWPP. No neighboring jurisdictions are affected and SRTC will provide comments and conditions under formal review of this application. Similarly, an analysis of capital facility services will be provided during the review process.

- f) Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan? *No new improvements are needed. Recent intersection and highway improvements were completed at Russel Rd and Sunset*
- g) Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulations.

The requested change from R 4-10 to GC will not affect any applicable development regulations and/or programs.

- h) If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide.

Does not apply to this request.



City of
Spokane



Planning Services
Department

Notification Map

Application

DESCRIPTION OF PROPOSAL:

Comprehensive Plan Amendment from R 4-10 to GC

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

1604, 1616 and 1622 S Bemiss; 1527, 1603 and 1606 S Assembly

APPLICANT:

Name: Land Use Solutions & Entitlement c/o Dwight Hume

Address: 9101 N Mt' View Lane Spokane WA 99218

Phone (home): **Phone (work):** 509-435-3108

Email address: dhume@spokane-landuse.com

PROPERTY OWNER:

Name: WJL, LLC C/O Bill Lawson

Address: 621 W Mallon Avenue Suite 509 Spokane WA 99201

Phone (home): **Phone (work):** 509-710-8872

Email address: adrian@aacdi.com

AGENT:

Name: Land Use Solutions & Entitlement, Dwight J Hume

Address: 9101 N Mt. View Lane Spokane WA 99218

Phone (home): **Phone (work):** 509-435-3108

Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

25262.0401, 0402, 0403, 0405, 25262.0305, 25271.0408, 25271.0501, 0502, 0504

LEGAL DESCRIPTION OF SITE:

See attached

SIZE OF PROPERTY:

3.33 acres

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

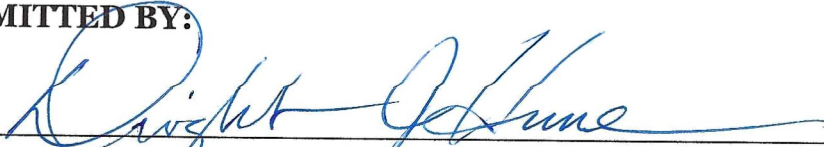
Comp Plan Map Amendment

**DOES OWNER/APPLICANT OWN PROPERTY ADJACENT TO SUBJECT PROPERTY?
If yes, provide all parcel numbers.**

All property is listed above.

I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in SMC 17G.060. for public hearing and community meeting. Copies of these instructions are available from the Planning Services Department or on www.spokaneplanning.org.

SUBMITTED BY:



Applicant Property Owner Property Purchaser Agent

Legal Description

Lots 10-15, Block 3 Garden Springs Addition; and

Lots 1-2 Block 4 Garden Springs Addition, and all that portion of Lot 3, Block 4, lying north of Sunset Hwy; together with, Lots 23-24 Block 4 and all that portion of Lot 22, Block 4, lying north of Sunset Hwy.

Together with:

Lots 22,23,24 Block 4 Argo Lilly Addition; and

Lots 1- 5 Block 5 Argo Lilly Addition, lying north of Sunset Hwy, together with vacated 16 ft. strip south of and adjacent thereto; and,

Lots 6-10, Block 5 Argo Lilly Addition, lying north of Sunset Highway; and

That portion of Lots 21,22,23,24, Block 5 Argo Lilly Addition, lying north of Sunset Highway.

End of Legal Description





dhume@spokane-landuse.com

From: dhume@spokane-landuse.com
Sent: Sunday, October 29, 2023 11:41 AM
To: 'hagy_w@icloud.com'
Subject: Annual Amendment Request City of Spokane
Attachments: City View Parcel Markup Lawson.pdf

William: I see that you are the current Chair of West Hills NC. The purpose of this email is to inform your neighborhood of a request to amend current vacant property, totaling 3.3 acres on a 50/50 split at Assembly and Sunset. It is the former Sunset Florist site and property located along Burch Street at Assembly on the east side of Assembly. My client is someone whom you would know, Bill Lawson, who is simply upgrading his investments, In this case it is currently RSF and he wishes to change that to GC-70 to enable possible high rise residential and maybe some retail to serve his residential tenants of this neighborhood in apartment projects that he has built and owns north of the subject. The reason he is doing GC-70 and not RHD, is because the limited site area and the rock terrain located along the west side. This zone would allow him to go higher and avoid the unbuildable portions. Currently he has no plans for construction immediately upon approval. More importantly, time needs to transpire to let the impacts of Catholic Charities settle down, if at all.

I have attached a parcel map of what is within this request. Let me know if you want me to attend a regular scheduled meeting of the WHNC. No hurry on that. The docketing review won't occur until late February or early March.

Dwight J. Hume

Land Use Solutions & Entitlement
9101 N Mountain View Lane
Spokane, WA 99218
509-435-3108

**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**File No. Z23-478COMP**PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!****Purpose of Checklist:**

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "*does not apply.*"

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.



A Note for Reviewers of this SEPA Checklist from City of Spokane Staff

As you consider the following checklist, please keep in mind that this proposal is a “non-project action” under the State Environmental Policy Act (SEPA). The proposal under consideration is a change only to the Land Use Plan Map of the Comprehensive Plan and the Zoning Map of Spokane. Accordingly, the proposal would amend the types of development expected and allowed on the subject parcels, but no actual physical improvements are under consideration at this time. The City expects that, if these proposals are approved, the property owners will come forward in the future for approval of building permits and other permits for physical changes to the site. However, no such permits have been requested by the applicants at this time and no approval for construction or physical changes to the site is under consideration by the City.

As such, when the applicant’s answers to the following checklist items mention physical improvements (e.g., the number of dwelling units to be constructed) reviewers should understand that these physical developments are not required or permitted by the proposal. Rather, future applications will be necessary before any physical changes occur to the site. Furthermore, requirements in place for construction permits, such as concurrency of services, stormwater controls, and any possible environmental surveys or analyses for that construction, will be analyzed and actions required before any construction or grading permits are issued, commensurate with the requirements of SEPA and the City’s Municipal Code.

For information on what could be permitted on the site, as opposed to the specifics the applicant may have provided in the following pages, reviewers are encouraged to review Title 17 of the Spokane Municipal Code for details as to what kinds of construction are permitted in the proposed zone, as well as any requirements for further analysis and consideration that must occur before any future permits for physical construction will be issued. Title 17 of the Spokane Municipal Code can be found at the following site:

<https://my.spokanecity.org/smc/>

Note from City of Spokane Staff:

The proposal classified as File Z23-478COMP has been expanded by Spokane City Council, adding three parcels of approximately 0.66 acres to the project area.

The properties added to the proposal by City Council include:

Parcel	Address
25236.0057 (part of)	1403 S Assembly Road
25262.0311	1432 S Bemis Street
25262.0312	1434 S Bemis Street

Additionally, after the application was added to the docket by City Council, the applicant has requested that the city consider amending the proposal to include the following five parcels, totaling approximately 1.19 acres in size. The inclusion of these parcels is subject to approval/recommendation by the Spokane Plan Commission and Spokane City Council, but they are included in the SEPA checklist in case approval is granted.

Parcel	Address
25271.0403	No Address Assigned
25271.0404	No Address Assigned
25271.0405	No Address Assigned
25271.0406	No Address Assigned
25271.0407	No Address Assigned

Where necessary, **boxes with red text** have been added to the SEPA Checklist to account for additional relevant information necessary for evaluating the environment impact of the expanded proposal. These additions have been inserted by City staff.

A. BACKGROUND

1. Name of proposed project: City View II

2. Applicant: Land Use Solutions & Entitlement

3. Address: 9101 N Mt. View Lane

4. City/State/Zip: Spokane WA 99218 Phone: 509-435-3108

Agent or Primary Contact: Dwight Hume

Address: Same

City/State/Zip: Same Phone: same

Location of Project: NWC Assembly & Sunset and NEC Assembly & Birch

5. Address: Not assigned Section: 26 and 27

Quarter: NE and NW Township: 25 Range: 42

Tax Parcel Number(s) See attached Supplement

6. Date checklist prepared: 4-18-24

7. Agency requesting checklist: City of Spokane Planning

8. Proposed timing or schedule (including phasing, if applicable): Spring 2027

The entire project of 199 units will be under construction. A small 3000 sf, (or less) retail pad will be incorporated into the proposed building located at the NWC of Assembly and Sunset where the former Green House once served the neighborhood,

Note that the City-sponsored parcels are not expected to develop/redevelop in the near future, as there are no known plans by the owners to do so. This is solely a map change to resolve a land use inconsistency that would be left in the vicinity if the applicant's proposal were adopted.

9. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. _____

Yes, the owner recently purchased Parcel 25271.0403 to include with the adjacent parcels lying south of said parcel. This would become additional on-site parking to the proposed units lying on the west side of Assembly.

b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. _____

Parcel 25271,0403 was recently purchased by this owner. Four other parcels lie between this parcel and Parcel 25271.0408 that may or may not be purchased in the future for additional surface parking use.

10. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. _____

This is an Non-Project Action (NPA). No environmental information is known relative to this property.

11. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. _____

Yes, a proposed amendment to General Commercial and GC-70 zoning immediately east of this proposal between Bemis and Rustle along Birch St.

12. List any government approvals or permits that will be needed for your proposal, if known. _____

Comprehensive Plan and Zone Change; Building Permits; Grading Permits; Road Vacations; and Road Work.

13. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. _____

Three separate apartment buildings, two being east of Assembly, and one being west of Assembly totalling 199 units. The westerly building may include a small 3000 sf retail space on the Assembly frontage.

14. Location of the proposal: Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. _____

The sites are located at the NWC of Assembly and Sunset and at the NEC of Assembly and Birch St.

15. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.) _____

The property is located within the ASA, PSSA and City of Spokane.

16. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

(1) Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).

_____ This is an NPA. Sub-surface drainage will be addressed in the project level review. Similar residential uses surround the subject site. So no unforeseen issues should exist.

_____ See the note on page 2 of this document for more information on "non-project actions" (NPA). _____

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored? _____

_____ This is an NPA, however chemicals are not expected to be a part of these residential uses.

(3) What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems. _____

_____ This is an NPA, however, no protective measures are anticipated, but will be determined at specific project level review.

(4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater? _____

_____ See #3 above.

b. Stormwater

(1) What are the depths on the site to groundwater and to bedrock (if known)? _____

_____ This is an NPA, however, the sites have rock outcrops typical of the surrounding developed area.

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts. _____

_____ This is an NPA, however, stormwater will be handles per approved standards of the City of Spokane.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

Flat Rolling Hilly Steep slopes Mountainous

Other: _____ The site includes large areas of flat land and some limited areas of steep slopes (exceeding 30 percent) _____

b. What is the steepest slope on the site (approximate percent slope)? _____

_____ This is an NPA, however, a steep slope of rock exist at the former green house site and the proposed apartment building will be built against it with upper level ground floor access from above.

Note that the on-site greenhouses were removed prior to the submittal of this application. The site is currently vacant.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long- term commercial significance and whether the proposal results in removing any of these soils. ____

_____ This is an NPA, however, there are no agricultural soils on site. Other soil classifications will be addressed at the project specific review.

Parcels 25262.0401, .0402, .0403, .0405 contain Uhlig Silt Loam, which is classified as a prime agricultural soil. However, this parcel is not planned, zoned, or designated for agricultural uses. Similarly, there have never been any known agricultural uses or operations on these parcels. Additionally, the value of these soils in this location is reduced by the proximity of existing urban development and a major arterial. The future use of these parcels for agriculture is not expected.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. _

_____ No evidence of unstable soils on either site.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill: _____

This is an NPA, however, the extent of grading, filling and amount of such will be addressed at the project specific level.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. _____

This is an NPA, however, see item "e" above.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)? _____

This is an NPA, however, the site should typically have 80% site coverage of building and parking.

h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: _____

This is an NPA, however, storm drainage or erosion will be addressed at the project level of review.

2. Air

a. What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. _____

This is an NPA, however, Dust from excavation and grading would occur during site preparation and construction. Quantities will be determined at the project specific submittal and review.

Any future grading would be subject to existing City of Spokane standards for dust remediation.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. _____

There are no off-site odors or emissions affecting this property.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: _____

This is an NPA, however, this will be addressed in the project level review.

3. Water

a. SURFACE WATER:

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. _____

This is an NPA, however, no water body or surface water exist on site.

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?

If yes, please describe and attach available plans. _____

Not Applicable

(3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. _____

Not Applicable

(4) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known. _____

Not Applicable

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. _____

Not within a flood plain

(6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. _____

No discharge to surface waters will occur.

b. GROUNDWATER:

(1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. _____

No groundwater disturbance is anticipated.

All parcels are within the City of Spokane Retail Water Service Area and thus any new development on these sites would be served with City water rather than any on-site wells.

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. _____

This is an NPA, however, no discharge of this type is anticipated from residential use.

All parcels lie within the City of Spokane sewer service area and would be required, upon development, to connect to City Sewer rather than use septic systems or on-site discharge.

c. WATER RUNOFF (INCLUDING STORMWATER):

(1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. _____

_____ This is an NPA, however, this will be determined at time of project level review. _____

Any future development would be subject to existing City of Spokane requirements for stormwater management, subject to City review and approval.

(2) Could waste materials enter ground or surface waters? If so, generally describe. _____

_____ See C 1 above. _____

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. _____

_____ This is an NPA, however, no drainage patterns will be affected. _____

d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any. _____

_____ This is an NPA, however, this will be addressed if applicable under project level review. _____

4. Plants

a. Check the type of vegetation found on the site:

Deciduous tree: alder maple aspen

Other: _____

Evergreen tree: fir cedar pine

Other: _____

Shrubs Grass Pasture Crop or grain

Orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush skunk cabbage

Other: _____

Water plants: water lily eelgrass milfoil

Other: _____

Other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered? _____

This is an NPA, however, existing vegetation will be replaced by buildings and surface parking and access.
The amount will be determined under a specific project review.

c. List threatened and endangered species known to be on or near the site. _____

No known threatened species on site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: _____

This is an NPA, however, to be determined at project level review. Landscaping will meet or exceed adopted City of Spokane development standards.

e. List all noxious weeds and invasive species known to be on or near the site. _____

Unknown

5. Animals

a. Check and List any birds and other animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk heron eagle songbirds

Other: _____

Mammals: deer bear elk beaver

Other: _____

Fish: bass salmon trout herring shellfish

Other: _____

Other (*not* listed in above categories): _____

b. List any threatened or endangered animal species known to be on or near the site.

None are known to be on site.

c. Is the site part of a migration route? If so, explain. _____

Not a migratory route.

d. Proposed measures to preserve or enhance wildlife, if any: _____

No measures being used to protect wildlife.

e. List any invasive animal species known to be on or near the site. _____

_____ This is an NPA, however, no invasive animal species exist on site or in the vicinity. _____

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

_____ This is an NPA, however, actual projects subsequently reviewed for construction will use electric and natural gas for energy needs. _____

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. _____

_____ This is an NPA, however, no impacts would occur for solar energy on adjacent properties. _____

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: _____

_____ This is an NPA, however, projects will comply with NW energy code standards. _____

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. _

_____ This is an NPA, however, no exposure is foreseen from this land use. _____

(1) Describe any known or possible contamination at the site from present or past uses. _____

_____ This is an NPA, however, there may have been contamination from the former green house use and products sold or stored on site. This will be determined when a project is proposed on site. _____

(2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. _____

_____ This is an NPA, however, no former contamination would prevent reuse of the site. _____

(3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. _____

_____ This is an NPA, however, no toxic chemicals will be stored on site for residential land uses. _____

(4) Describe special emergency services that might be required. _____

_____ This is an NPA, however, no special emergency services are expected. _____

The parcels are located within an urbanized area and the service area for both Spokane Police and Fire.

(5) Proposed measures to reduce or control environmental health hazards, if any: _____

_____ No special preventive measures are needed. _____

b. NOISE:

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? _____

_____ This is an NPA, however, noise within this area is not severe or adverse to the proposed land use. Noise sources are traffic and over-flight. _____

The sites are located approximately 0.8 miles from the centerline of runway 3/21 at Spokane International Airport and almost two miles straightline distance from the airport. While the entire area is subject to some noise from arriving and departing aircraft, the properties are distant enough from the airport that they lie outside any overlay zones where noise mitigation is necessary and required.

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. _____

_____ This is an NPA, however, short-term would be construction and site preparation. _____

(3) Proposed measure to reduce or control noise impacts, if any: _____

_____ This is an NPA, however, noise from such activity can be limited in terms of days and hours of operation. _____

Future construction would be subject to City ordinances for noise and construction.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. _____

_____ The subject sites are vacant. Adjacent surroundings are residential, and commercial. _____

The greenhouses, as previously mentioned, were demolished under permit in 2022. Additionally, a single family residence appears on some aerial photos on parcel 25262.0305 but was similarly demolished under separate permit in 2022. Parcel 25262.0312 contains a single-family home that remains on site--as far as the City is aware the owner has no intent to redevelop at this time. Similarly, parcel 25262.0311 contains a pole barn/garage, expected to remain for the time being.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? _____

_____ The sites have not been working farm land or forest lands. _____

The greenhouses on site, previously demolished, were used by a commercial florist operation and were classified as retail sales at the time.

This page was blank upon submittal by the applicant and represents a formatting error, not missing information.

Evaluation for
Agency Use Only

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: _____

_____ This is an NPA, however, there are no nearby farms or forest activities.

Aerial photos from the 1950s show some limited agricultural operations south of Sunset Highway, though they have all ceased by the 2000s. Most were limited to haymaking.

c. Describe any structures on the site. _____

_____ This is an NPA, however, the sites are vacant.

As described previously, parcel 25262.0312 contains a single-family home that remains on site--as far as the City is aware the owner has no intent to redevelop at this time. Similarly, parcel 25262.0311 contains a pole barn/garage, expected to remain for the time being.

d. Will any structures be demolished? If so, which? _____

_____ Not applicable

e. What is the current zoning classification of the site? _____

_____ The sites are zoned RSF

f. What is the current comprehensive plan designation of the site? _____

_____ The sites are designated R-4

Note, this is in error. The current Comprehensive Plan designation for all parcels is Residential Low.

g. If applicable, what is the current shoreline master program designation of the site? _____

_____ Not Applicable

h. Has any part of the site been classified as a critical area by the city or the county? If so, specify. _____

Neither site is classified as a critical area.

Many of the subject parcels contain limited areas of steep slopes.

i. Approximately how many people would reside or work in the completed project? _____

This is an NPA, however, approximately 300 people would reside on these sites.

The City is unaware of any plans by the expanded parcel owners to develop or redevelop their parcels at this time.

j. Approximately how many people would the completed project displace? _____

This is an NPA, however, no displacement would occur since the sites are vacant.

The expanded parcels contain a single home. While the City is unaware of any desire by the owner to sell or redevelop, any redevelopment of this parcel in the future would displace one residential unit.

k. Proposed measures to avoid or reduce displacement impacts, if any: _____

Not applicable

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: _____

This is an NPA, however, the proposed 199 apartment units will comply with applicable development standards adopted by the City of Spokane.

The docketing committee recommended inclusion of the expansion parcels primarily to avoid a small area of Residential Low completely surrounded by more intense uses (General Commercial). Accordingly, these parcels are included for consideration to avoid unintended land use impacts.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: _____

Not applicable

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. _____

_____ This is an NPA, however, this is limited to apartment units only. _____

The applicant has indicated their desire to construct 199 units. Any future construction on the expansion parcels is unknown at this time as these parcels are included to resolve land use mapping issues rather than to allow a known development.

b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. _____

_____ This is an NPA, however, no housing units exist on these sites. _____

The expanded parcels contain a single home. While the City is unaware of any desire by the owner to sell or redevelop, any redevelopment of this parcel in the future could potentially eliminate one residential unit.

c. Proposed measures to reduce or control housing impacts, if any: _____

_____ This is an NPA, however, per above, no measures are needed. _____

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? _____

_____ This is an NPA, however, the owner requested GC-70 zoning, to enable maximum utilization of these sites.

_____ The structures will approach the 70' height restriction due to underground parking, etc. _____

b. What views in the immediate vicinity would be altered or obstructed? _____

_____ This is an NPA, however, views should not be affected due to surrounding urban improvements or variable terrain, limiting the view of proposed structures. _____

c. Proposed measures to reduce or control aesthetic impacts, if any: _____

_____ This is an NPA, however, compliance with adopted development standards will ensure minimal aesthetic impacts. _____

There are no city-identified or protected viewsheds in this location.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? _____
This is an NPA, however, this is a residential use and lighting would be interior and landscape lighting on site.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? _____
This is an NPA, however, no safety hazards are foreseen from this lighting pattern.

- c. What existing off-site sources of light or glare may affect your proposal? _____
No off site light or glare would affect these sites.

- d. Proposed measures to reduce or control light and glare impacts, if any: _____
This is an NPA, however, outdoor lighting would be down cast lighting.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? _____
Indian Canyon Golf Course is located north of the site and Finch Arboretum is located east of the site.

- b. Would the proposed project displace any existing recreational uses? If so, describe. _____
This is an NPA, however, no recreational uses would be displaced.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: _____
This is an NPA, however, no preventive measures are needed to avoid impacts to the above referenced recreation area.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. _____

_____ This is an NPA, however, no structures of historic preservation are located within or adjacent to this proposal. T

_____ The Spokane House, once considered a premier hotel overlooking downtown Spokane, exists nearby, but it has since been converted to temporary housing for the homeless.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. _____

_____ This is an NPA, however, no known cultural artifacts are located on these sites.

Per existing Spokane Municipal Code requirements, future construction would be required to maintain and execute an accidental discovery plan, in the case that unknown cultural resources are uncovered during construction.
--

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. _____

_____ This is an NPA, however, research will be done at the project level review.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. _____

_____ This is an NPA, however, this would be determined at the project level review and approval.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. _____

Sunset Highway, Assembly and Burch St and Rustle.

b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? _____

Public Transit is available at Rustle and Sunset.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? This is an NPA, however, the project for 199 units will include more than the minimum required parking and will be reviewed for compliance at the time of project review.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). _____

This is an NPA, however, the improvement to Assembly Road and Burch St are expected to be imposed after project review.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. _____

This is an NPA, however, the future project will not affect rail or air, water or air traffic.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? _____

The proposed project is 199 apartment units. At 6.74 VTD/Unit/199 = 1341 VTD. The underlying RSF zone allows 33 dwelling units and 333 VTD. Therefore, the net increase of VTD is 1009 VTD.

Note that the City is unaware of any desire or plans by the owners of the expansion parcels to redevelop their parcels.

(Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).)

- g. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe. _____

This is an NPA, however, this will not affect agriculture or forest product transportation.

- h. Proposed measures to reduce or control transportation impacts, if any: _____

This is an NPA, however, this will be determined at time of project review and approval.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. _____

This is an NPA, however, there may be a need for increased public transit due to the increase of multifamily units to this area.

- b. Proposed measures to reduce or control direct impacts on public services, if any: _____

This is an NPA, however, these mitigations, if any, will be addressed under project review and approval.

16. Utilities

a. Check utilities currently available at the site:

- electricity
- natural gas
- water
- refuse service
- telephone
- sanitary sewer
- septic system

Other: _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed: _____

This is an NPA, however, the above utilities and service are available and will be provided at developer expense, upon approval of the project.

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 5/6/24 Signature: 

Please Print or Type:

Proponent: Dwight Hume Address: 9101 N Mt. View Lane

Phone: 509-435-3108 Spokane WA 99218

Person completing form (if different from proponent): Same

Phone: Same Address: Same

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Kevin Freibott, Senior Planner

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? _____

The proposed projects would be 199 apartment units in three separate buildings with some retail on the ground floor at the former location of the Commercial Green House. Storm drainage controls would be imposed under future project specific review.

The proposal could result in more intense development in this location than currently described in the Land Use Plan Map. However, the entire area is already planned for urban-scale development and the proposed land use (General Commercial) is expected to generate similar emissions, limited and mitigated by existing Spokane Municipal Code requirements.

Proposed measures to avoid or reduce such increases are: _____

Compliance with applicable development standards concerning on site drainage.

- 2. How would the proposal be likely to affect plants, animals, fish or marine life? _____

The should be no impacts to plants and animals. Wildlife will continue to pass through adjacent low density areas.

Proposed measures to protect or conserve plants, animals, fish or marine life are: _____

No attempt will be made to preserve plants or animals.

- 3. How would the proposal be likely to deplete energy or natural resources? _____

The 199 units will require electrical service for heating and cooling.

Any urban development can increase the demand for electrical energy and natural resources. As the sites are currently vacant, save for a single home and a few garages, even development under the current Residential Low designation would require incrementally more electrical energy to serve development. However, nothing about the proposal or the expanded parcels is expected to require unusual amounts of electrical power, above and beyond any growth already planned for by the City and Avista.

Proposed measures to protect or conserve energy and natural resources are: _____

The use of electrical service will be within new construction in compliance with NWECA standards.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands? _____

The site does not include environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are: _____

None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? _____

There are no shoreline jurisdictional areas.

Proposed measures to avoid or reduce shoreline and land use impacts are: _____

The intent of the applicant is to develop this property into apartment uses, similar to the adjoining projects owned and developed by the applicant.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? _____

This location is designated in the comprehensive plan for urban development and any future development on this site following approval will remain urban in nature. As such, long range plans for such services are planned for this area.

Proposed measures to reduce or respond to such demand(s) are: _____

As stated above, improvements would be at the developers expense and pursuant to conditions imposed by reviewing agencies.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment. No impacts are foreseen.

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any Determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 5/6/24 Signature: 

Please Print or Type:

Proponent: Dwight Hume Address: 9101 N Mt. View Lane

Phone: 5 0 9 - 4 3 5 - 3 1 0 8 Spokane WA 99218

Person completing form (if different from proponent): _____

Phone: _____ Address: _____

<p>FOR STAFF USE ONLY</p> <p>Staff member(s) reviewing checklist: <u>Kevin Freibott, Senior Planner</u></p> <p>Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:</p> <p>A. <input checked="" type="checkbox"/> there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.</p> <p>B. <input type="checkbox"/> probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.</p> <p>C. <input type="checkbox"/> there are probable significant adverse environmental impacts and recommends a Determination of Significance.</p>
--

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

PROJECT: File Z23-478COMP Assembly & Bemis Comprehensive Plan Amendment

PROPONENT: WJL LLC & the City of Spokane

DESCRIPTION OF PROPOSAL: An amendment to the Land Use Plan Map (LU-1) of the Comprehensive Plan and attendant changes to the Official Zoning Map of the City of Spokane for 5.29 acres in the West Hills Neighborhood.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: North of W Burch St on both sides of S Assembly Rd.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

[] There is no comment period for this DNS.

[] This DNS is issued after using the optional DNS process in section WAC 197-11-355. There is no further comment period on the DNS.

[X] This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on October 8, 2024 if they are intended to alter the DNS.

Responsible Official: Spencer Gardner

Position/Title: Director, Planning Services **Phone:** (509) 625-6500

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: Sept 16, 2024 **Signature:**  _____

Exhibit I: Agency Comments

Whitmarsh, Brandon

From: Note, Inga
Sent: Tuesday, May 7, 2024 4:35 PM
To: Planning & Development Services Comp Plan
Subject: RE: Request for Comments for Z23-478COMP (Assembly and Bemis) - Comments DUE May 21, 2024

Please let the applicant know that a trip generation letter would be helpful on this one. We have planned long term for a signal at Sunset/Assembly. The conduits and junctions boxes are already there. This development may be large enough to trigger the installation.

From: Benzie, Ryan <rbenzie@spokanecity.org>
Sent: Tuesday, May 7, 2024 3:35 PM
To: Abrahamson, Randy <randya@spokanetribe.com>; Development Services Center Addressing <eradsca@spokanecity.org>; Allenton, Steven <sallenton@spokanecity.org>; **Subject:** Request for Comments for Z23-478COMP (Assembly and Bemis) - Comments DUE May 21, 2024

Good afternoon,

Please see the attached request for comments, SEPA checklist, and associated documents for the following project:

Project Name: Z23-478COMP (Assembly and Bemis)

Location: North of W Sunset Blvd at S Assembly Rd; NW 1/4, Section 26 and NE ¼, Section 27 of Township 25N, Range 42E

Please direct any comments or questions to compplan@spokanecity.org by **May 21, 2024 at 5 PM.**

Thank you,



Ryan Benzie | Clerk III | Planning & Economic Development
509.625.6863 | my.spokanecity.org



Whitmarsh, Brandon

From: Development Review <developmentreview@spokanetransit.com>
Sent: Friday, May 17, 2024 11:29 AM
To: Planning & Development Services Comp Plan; Planning & Development Services Comp Plan
Cc: Redman, Drew; Poole, Emily
Subject: RE: Request for Comments for Z23-478COMP (Assembly and Bemis) - Comments DUE May 21, 2024

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good morning.

Thank you for taking the time to receive and record this comment for Z23-478COMP (Assembly and Bemis) from Spokane Transit Authority (STA). STA is supportive of the City's efforts to rezone land near transit service that adds more residential density. Denser, multi-family housing development generally supports increased transit ridership.

Additionally, STA has identified this section of Sunset Highway as a future High-Performance Transit (HPT) corridor. HPT investments support additional ridership by adding stop amenities and providing higher quality transit service (generally more frequent service with a longer span) in areas that warrant it.

Please coordinate any future construction at these sites with STA, as construction can impact our ability to operate safely there.

Please let me know if you have any questions or concerns, and thank you for working closely with STA.

Thanks,

Randy Brown

Associate Transit Planner

Office: (509) 344-2618

Email: RBrown@spokanetransit.com

spokanetransit.com

[Sign up](#) for regular STA text and email updates

We are hiring - [Drive your career](#) at STA!



Whitmarsh, Brandon

From: Freibott, Kevin
Sent: Tuesday, June 11, 2024 10:15 AM
To: rpeterson2039x@yahoo.com
Cc: Whitmarsh, Brandon
Subject: RE: Attn: Kevin Freibott

Good morning, Mr. Peterson. I appreciate you contacting us about the application on Assembly and Bemis (File Z23-478COMP). This is not an application for construction, rather it's a request to rezone the property from Residential 1 to General Commercial. Under the commercial zoning designation the applicant could build a number of things, from shops and stores to offices or housing. Housing could be individual homes or even apartments. The applicant has suggested they are looking to build apartments on the site, but that's not what the City is considering approving right now so we can't be sure. The Comprehensive Plan Amendment/Rezone is a first step—building permits and the like come later, if the Comp Plan amendment is approved.

I hope that helps. Let us know if you have more questions.

Thanks and have a great day!

Kevin Freibott



Kevin Freibott, MA ORGL | Senior Planner | City of Spokane - Planning and Economic Development
 509.625-6184 | <mailto:kfreibott@spokanecity.org> | spokanecity.org | spokaneplanning.org



Please note that my work schedule is currently 6:30 AM – 5:30 PM, Monday through Thursday

From: rpeterson2039x@yahoo.com <rpeterson2039x@yahoo.com>
Sent: Monday, June 10, 2024 7:06 PM
To: Planning & Development Services Comp Plan <erapdsdp@spokanecity.org>
Subject: Attn: Kevin Freibott

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I received a letter today from the city of Spokane regarding land north of West Sunset Blvd. at South Assembly Road.

However, I did not see specifically what is being built on the property. It used to be the Sunset Flower shop and a house across the street.

I was just curious what is being proposed at those sites.

Sincerely,

Robert Peterson
4320 West Deska Drive #601
Spokane, WA 99224

[Yahoo Mail: Search, Organize, Conquer](#)

July 3, 2024

Steve Oliver
1406 S. Assembly St.
Spokane, WA 99224

Planning Services Department
Attn: Kevin Freibott, Senior Planner
808 West Spokane Falls Boulevard
Spokane, WA 99201-3333



Re: Request for Public Comments
FILE NO. Z23-478COMP Assembly and Bemis
Comprehensive Plan Use Map Amendment Proposal

Dear Mr. Freibott,

The proposal to change the use of seventeen parcels from R1 to General Commercial - 70 and Office Retail - 55, is a continuation of the transformation of the area in which my property is located from low density rural to multi-family and business development. These changes have largely been due to the will of the city planners and property developer(s), not the residents, who are few in number and influence.

My first reaction to the proposed changes is that there seems to be a direct transition from low density residential to commercial/office space—there is no buffer zone as is usual in such modifications to zoning policy. Therefore, since those opposing such changes are likely to be unsuccessful, I would propose that the planning commission consider making it easy/inexpensive for existing property owners impacted by these changes to change their zoning classification to something more compatible with the changing nature of the neighborhood. This would potentially would allow local property owners to create development that would be compatible with the changed nature of the neighborhood and would potentially create a buffer zone that is lacking in the current proposal.

Also, there is the matter of city water and sewer. This proposal is referred to as a non-project action, but it will have obvious implications for future projects, mainly by one developer. Local homeowners are all on wells at present. What implications do these zone changes have for our properties as to the availability of city water and sewer? This also affects our ability to develop our properties to conform to the new zoning reality. We should not be unnecessarily disadvantaged in developing our properties, especially since we had no active part in the change to the character of the neighborhood.

I look forward to my opportunity to make comments and to ask questions at an upcoming meeting of the planning commission, especially on the availability of zone changes for existing property owners.

Sincerely,

Steve Oliver
(509)270-6478
eliot2046@gmail.com

A handwritten signature in black ink, appearing to read "Steve Oliver".

/documents/correspondence



Legal Descriptions of Affected Parcels:

APPLICANT PROPOSAL:

Parcel 1 (25262.0403):

GARDEN SPRINGS EXC HWY L3 B4

Parcel 2 (25262.0402):

GARDEN SPRINGS L2 B4

Parcel 3 (25262.0401):

GARDEN SPRINGS L1 B4

Parcel 4 (25262.0405):

GARDEN SPRINGS EXC HWY L22-23-24 B4

Parcel 5 (25262.0305):

GARDEN SPRINGS L10TO15 B3

Parcel 6 (25271.0504):

ARGO&LILLY ADD EXC HWY L21TO24 B5 & VAC STP BEG NECOR B 5 THS ALG ELN OF BLK TO NLY LN OF SUNSET HWY TH E30FT TH NWLY TO POB EXC HWY

Parcel 7 (25271.0501):

ARGO&LILLY ADD L1-2-3B5 & 16FT VAC STP S OF&ADJ

Parcel 8 (25271.0502):

ARGO&LILLY ADD EXC HWY L4TO10 B5

Parcel 9 (25271.0408):

ARGO&LILLY ADD L22-23- 24 B4

ADDITIONAL APPLICANT REQUEST:

Parcel 10 (25271.0407):

ARGO&LILLY ADD L21 B4

Parcel 11 (25271.0406):

ARGO&LILLY ADD L19-20 B4

Parcel 12 (25271.0405):

ARGO&LILLY ADD L17-18 B4

Parcel 13 (25271.0404):

ARGO&LILLY ADD L15-16 B4

Parcel 14 (25271.0403):

ARGO&LILLY ADD L13-14 B4

CITY ADDITIONAL PROPOSAL:

Parcel 15 (25262.0312):

26-25-42: GARDEN SPRINGS ADDITION, L9 B3 TOG W/ S PTN L8 B3 DAF: BEG AT SE COR L8; TH W ALG S BOUNDARY LN 46 FT; TH N40FT; TH E46FT; TH S40FT TO POB; PARCEL 'B' OF BLA Z13B0014BLA

Parcel 16 (25262.0311):

26-25-42: GARDEN SPRINGS ADDITION; S35FT OF L6 B3; ALL L7 B3; ALL L8 B3 EXC PTN DAF: BEG AT SE COR OF SAID L8; TH W ALG S BOUNDARY LN 46FT; TH N40FT; TH E46FT; TH S40FT TO POB; PARCEL 'A' OF BLA Z13B0014BLA

Parcel 17 (25236.0057):

23-25-42 PTN OF SW1/4 OF SW1/4 LYG SWLY OF DESKA DRIVE EXC RD & GARDEN SPRINGS ADD; LTS 1-5 AND NLY 15FT LT 6 AND LTS 16-24 BLK 3 TOG/W VAC WALLACE AVE PER ORD C-29567 EXC; W 2.5FT



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 11/11/2024

Committee Agenda type: Consent

Date Rec'd 11/13/2024

Clerk's File # ORD C36613

Cross Ref #

Project #

Council Meeting Date: 11/25/2024

Submitting Dept PLANNING & ECONOMIC

Bid #

Contact Name/Phone KEVIN (509) 625 - 6184

Requisition #

Contact E-Mail KFREIBOTT@SPOKANECITY.ORG

Agenda Item Type First Reading Ordinance

Council Sponsor(s) ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name 0650 - Z23-479COMP – INDIAN TRAIL – COMPREHENSIVE PLAN AMENDMENT

Agenda Wording

Proposal Z23-479COMP seeks to amend the Land Use Plan Map and Zoning Map for 33 acres in the Balboa/South Indian Trail Neighborhood. This proposal is being considered as part of the Annual Comprehensive Plan Amendment Work Program.

Summary (Background)

The proposal concerns parcels 26262.0010, 26262.0018, 26262.0054, 26262.0055, and 26265.0048 as well as portions of parcels 26262.2620 and 26262.2621 in the Balboa/South Indian Trail Neighborhood. Application Z23-479COMP seeks to amend the Comprehensive Plan Land Use Plan Map from "Residential Low" to "Residential Moderate," "General Commercial," and "Potential Open Space" and amend the Zoning Map from "R1" to "Residential Multifamily (RMF)," "Community Business, 55-foot height limit (CB-55),"

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.

Amount

Budget Account

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

and "R1." This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.

Approvals

<u>Dept Head</u>	GARDNER, SPENCER
<u>Division Director</u>	GARDNER, SPENCER
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	KAPAUN, MEGAN
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

Distribution List

	Kfreibott@spokanecity.org
bwhitmarsh@spokanecity.org	eking@spokanecity.org
sgardner@spokanecity.org	smacdonald@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	November 11, 2024
Submitting Department	Planning & Economic Development
Contact Name	Kevin Freibott
Contact Email & Phone	kfreibott@spokanecity.org , (509) 625 - 6184
Council Sponsor(s)	<u>CM Zack Zappone, CM Jonathan Bingle, and CM Kitty Klitzke</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Z23-479COMP – Indian Trail – Comprehensive Plan Amendment
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The proposal concerns parcels 26262.0010, 26262.0018, 26262.0054, 26262.0055, and 26265.0048 as well as portions of parcels 26262.2620 and 26262.2621 in the Balboa/South Indian Trail Neighborhood.</p> <p>Application Z23-479COMP seeks to amend the Comprehensive Plan Land Use Plan Map from “Residential Low” to “Residential Moderate,” “General Commercial,” and “Potential Open Space” and amend the Zoning Map from “R1” to “Residential Multifamily (RMF),” “Community Business, 55-foot height limit (CB-55),” and “R1.”</p> <p>This Application is being considered concurrently with five others 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 October 9, 2024, to consider this Application and recommended approval of the proposal.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: <u>Click or tap here to enter text.</u></p> <p>Current year cost:</p> <p>Subsequent year(s) cost:</p> <p>Narrative: <u>Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.</u></p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? <u>Click or tap here to enter text.</u></p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

The is a private proposal to amend the land use and zoning map and is not directly related to historically excluded communities.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The proposal is a land use and zoning map change and does not guarantee future development of the subject properties. No data is directly collected or analyzed on the listed topics, however the Planning & Economic Development Department generally follows these proposals to track whether the subject properties develop in the future.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

As stated above, the department generally tracks these proposals to see if they develop. Doing so allows for educated revisions to ensure the efficacy of the program if they are warranted.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This proposal is consistent with Comprehensive Plan Policies **LU 1.4 Higher Intensity Residential Areas, LU 1.8 General Commercial Uses, and LU 6.2 Open Space**. After reviewing the criteria set forth in SMC 17G.020.030, Plan Commission found the proposal consistent with the Comprehensive Plan and all applicable review criteria, voting to recommend City Council approval of the proposal, subject to the execution of a development agreement.

Ordinance No. C36613

AN ORDINANCE RELATING TO APPLICATION FILE Z23-479COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL LOW" TO "GENERAL COMMERCIAL," "RESIDENTIAL MODERATE," AND "POTENTIAL OPEN SPACE" FOR APPROXIMATELY 33 ACRES IN THE BALBOA/SOUTH INDIAN TRAIL NEIGHBORHOOD; AND AMENDING THE ZONING MAP FROM "R1" TO "COMMUNITY BUSINESS, 55-FOOT HEIGHT LIMIT (CB-55)", RESIDENTIAL MULTIFAMILY (RMF)," AND "R1."

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 Z23-479COMP was submitted in a timely manner for review during the City's 2023/2024 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z23-479COMP sought to amend the Land Use Plan Map of the City's Comprehensive Plan for 32.05 acres from "Residential Low" to "Residential Moderate," "General Commercial," and "Conservation Open Space" for parcels 26262.0010, 26262.0018, 26262.0054, 26262.0055, and 26265.0048; and

WHEREAS, the corresponding zoning designation requested was "Residential Multifamily (RMF)" for the portions designated "Residential Moderate," "Community Business, 55-foot height limit (CB-55)" for the portions designated "General Commercial," and "R1" for the portions designated "Conservation Open Space" or "Residential Low"; and

WHEREAS, City Council adopted RES 2024-0029 on March 25, 2024, including Application Z23-479COMP in the 2024 Comprehensive Plan Amendment Work Program, and expanding the proposal to include consideration of portions of parcels 26261.3401, 26262.2620, and 26262.2621, totaling three additional acres; and

WHEREAS, staff requested comments from agencies and departments on May 7, 2024, and a public comment period ran from June 10, 2024 to August 9, 2024; and

WHEREAS, the Spokane Plan Commission held a workshop to study the application on July 24, 2024; 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 September 17, 2024; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Mitigated Determination of Non-Significance was issued on September 16, 2024, for the amendment to the Comprehensive Plan, the comment period for which ended on October 8, 2024; and

WHEREAS, a staff report for Application Z23-479COMP reviewing all the criteria relevant to consideration of the application was published on September 20, 2024, and sent to all applicants, commenters, and the Plan Commission; and

WHEREAS, notice of the SEPA Checklist and Determination and announcement of the Plan Commission Hearing for the application was published in the Spokesman-Review on September 25, 2024, and October 2, 2024; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners, occupants, and taxpayers of record, as shown in the most recent Spokane County Assessor’s record for all properties within 400 linear feet of any portion of the boundary of the subject properties, pursuant to Spokane Municipal Code 17G.020.070, on September 25, 2024; and

WHEREAS, the Spokane Plan Commission held a public hearing on October 9, 2024, including staff presentation, taking of public testimony, closing of the verbal and written public record, and deliberations; and

WHEREAS, the Spokane Plan Commission found that Application Z23-479COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Spokane Plan Commission found that Application Z23-479COMP meets the final review criteria for Comprehensive Plan Amendments delineated in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission voted 8 to 0, with one abstention, to recommend approval of Application Z23-479COMP, conditioned upon their recommendation to remove parcel 26261.3401 from the proposal, apply the “Potential Open Space” designation instead of the “Conservation Open Space” designation, and execute a development agreement; and

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

conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Application. Application Z23-479COMP is approved.
2. Amendment of the Land Use Map. Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from “Residential Low” to “Residential Moderate,” “General Commercial,” and “Potential Open Space” for approximately 33 acres, as shown in Exhibit B, subject to the owner(s) of the property entering into a binding development agreement with the City within one year of the effective date of this ordinance and prior to the approval of any development permits on the site.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from “R1” to “Residential Multifamily (RMF),” and “Community Business, 55-foot height limit (CB-55),” as shown in Exhibit C, subject to the owner(s) of the property entering into a binding development agreement within one year of the effective date of this ordinance.
4. Approval Conditions for Development Agreement. The approval granted by this ordinance is conditioned upon the applicants entering into a binding development agreement that has been mutually executed between the City and the applicants and which is consistent with the requirements of Chapter 36.70B RCW and Spokane Municipal Code chapter 17A.060, sufficient to bind the applicants and applicants’ successor(s) and assigns with respect to development of the property identified in Exhibits B and C and addressing the following:
 - a. Site plan.
 - b. Multimodal circulation plan.
 - c. Development details for the City of Spokane Integrated Capital Management Department.
 - d. Limitations on uses allowed in the commercial portions of the Application.
 - e. Emergency egress.
5. Expiration Date. The approvals granted by this ordinance shall expire and the Land Use Designation and Zoning Category shall revert to the original designations as stated in Sections 2 and 3 herein above if, within one (1) year from the effective date of this ordinance, the conditions set forth in Section 4 of this ordinance have not been satisfied.

6. This ordinance shall become effective thirty (30) days after its enactment; provided no development permits may be issued for the property until all conditions of approval have been satisfied including the mutual execution of a development agreement between the city and the applicants addressing the terms set forth in section 4 herein above and the approval of the same by the City Council by Ordinance or Resolution.

PASSED BY THE CITY COUNCIL ON _____, 2024.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

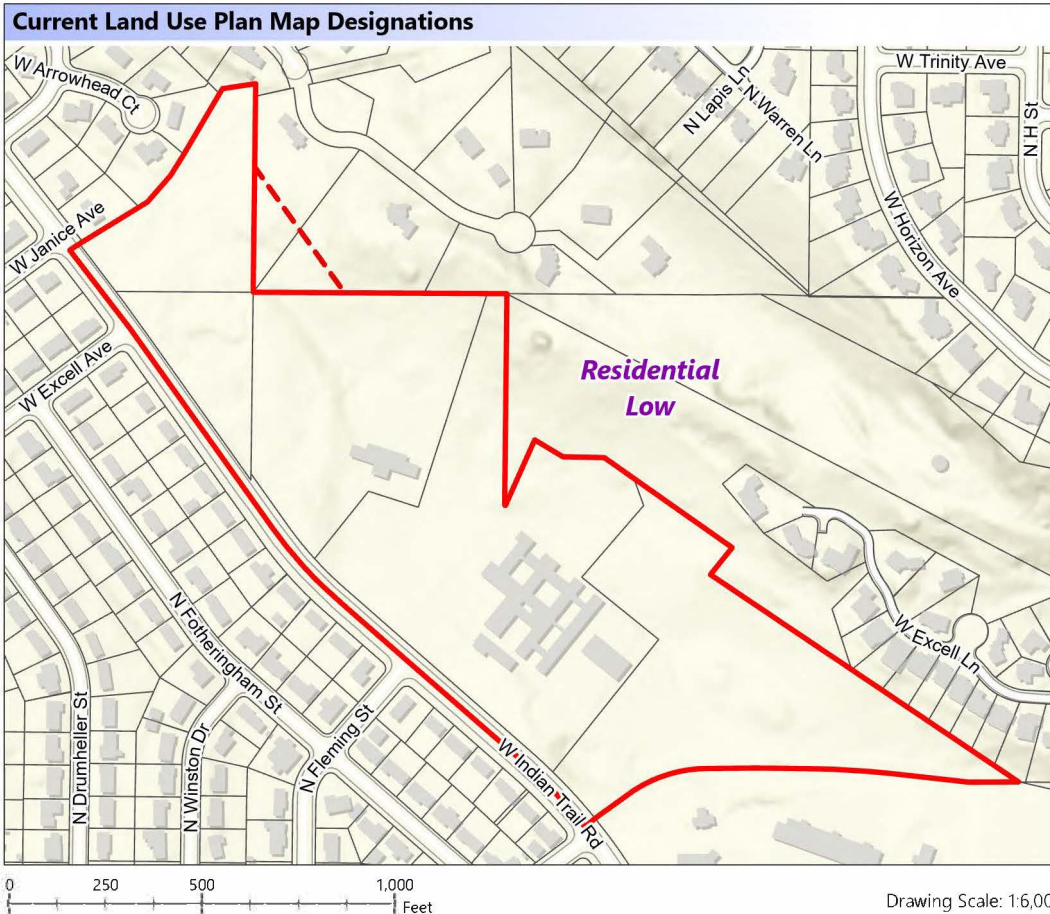


Exhibit B: Land Use Plan Map Changes

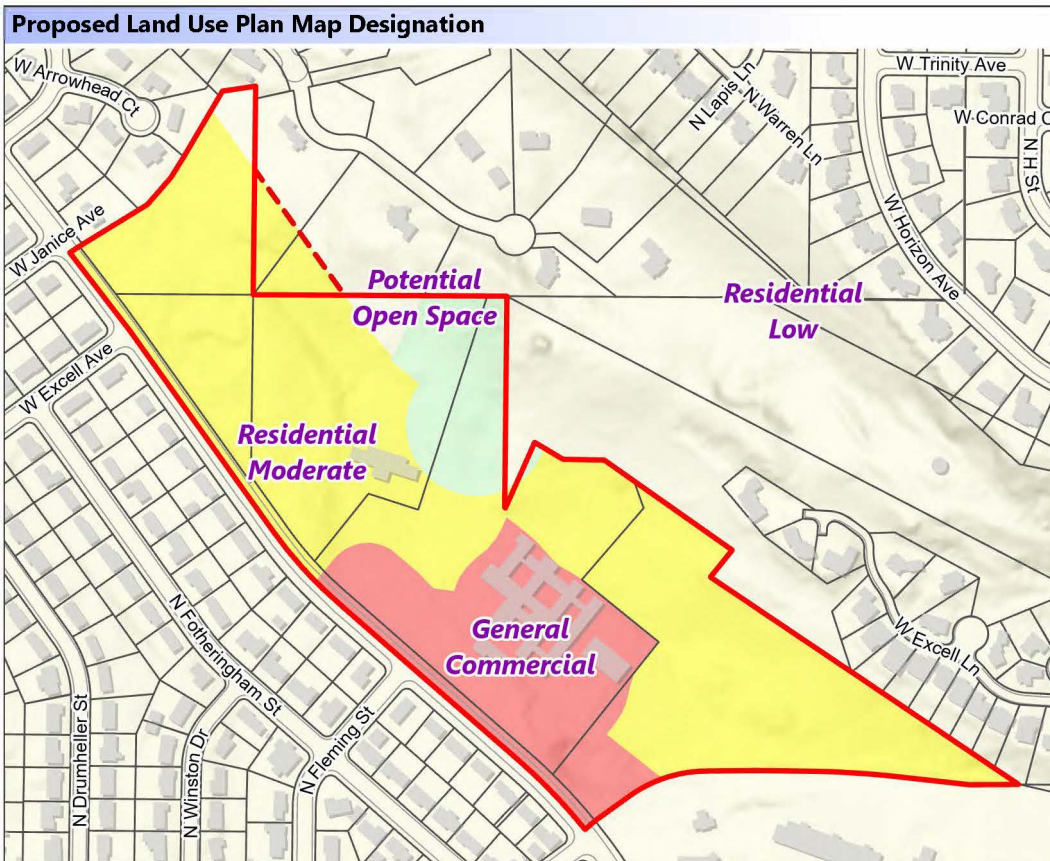
Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
 - Expanded Area
 - Building
 - Parcel
 - Curb Line
- Land Use Plan Map Designation**
- General Commercial
 - Potential Open Space
 - Residential Low
 - Residential Moderate



Agent: Land Use Solutions & Entitlement

Parcels: 26262.0010
26262.0018
26262.0054
26262.0055
26262.2620
26262.2621
26265.0048

Size: 33 acres
(Size is Approximate)

This exhibit has been updated according to the recommendation of the Spokane Plan Commission during their hearing on October 9, 2024.

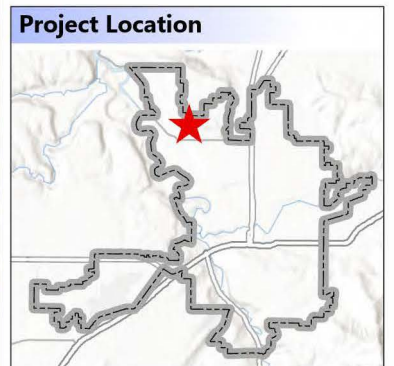




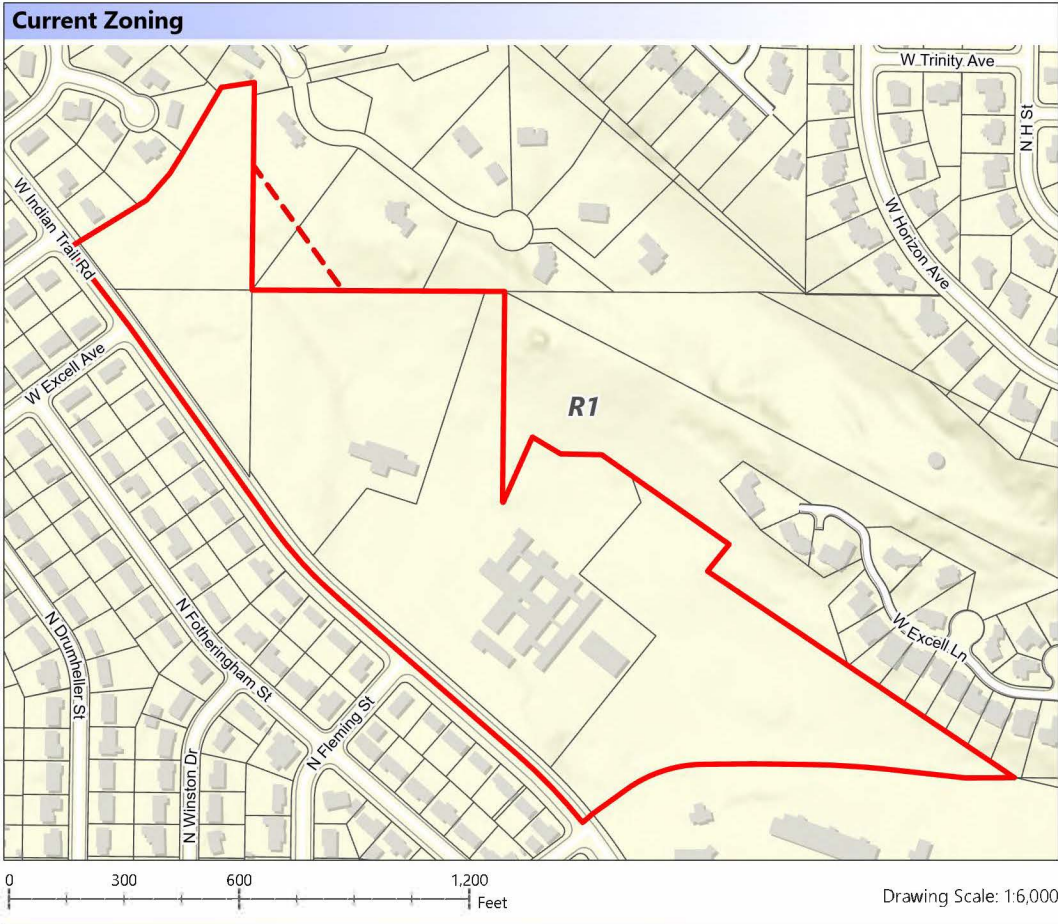
Exhibit C: Zoning Changes

Department of Planning & Economic Development



Draw Date: 10/17/2024

THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

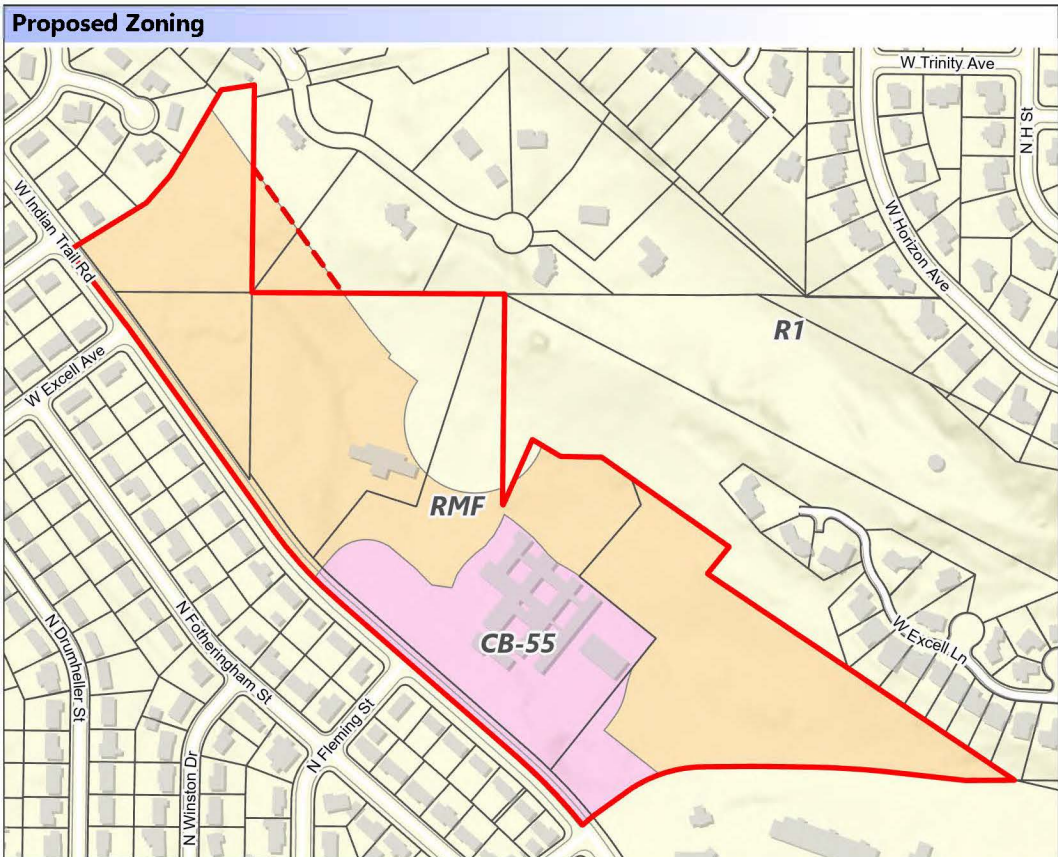


- Project Area
 - Buildings
 - Parcel
 - Curb Line
- Zoning**
- Community Business
 - Residential Multifamily
 - Residential 1

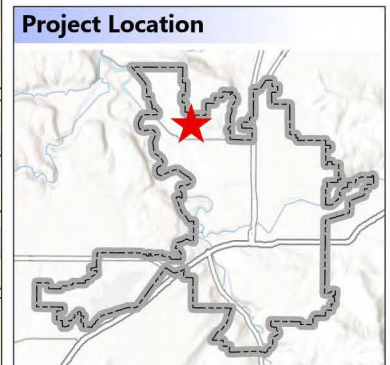
Agent: Land Use Solutions & Entitlement

- Parcels:** 26262.0010
26262.0018
26262.0054
26262.0055
26262.2620
26262.2621
26265.0048

Size: 33 acres
(Size is Approximate)



This exhibit has been updated according to the recommendation of the Spokane Plan Commission during their hearing on October 9, 2024.





**PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT
FILE Z23-479COMP (INDIAN TRAIL)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment application, subject to the completion of a development agreement, seeking to amend the land use plan map designation from “Residential Low” to “General Commercial,” “Potential Open Space,” and “Residential Moderate” for all or portions of parcels 26262.0010, 26262.0018, 26262.0054, 26262.0055, 26265.0048, 26262.2620, and 26262.2621 totaling 33.0 acres. The zoning designation requested is “R1,” “RMF,” and “Community Business, 55-foot height limit (CB-55).”

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. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. Amendment application Z23-479COMP (the “Application”) was submitted in a timely manner for review during the City’s 2023/2024 amendment cycle.
- D. The Application seeks to amend the land use plan map designation of parcels 26262.0010, 26262.0018, 26262.0054, 26262.0055, and 26265.0048, totaling 32 acres, from “Residential Low” to “General Commercial,” “Conservation Open Space,” and “Residential Moderate” with a corresponding change in zoning from “R1” to “R1,” “RMF,” and “Community Business, 55-foot height limit (CB-55).”
- E. The subject properties contain a several structures remaining from a youth home and treatment center on the property as well as an outpatient treatment center and associated parking. The remainder of the properties are undeveloped, with a steep slope rising to the northeast towards the Five Mile bluff.
- F. Annual amendment applications were subject to a threshold review process to determine whether the applications will be included in the City’s Annual Comprehensive Plan Amendment Work Program.
- G. On January 22, 2024, the City Council adopted Resolution RES 2024-0002 establishing the City Council members of the Ad Hoc City Council Threshold Committee.
- H. On February 9, 2024, an Ad Hoc City Council Threshold Committee reviewed the applications that had been submitted and forwarded its recommendation to City Council regarding the applications.

- I. On March 25, 2024, the City Council adopted Resolution RES 2024-0029 establishing the 2024 Comprehensive Plan Amendment Work Program, including the Application. The City Council included three acres from portions of three additional parcels (26261.3401, 26262.2620, and 26262.2621) for consideration as city sponsored expansions to the Application.
 - 1. Parcels 26261.2620 and 26261.2621 were included in order to form a consistent depth from Indian Trail Road, while the portion of parcel 26261.3401 was included to consider expanding protection for a known historic resource on the applicant's property.
- J. Geographic expansion of applications for Comprehensive Plan Amendments by City Council is allowed within the Spokane Municipal Code ("SMC") under Title 17G.020.025.A.1.a.
- K. On March 28, 2024, staff presented the 2023/2024 Comprehensive Plan Amendment Work Program to the Community Assembly Land Use Subcommittee on, including details regarding the Application, and provided information on the required process, upcoming Plan Commission Workshops, and how to submit comments.
- L. On May 7, 2024, staff requested comments from agencies, departments, and neighborhood councils. The comment period ended May 21, 2024. By the end of the comment period, comments were received from the Integrated Capital Management Department, Spokane Tribe of Indians, and Spokane Transit Authority.
- M. On June 10, 2024, Notice of Application was mailed to all properties, owners, and taxpayers within a 400-foot radius of the subject Properties and any adjacent properties with the same ownership. Signs were also placed on the subject Properties in plain view of the public. The notice was also published in the Spokesman Review on both June 10, 2024, and June 17, 2024. The Notice of Application initiated a 60-day public comment period from June 10, 2024, to August 9, 2024, during which 22 comments were received, as included in the staff report.
 - 1. A total of 29 public comments were received by October 8, 2024, at 5pm. Comments received after the issuance of the staff report were provided to Plan Commission directly by City staff.
- N. On July 24, 2024, the Spokane Plan Commission held a public workshop to study the Application.
- O. On September 16, 2024, a State Environmental Policy Act ("SEPA") Checklist and Determination of Non-Significance were issued for the Application. The deadline to appeal the SEPA determination was October 8, 2024. No comments on the SEPA determination were received.
- P. On September 17, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- Q. On September 20, 2024, staff published a report addressing SEPA and providing staff's analysis of the merits of the Application, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff's analysis of the Application recommended approval of the Application, contingent upon the land use of "Potential Open Space" as opposed to "Conservation Open Space" as well as requirement for a development agreement that addresses the following suggested topics:

1. Site plan;
 2. Circulation plan;
 3. Development details for the City of Spokane Integrated Capital Management Department; and
 4. Limitations on uses allowed in the commercial portions of the Application.
- R. A Notice of SEPA Determination of Non-Significance and Plan Commission Hearing was published on September 25, 2024, in the Official Gazette and on September 25, 2024, and October 2, 2024, in the Spokesman Review.
- S. On September 25, 2024, a Notice of Public Hearing and SEPA Determination was posted on the subject parcels 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 Properties.
- T. On October 9, 2024, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, closing the verbal and written record, conducting deliberation on the application, and voting to recommend the City Council Approve this application.
1. Three members of the public testified in opposition citing concerns about neighborhood character, traffic on Indian Trail Rd, lack of clarity from Excelsior on their long-term intentions, and loss of wildlife habitat.
 2. During deliberation, the Plan Commission voted 9 to 0 to condition their recommendation on removal of the portion of parcel 26261.3401 that was added by City Council during docketing from the proposal (leaving its land use and zoning “as is”).
 3. During deliberation, the Plan Commission also voted 9 to 0 to condition their recommendation on applying the Potential Open Space Land Use Plan Map designation instead of the Conservation Open Space designation to the open space portion of the Application.
 4. During deliberation, the Plan Commission also voted 9 to 0 to condition their recommendation on the completion of a Development Agreement, pursuant to SMC 17A.060, that addresses the following:
 - i. Site plan;
 - ii. Multimodal circulation plan;
 - iii. Development details for the City of Spokane Integrated Capital Management Department;
 - iv. Limitations on uses allowed in the commercial portions of the Application; and
 - v. Emergency egress.

- U. 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.
- V. Except as may be otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the "Staff Report").
- W. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically Policies LU 1.4, Higher Intensity Residential Areas, LU 1.8, General Commercial Uses, and LU 6.2, Open Space.
- X. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, 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. Z23-479COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

1. The Application was submitted in a timely manner and added to the 2023/2024 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2024 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application.
9. The Application will 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.

10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z23-479COMP, a request by Dwight Hume of Land Use Solutions and Entitlement on behalf of Excelsior Wellness, and expanded by the City of Spokane, to change the land use plan designation of 35.1 acres of land from “Residential Low” to “General Commercial”, “Conservation Open Space”, and “Residential Moderate” with a corresponding change of the implementing zoning from “R1” to “R1”, “RMF”, and “Community Business, 55-foot height limit (CB-55)”. Based upon the above listed findings and conclusions, by a vote of **8 to 0, with one abstention**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendment to the Land Use Plan Map of the City’s Comprehensive Plan with corresponding amendment to the City’s Zoning Map, subject to the removal of parcel 26261.3401, a change to the Potential Open Space designation, and the adoption of a development agreement between the City and the applicant, and authorizes the President to prepare and sign on the Commission’s behalf a written decision setting forth the Commission’s findings, conclusions, and recommendation on the application.

Greg Francis
Greg Francis (Oct 22, 2024 15:12 PDT)

Greg Francis, President
Spokane Plan Commission
Date: Oct 22, 2024







PC Findings and Conclusions - Z23-479COMP

Final Audit Report

2024-10-22

Created:	2024-10-22
By:	Angela McCall (amccall@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAxOv6ilLHwbyHTOdw7PRSXsa2rJ7laf0d

"PC Findings and Conclusions - Z23-479COMP" History

-  Document created by Angela McCall (amccall@spokanecity.org)
2024-10-22 - 5:23:43 PM GMT
-  Document emailed to gfrancis@spokanecity.org for signature
2024-10-22 - 5:23:57 PM GMT
-  Email viewed by gfrancis@spokanecity.org
2024-10-22 - 10:10:18 PM GMT
-  Signer gfrancis@spokanecity.org entered name at signing as Greg Francis
2024-10-22 - 10:12:49 PM GMT
-  Document e-signed by Greg Francis (gfrancis@spokanecity.org)
Signature Date: 2024-10-22 - 10:12:51 PM GMT - Time Source: server
-  Agreement completed.
2024-10-22 - 10:12:51 PM GMT


2023/2024 Comprehensive Plan Amendments
STAFF REPORT FOR FILE Z23-479COMP (INDIAN TRAIL)

Department of Neighborhood and Planning Services

The following staff report concerns a proposed amendment to the City's current Comprehensive Plan. The proposal is to amend the land use plan map designation and zoning of one or more parcels in the City of Spokane. Amendments to the Comprehensive Plan are enabled by Spokane Municipal Code (SMC) 17G.020 and Revised Code of Washington (RCW) 36.70A.130.

I. PROPERTY SUMMARY

Parcel(s):	<i>Applicant Proposal:</i> 26262.0010, 26262.0018, 25262.0054, 26262.0055, & 26265.0048 <i>City Expanded Area:</i> 25261.3401 (partial), 25262.2620 (partial), & 25262.2621 (partial)
Address(es):	<i>Applicant Proposal:</i> 3754, 3910, & 4110 W Indian Trail Road <i>City Expanded Area:</i> 3925 & 4041 W Osage Way
Property Size:	<i>Applicant Original Proposal:</i> 32.1 acres <i>City-Proposed Expanded Area:</i> 3.0 acres
Legal Description:	See Exhibit K
General Location:	Northeast of W Indian Trail Road between W Janice Ave and W Weile Ave
Current Use:	Multiple healthcare structures, a gym, pool, and parking lots as well as large amount of vacant/undeveloped land.

II. APPLICANT SUMMARY

This application has two applicants—a private applicant and the City of Spokane itself. The following information regards the original private applicant:

Agent:	Dwight Hume, Land Use Solutions & Entitlement
Applicant:	Excelsior Wellness
Property Owner:	Excelsior Wellness

The following information regards the properties added by the City:

Representative:	Kevin Freibott, Planning & Economic Development, City of Spokane
Property Owners:	Brian & Emily Walters, Scott Tetz & Kelsey Martell, and the Hillside Park Owners Association

III. PROPOSAL SUMMARY

Current Land Use Designation:	Residential Low
Proposed Land Use Designation:	General Commercial, Residential Moderate, Residential Low, and Conservation Open Space
Current Zoning:	R1
Proposed Zoning:	Community Business (55' maximum height), Residential Multi-Family, and R1
SEPA Status:	A SEPA threshold determination of Mitigated Non-Significance (MDNS) was made on September 16, 2024. The appeal deadline is 5:00 PM on October 8, 2024.
Plan Commission Hearing Date:	October 9, 2024
Staff Contact:	Kevin Freibott, Senior Planner, kfreibott@spokanecity.org
Staff Recommendation:	No Recommendation

IV. BACKGROUND INFORMATION

- General Proposal Description:** Pursuant to the procedures established by SMC 17G.020, enabled by RCW 36.70A.130, the applicant asked the City of Spokane to amend the land use plan map designation (Map LU-1 of the Comprehensive Plan) from “Residential Low” to “General Commercial”, “Residential Moderate”, “Residential Low” and “Conservation Open Space” and zoning designation (Official Zoning Map of the City of Spokane) from “R1” to “Community Business 55”, “Residential Multi-Family”, and “R1” for five (5) parcels in the Balboa/South Indian Trail Neighborhood. No specific development is proposed on the properties at this time, though the applicant has stated their preference to develop the site with a range of housing and commercial uses in the future.

During the threshold determination process and setting of the Work Program, City Council added portions of three additional parcels to the proposal. Portions of two parcels containing single-unit homes (26262.2620 and 26262.2621) were included to create a somewhat consistent depth of moderate-intensity use from W Indian Trail Rd. The third parcel (26261.3401), in part, was included to create a more cohesive shape for the Conservation Open Space portion—a result of past platting on the site and not the fault of either property owner. These additional areas added approximately 3.0 acres to the proposal for a total of 35.1 acres.

- Site Description and Physical Conditions:** The applicant’s parcels contain several structures remaining from a youth home and treatment center on the property as well as other attendant buildings and an outpatient treatment center. Various parking areas and driveways remain on the site as well. However, the majority of the applicant’s parcels are vacant and have never been developed. The northeastern third of the properties contain a steep slope rising to the northeast towards the Five Mile bluff.

The two additional parcels on Osage Way contain a single-unit home each and a small area of landscaping. The portions of those parcels included by the City in this proposal are undeveloped and exist at a much lower grade than the homes themselves. The easternmost of those two parcels does include a recently installed chain-link fence but the westernmost parcel is currently unfenced. The portion of the property owned by the Hillside Park Owners Association is likewise undeveloped and unfenced.

- 3. Property Ownership:** The original applicant’s properties are all owned by Excelsior Wellness. As for the parcels added to the proposal by City Council, the ownership is as follows:

Parcel 26262.2620: Scott Tetz & Kelsey Martell (0.44 acres)
 Parcel 26262.2621: Brian & Emily Walters (0.44 acres)
 Parcel 26261.3401: Hillside Park Owners Association (2.12 acres)

Regarding the portion owned by Hillside Park Owners Association, this property was platted under a Planned Unit Development (PUD) approved by the City of Spokane in 1998 (File Z9600025PP/PUD).

- 4. Adjacent Property Improvements and Uses:** The proposal is surrounded by existing development of the following nature:

Boundary	Land Use	Zone	Use
North	Residential Low	R1	Single-unit homes and neighborhood streets.
East	Residential Low	R1	Single-unit homes and neighborhood streets, some open/undeveloped areas.
South	Residential Low	R1	Single-unit homes and neighborhood streets as well as a church and private school complex.
West	Residential Low	R1	Single-unit homes and neighborhood streets.

- 5. Street Class Designations:** W Indian Trail Rd is designated as a Major Arterial. All remaining nearby streets are designated as “local” streets.
- 6. Current Land Use Designation and History:** As shown in **Exhibit B**, the subject parcels are currently designated for Residential Low in the Comprehensive Plan. While the name of that land use designation has changed from Residential 4-10 to its current name of Residential Low, the subject parcels have been designated as the lowest level of residential intensity since the City’s adoption of the Growth Management Act (GMA) compliant Comprehensive Plan in 2001.
- 7. Proposed Land Use Designation:** As shown in **Exhibit B**, the proposal is to amend the land use plan map designation to designate approximately 6.9 acres “General Commercial,” 21.5 acres as “Residential Moderate”, 2.9 acres as “Conservation Open Space”, and leave the remaining 0.8 acres as “Residential Low.”

Regarding the parcels added by City Council, the two northernmost parcels would be designated “Residential Moderate,” an area of approximately 0.9 acres. The third additional parcel, the easternmost addition, would be designated “Conservation Open Space,” totaling approximately 2.1 acres.

During the Plan Commission workshop, staff provided a comparison of different open space land use plan map designations, as described in Chapter 3 of the Comprehensive Plan. In summary, “Conservation Open Space” is described in the Comprehensive Plan as publicly owned, undeveloped, and designated to stay in its natural state. However, “Potential Open Space” is described as being privately held, undeveloped, and intended for future conservation. Staff felt at the time that “Potential Open Space” would be a better designation for this area in the proposal. Plan Commission appeared to agree—though such a change would have to be requested at the Hearing stage (see Section VI.2.K below for more detail).

In addition, staff provided an analysis of the parcel owned by Hillside Park Owners Association. Hillside Park Owners Association’s property was platted in 1998 following an application and pre-plat in 1996 (File Z9600025PP/PUD). As a condition of the Hearing Examiner’s decision at the time, development of the property owned by Hillside Park Owners was conditioned to be “developed substantially in accordance with the preliminary PUD development plan of Hillside Park PUD, which is submitted and in the record as Exhibit #2F.” That exhibit shows the overall platting plan for the project, which designates the large portion of the property that abuts the Excelsior Wellness property as “common area.” In the dedications of the plat, the conditions state “no portion of [the common area] may be used for any residential structure or transferred as a lot to be used for any residential structure, but must be left in open space for the common use . . . and be held in common ownership by the Hillside Park Owners Association.”¹ Accordingly, the Covenants, Conditions, and Restrictions of the Hillside Park Owners Association conform to the same restriction. Considering the existing limitations on the property, staff feels this portion of the parcel is already sufficiently protected from incursion by development or other uses that might impact the intent and function of the applicant’s open space area. As such, it is the recommendation of staff that the Plan Commission consider conditioning any recommendation for this proposal to exclude any changes to the Hillside Park Owners Association property. In other words, that portion of parcel added to the application by City Council should remain as-is, with no change to its land use plan map designation.

- 8. Current Zoning and History:** As shown in **Exhibit C**, the subject parcels are currently zoned R1, the lowest intensity residential zoning in the City. The subject parcels have been classified the same since the adoption of the current zoning map, except for the renaming of the “RSF” zone to “R1” in January 2024. The historical zoning, prior to 2006, is shown in the table below.

Year	Zone	Description
1958	N/A	These properties were not yet annexed to the City.
1975	R1	One-family residence zone.
After 1975, Prior to 2006	R1	One-family residence zone

¹ Hillside Park Planned Unit Development, Final PUD Plat, page 1, November 1997, page 1, Dedications.

- 9. Proposed Zoning:** As Shown in **Exhibit C**, 6.9 acres of the applicant’s property would be zoned Community Business – 50, 21.5 acres would be zoned Residential Multi-Family (RMF), and the remainder of their properties would remain zoned for R1. Note that while approximately 2.9 acres of the site would be designated on the Land Use Plan Map as Conservation Open Space, there is no corresponding zoning district for that land use plan map designation. Accordingly, the Conservation Open Space portion would remain zoned as Residential 1 (R1).

As there is no dedicated zoning district for open space in the City, the portion of the adjacent parcel 26261.3401, the parcel owned by Hillside Park Owners Association, would be remain zoned as R1. Those portions of the other two parcels added to the proposal by City Council, parcels 25262.2620 and 25262.2621, would be rezoned RMF under this proposal.

V. APPLICATION PROCESS AND PUBLIC COMMENT

- 1. Key Steps:** The application is being processed according to SMC 17G.060, including the following steps:

Application Submitted	October 31, 2023
Threshold Application Certified Complete	November 30, 2023
Council Threshold Subcommittee Established ²	January 22, 2024
Council Threshold Subcommittee Met	February 9, 2024
Annual Work Program Set ³	March 25, 2024
Agency/Department Comment Period Ended	May 21, 2024
Notice of Application Posted	June 10, 2024
Plan Commission Workshop	July 24, 2024
60-Day Public Comment Period Ended	August 9, 2024
SEPA Determination Issued	September 16, 2024
Notice of Public Hearing Posted	September 25, 2024
Plan Commission Hearing Date (Scheduled)	October 9, 2024

- 2. Agency Comments Received:** A Request for Comments was issued for this proposal on May 7, 2024 by sending it to local agencies, jurisdictions, City departments, and the neighborhood council in which the proposal is located. This request initiated an agency comment period that ended May 21, 2024. Three comments were received during the agency comment period, as follows:

- Integrated Capital Management (ICM) Department: ICM requested a traffic generation memo for the proposal. That memo was provided and ICM had no further requests of the applicant. ICM staff then requested that the City condition the project to provide a site plan prior to approval of any building permits so that impacts to W Indian Trail Rd, specifically as

²Spokane City Council Resolution 2024-0002

³Spokane City Council Resolution 2024-0029

they relate to a possible future signal to access the site, are evaluated prior to any construction. That condition has been made a mitigation measure on the project SEPA determination (see section VI.2.H below for more detail, as well as **Exhibit H**).

- **Spokane Tribe of Indians:** The tribe provided a few questions to be answered at the development stage, including the amount of vegetation to be removed/replaced, cultural clearance of staging, and the need to prepare construction crews for inadvertent discovery of cultural artifacts on site. Those requirements are functions of a future building permit, if one is applied for by the applicant following adoption of this proposal. At this time no actual construction is proposed for the project, thus these requirements have not been applied to the land use and zoning changes proposed here. It is important to note that the Tribe is consulted when building permits are processed at the City, so they will have the opportunity to analyze this project when and if it comes to construction. Furthermore, the SMC already requires that projects have an inadvertent discovery plan, which typically includes education for crews working on site and pre-planned procedures to follow in the event that cultural resources are discovered.
- **Spokane Transit Authority:** STA provided a letter supportive of increased density near existing transit routes and requesting that the City coordinate with STA on future construction applications on this site. STA is one of the many agencies notified whenever the City considers a land use or development proposal, thus they will be consulted as requested.

Copies of all agency comments received are included in this staff report as **Exhibit I**.

3. **Public Comments Received:** A Notice of Application was issued for the proposal on June 10, 2024, initiating a public comment period that ended August 9, 2024. The City received numerous comment letters from the public both before and during the public comment period. Due to the large number of responses, staff has cataloged those comments and responses in the attached **Exhibit J**.
4. **Public Workshop:** A public workshop with the Spokane Plan Commission was held on July 24, 2024, during which the particulars of the proposal were presented to the Plan Commission for their consideration and discussion. During that hearing staff discussed their recommendation that the Hillside Park property be excluded from the application as well as the land use plan map designation for the open space portion of the proposal. No public comment was taken during the workshop per Plan Commission rules.

VI. APPLICATION REVIEW AND ANALYSIS

1. **Guiding Principles:** SMC 17G.020.010 provides the following guiding principles for the annual comprehensive plan amendment process:
 - A. Keep the comprehensive plan alive and responsive to the community.
 - B. 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.

- C. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 - D. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 - E. 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.
 - F. Amendments to the comprehensive plan must result in a net benefit to the general public.
2. **Review Criteria:** SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, by the Plan Commission making a recommendation on a proposal, and by the City Council in making a decision on the proposal. Following each of the considerations is staff's analysis relative to the proposed amendment.
- 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 reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposals would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposal.

The proposal satisfies this criterion.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), which guided the City's development of its own comprehensive plan and development regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA.

The proposal satisfies this criterion.

- 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 ICM department requested and received a traffic generation memo for this proposal, but did not require a full Traffic Impact Analysis. While the proposal would not by itself meet the requirements for a future signal on Indian Trail Rd, one may be required as development progresses in order to provide safe access to the site. To this end a mitigation measure has been included in the attached SEPA determination that requires the approval of a Development

Agreement prior to any development on site, so that any additional infrastructure needed to access the project can be determined and funding secured.

The subject properties are already served by water, sewer, bus service, and adjacent existing City streets. Additionally, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020.

The proposal satisfies this criterion.

- 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: No evidence of a potential funding shortfall from this proposal exists.

The proposal satisfies this criterion.

E. Internal Consistency:

1. *The requirement for internal consistency pertains to the comprehensive plan as it relates to all 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: The proposal is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

- *Development Regulations.* As a non-project proposal, there are no specific plans for development of these sites. Additionally, any future development will be required to be consistent with the current development regulations at the time of application submittal. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed Comprehensive Plan Land Use Plan Map and concurrent zone change would result in a property that cannot be reasonably developed in compliance with applicable regulations. In fact, the presence of structures and uses on the site reinforces the idea that this location can be developed according to the standards of the City's development regulations.
- *Capital Facilities Program.* As described in the staff analysis of criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposal.

- *Neighborhood Planning Documents Adopted after 2001.* The Balboa/South Indian Trail neighborhood has not completed a neighborhood planning process.
- *Miscellaneous Comprehensive Plan Goals and Policies.* Staff have compiled a list of Comprehensive Plan Goals and Policies which bear on the proposal in **Exhibit E** of this report. Further discussion of these policies is provided under section K.2 below.

The proposal satisfies this criterion.

2. *If a proposed amendment is significantly inconsistent with current policy within 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: The proposal's consistency with the goals and policies of the Comprehensive Plan is complex and undetermined. See criterion K below for an in-depth discussion of this. Accordingly, staff cannot provide an opinion on this criterion and defers to Plan Commission for that determination when making their final recommendations on the proposal.

Staff expresses no opinion whether the proposal meets this criterion.

- 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: The proposed change in land use designations affects a moderately small area within an existing urbanized area with no foreseeable implications to regional or inter-jurisdictional policy issues. No comments have been received from any agency, City department, or neighboring jurisdiction which would indicate that this proposal is not regionally consistent.

The proposal satisfies this criterion.

- 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.*

1. **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.*
2. **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: The City is concurrently reviewing this application and five other applications for Comprehensive Plan amendments as part of an annual plan amendment

cycle. All six proposals are for amendments to the land use plan map (LU-1) with attendant rezones. When considered together, these various applications do not interact, nor do they augment or detract from each other. Thus, the cumulative effects of these various applications are minor.

The proposal satisfies this criterion.

H. SEPA: *SEPA⁴ Review must be completed on all amendment proposals and is described in Chapter 17E.050.*

1. **Grouping:** *When possible, the SEPA review process should be combined for related land use types or affected geographic sectors 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 to allow adequate time for generating and processing the required environmental impact statement (EIS).*

Staff Analysis: The application is under review 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 the information contained in the environmental checklist (see **Exhibit G**), written comments from local and State departments and agencies concerned with land development within the City, and a review of other information available to the Director of Planning Services, a Mitigated Determination of Non-Significance was issued on September 16, attached as **Exhibit H**.

The proposal satisfies this criterion.

1. **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: The proposal represents a change in land use plan map designation and zoning for a location already described for urban-scale development in the Comprehensive Plan. The nature of that potential development would change (low intensity residential to moderate intensity residential and some commercial) but the result on public facilities still represents urban development with similar impacts to urban services. To ensure that this proposal would not adversely affect the provision of public facilities, either existing or planned, the proposal was routed to City departments for review early in the application process. Only the ICM department has identified a potential impact related to access onto Indian Trail Rd. A mitigation measure has been included in the MDNS for this project accordingly. No other evidence has been found that

⁴ State Environmental Protection Act

would indicate a shortage in any public facility or infrastructure. Any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020.

The proposal satisfies this criterion.

- 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 include an expansion to the UGA, as the site is already located within the City and Urban Growth Area.

This criterion does not apply.

K. **Demonstration of Need:**

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.*

Staff Analysis: The proposal does not include a policy adjustment.

This criterion does not apply.

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: The primary Comprehensive Plan policy that guides the location of General Commercial uses is LU 1.8, General Commercial Uses. LU 1.8 states that general commercial uses should be directed to “to Centers and Corridors designated on the Land Use Plan Map.”⁵ This proposal is not located in or near a Center or Corridor. However, LU 1.8 also includes an exception to this requirement, stating that “exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors.”⁶ The policy then states that the following factors should be considered in these cases:

. . . maintaining the minimum depth from an arterial street necessary for the establishment of a general commercial neighborhood business; avoiding intrusion where incompatible

⁵ Shaping Spokane, the Comprehensive Plan for the City of Spokane, page 3-12.

⁶ Ibid., page 3-13.

into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.⁷

The proposal is located outside any designated Centers or Corridors. Likewise, it is not located adjacent to any General Commercial areas, being entirely surrounded by Residential Low uses. The nearest commercial use is the small shopping center approximately 0.35 miles to the southeast along Indian Trail Rd. A second shopping center is found to the northwest, approximately 0.91 miles distant.

Regarding depth from the arterial, the deepest the proposed commercial uses would be from the street is 427 feet. This distance represents the depth from the street to the rear side of the existing non-residential uses on the site. Policy LU 1.8 does not provide any guidance as to how much distance from an arterial is necessary, rather that the City merely “consider” the distance as a factor in the decision.

Regarding intrusion into incompatible neighborhoods and transitional uses, the placement of general commercial land uses within an established single-unit residential neighborhood could be problematic. In this regard, policy LU 1.8 includes a stipulation that transitional land uses be considered, to create a buffer of sorts between the commercial use and more sensitive uses like low-intensity residential. In the case of this proposal, the commercial land use would be wrapped by moderate-intensity residential uses to the north and southeast. Where more intense residential uses are not to be implemented to the east, a large open space area is proposed. However, no buffer would exist between the commercial uses and adjacent low-intensity residential uses to the southwest across W Indian Trail Road.

Regarding the Residential Moderate portions of the proposal, those uses are guided by policy LU 1.4, Higher Intensity Residential Areas. This policy states that new higher intensity uses should be located “in and around Centers and Corridors” and where existing development already conforms to this type. The subject parcels are neither near a Center or Corridor, nor is there any other multi-family residential uses in the proximity. The policy does make some allowance for placing higher intensity uses outside Centers and Corridors but says that proximity to commercial or downtown uses should be considered. In this case, the only commercial uses nearby are in the small shopping area approximately 0.35 miles southeast. Regardless, the applicant has indicated that the commercial uses they propose on the site would accommodate this need for nearby services.

Regarding the open space portion of the proposal, the primary policy guiding open space designations is Policy LU 6.2, Open Space. That policy provides for three types of open space: Conservation Open Space, Potential Open Space, and

⁷ Ibid.

Open Space. The applicant has proposed Conservation Open Space for a portion of their property. However, the policy goes on to state that Conservation Open Space should be publicly owned, undeveloped, and designated to remain in its natural state. This is neither publicly owned land, nor is the applicant seeking for a public entity to purchase and manage the site. When defining Potential Open Space, conversely, the policy allows for it to be privately held and intended for conservation. This portion of the site appears to better match the guidance for Potential Open Space rather than Conservation Open Space.

According to the above analysis, this proposal might conflict with the location policies in the Comprehensive Plan in certain ways. These potential conflicts raise the following questions:

- Whether General Commercial uses are appropriate, given the impacts to adjacent low-intensity residential uses;
- Whether the commercial opportunities granted by the small shopping center to the southeast plus any to be developed on site are sufficient to place Residential Moderate uses on the site; and
- Whether Potential Open Space is a better designation for the site than Conservation Open Space.

Accordingly, staff cannot provide a determination as to whether the proposal meets this criterion or not. Staff requests that Plan Commission provide input and a determination as to the proposal's relationship with Policies LU 1.8, LU 1.4, and LU 6.2 when considering their recommendation on this project at the hearing stage.

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

Staff Analysis: This location has been planned for urban-scale development since it was added to the City in 1956 and 1966. The relatively undeveloped state of these properties does not point to a condition that would prevent physical development on this site—in fact there has been development on some of the properties in the past. Accordingly, there is no substantial sign that these properties cannot be developed in a manner proposed by the applicant. Some portions are too steep and contain large boulders or other impediments, but the applicant has requested open space designations for most of this area. Furthermore, any future grading or building permits are required by the SMC to demonstrate that they can be developed safely.

c. *The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.*

Staff Analysis: See the discussion under K.2 above. While the relationship of this proposal with the location criteria in the Comprehensive Plan remains unclear, there are other factors at play. As this proposal would, if approved, place higher

intensity residential and commercial uses in an existing low intensity residential neighborhood, there are arguments in the Comprehensive Plan for such an action, outside the location criteria.

The vision and values section of Chapter 3, Land Use, provides for the general vision to be implemented by the various policies in the Chapter. Two statements in that section appear supportive of the proposal, as follows:

- Developing and maintaining access to amenities, services, education, and employment for people of all ages and abilities in all parts of the city;
- Celebrating the uniqueness of each neighborhood while allowing for growth and diversity everywhere;⁸

The area in which the proposal is located is almost devoid of any use but single-family residential use. There are no other housing types in the vicinity and only very limited commercial/service opportunities save for almost a mile northwest in the North Indian Trail neighborhood and some distance southeast. This area is largely homogenous, contrary to the vision and values' call for diversity.

A few policies in Chapter 3 call for greater diversity in neighborhoods, including LU 1.1, Neighborhoods, which states that neighborhoods should include a "housing assortment" or different types, along with a neighborhood center where retail and services is clustered. Balboa/North Indian Trail has only one Center, a currently "unplanned" District Center far east of the project site on Maple/Ash. Policy LU 1.3, Lower Intensity Residential Areas, also gives some support for commercial/service opportunities even in lower intensity residential neighborhoods, stating "complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate."

Conversely, the Comprehensive Plan also includes a few statements and policies that would seem contrary to the proposal. First among these is the concept of Centers and Corridors, codified throughout Chapter 3 but primarily through Goal LU 3, Efficient Land Use, and its attendant policies. One type of Center, the Neighborhood Center, could accomplish some of the same goals as the proposal. Per Policy LU 3.2, a Neighborhood Center contains neighborhood-scale commercial and mixed-use areas along principal arterials intended to provide services to people living both in and outside the surrounding neighborhood. However, to establish a Center in this location would require a multi-year Sub Area Plan, not a Comprehensive Plan Amendment (per Policies LU 3.3 and LU 3.4). Coupled with the fact that the City is currently facing a major periodic update of its Comprehensive Plan in 2025 and 2026, time required to designate and plan a Neighborhood Center in this location could be significant.

⁸ Chapter 3, Shaping Spokane, the Spokane Comprehensive Plan, p. 3-5

The Vision and Values section of Chapter 3 includes statements that development should be encouraged in built areas, but also should be complementary to the existing area. Policy LU 1.1, mentioned previously, also states that Neighborhood Centers are where higher density housing should be centered. Finally, Policy LU 5.5 states that new development should seek to be “compatible with and complement surrounding uses and building types.”

The relationship of this proposal with the vision and development strategy in the Comprehensive Plan is complex and unclear. There appear to be multiple statements in support of such a proposal and multiple statements in conflict with it. As such, the relationship of this proposal to the implementation of the overall Comprehensive Plan vision and strategy remains unclear.

Staff expresses no opinion whether the proposal meets this criterion.

- 3. Rezones, Land Use Plan 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 this proposal is adopted by City Council, changes will occur concurrently between the Land Use Plan Map in the Comprehensive Plan and the Zoning Map.

The proposal satisfies this criterion.

VII. CONCLUSION

The proposal has been processed and considered according to the requirements of the Spokane Municipal Code. Staff defers to the Plan Commission to make a determination at the time of the hearing as to the consistency of the original applicant’s proposal with the final criteria for comprehensive plan amendments as provided in SMC 17G.020.030.

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 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.

VIII. STAFF RECOMMENDATION

Staff has **no recommendation** for the proposal as it stands. However, Plan Commission could consider conditioning their recommendation on this proposal such that a Development Agreement between the City and the applicant be completed and adopted prior to any Comprehensive Plan Amendment taking effect, such that the following topics are addressed:

- A site plan indicating approximate uses and building footprints;

- On-site circulation and access plans that show how vehicles and non-vehicular transportation will access the site;
- Sufficient detail as to allow the Integrated Capital Management department to analyze and determine what, if any, additional infrastructure would be required on site (e.g. a new signal on W Indian Trail Rd).; and
- Limitations or design requirements for commercial uses on site that intend to lessen the effect of those commercial uses on adjacent existing low-intensity residential uses.

Negotiation and preparation of this Development Agreement could be done in consultation with ICM and STA staff as well, to meet the conditions of the MNDS and the comment received from STA.

The requirement that a Development Agreement be prepared and approved by City Council, one that considers and addresses the topics above, could be sufficient to allow Plan Commission and ultimately City Council to find that this proposal meets the decision criteria in SMC 17G.020.030. Such an agreement would be prepared and adopted by City Council *after* the consideration of the Comprehensive Plan Amendment. Accordingly, the map changes proposed by this Comprehensive Plan Amendment would not take effect until the Development Agreement is adopted by City Council, expected sometime in the future.

In addition to a Development Agreement, staff recommends that the portion of the proposal affecting parcel 26261.3401 be removed from the proposed changes and remain as currently described in the Land Use Plan Map and the City's Zoning Map.

IX. LIST OF EXHIBITS

- A. Aerial Photos
- B. Existing and Proposed Land Use Plan Map
- C. Existing and Proposed Zoning Map
- D. Application Notification Area
- E. List of Relevant Comp Plan Policies
- F. Application Materials
- G. SEPA Checklist
- H. SEPA Determination of Non-Significance
- I. Agency Comments
- J. Public Comments
- K. Legal Descriptions of Affected Parcels



Exhibit A: Aerial Photos

Department of Planning & Economic Development

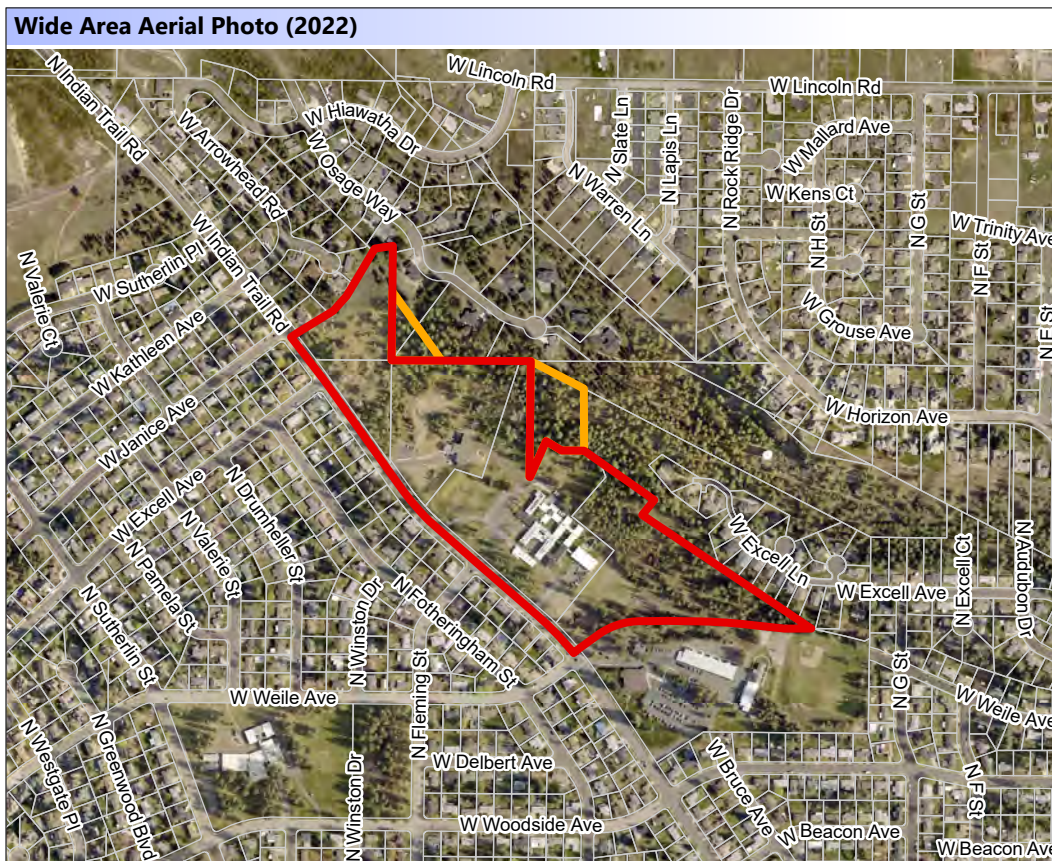


Draw Date: 3/27/2024

THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Z23-479COMP
- City-Added Areas



Agent: Land Use Solutions & Entitlement

Parcels: 26261.3401
26262.0010
26262.0018
26262.0054
26262.0055
26265.0048

Size: 35.1 acres
(Size is Approximate)

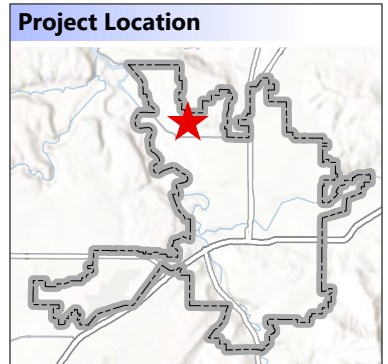


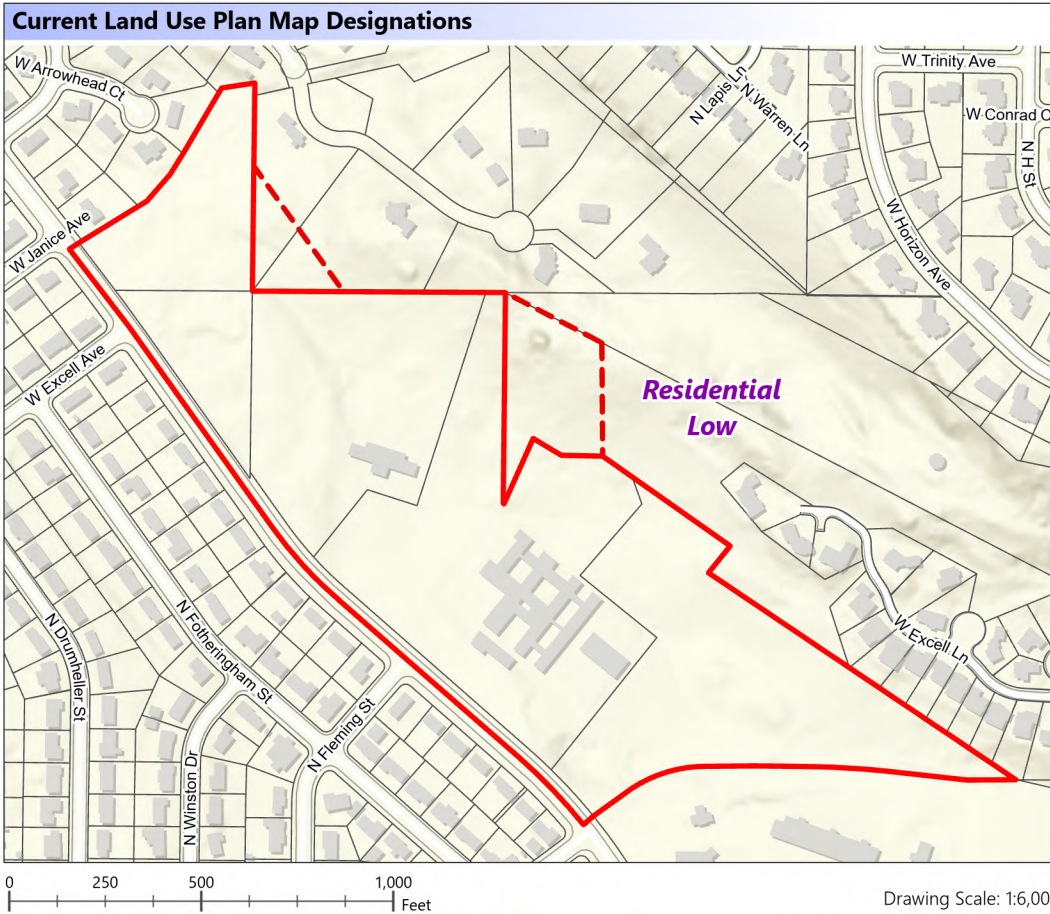


Exhibit B: Land Use Plan Map Changes

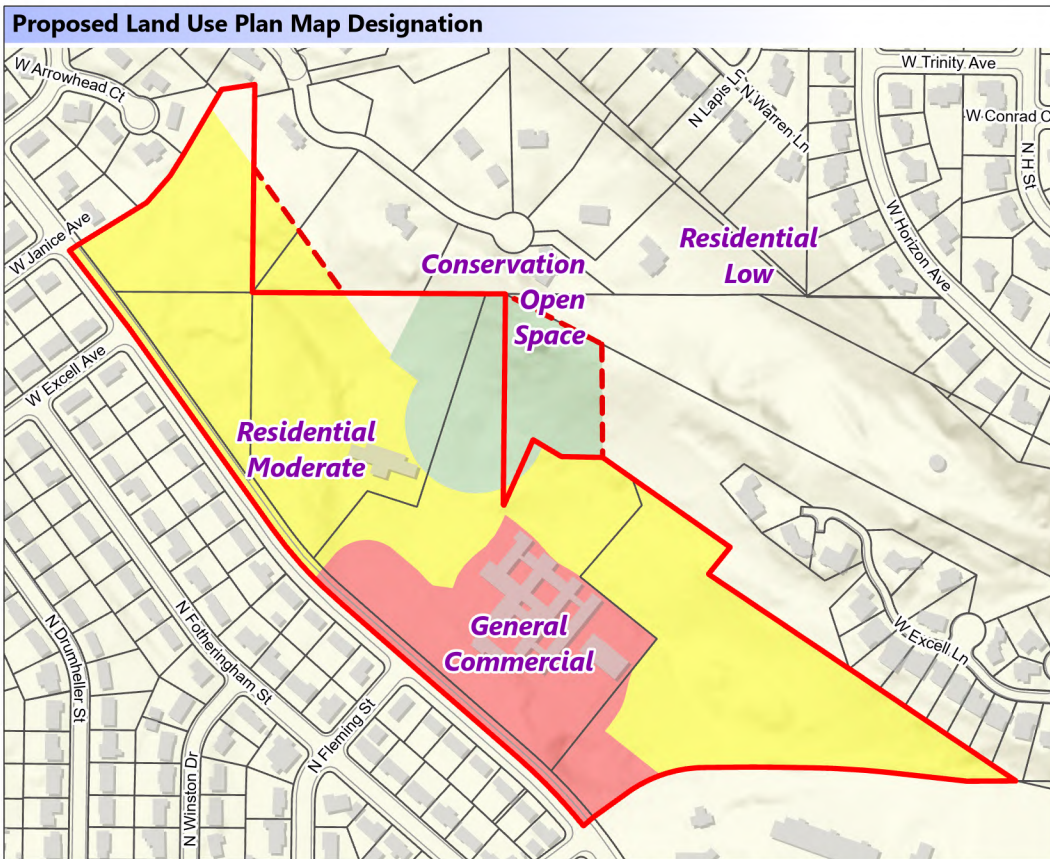
Department of Planning & Economic Development



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- Project Area
 - Expanded Area
 - Building
 - Parcel
 - Curb Line
- Land Use Plan Map Designation**
- General Commercial
 - Conservation Open Space
 - Residential Low
 - Residential Moderate



- Agent:** Land Use Solutions & Entitlement
- Parcels:** 26261.3401
26262.0010
26262.0018
26262.0054
26262.0055
26262.2620
26262.2621
26265.0048
- Size:** 35.1 acres
(Size is Approximate)

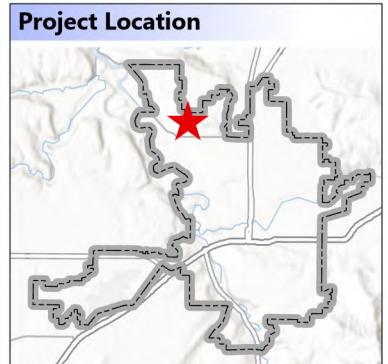
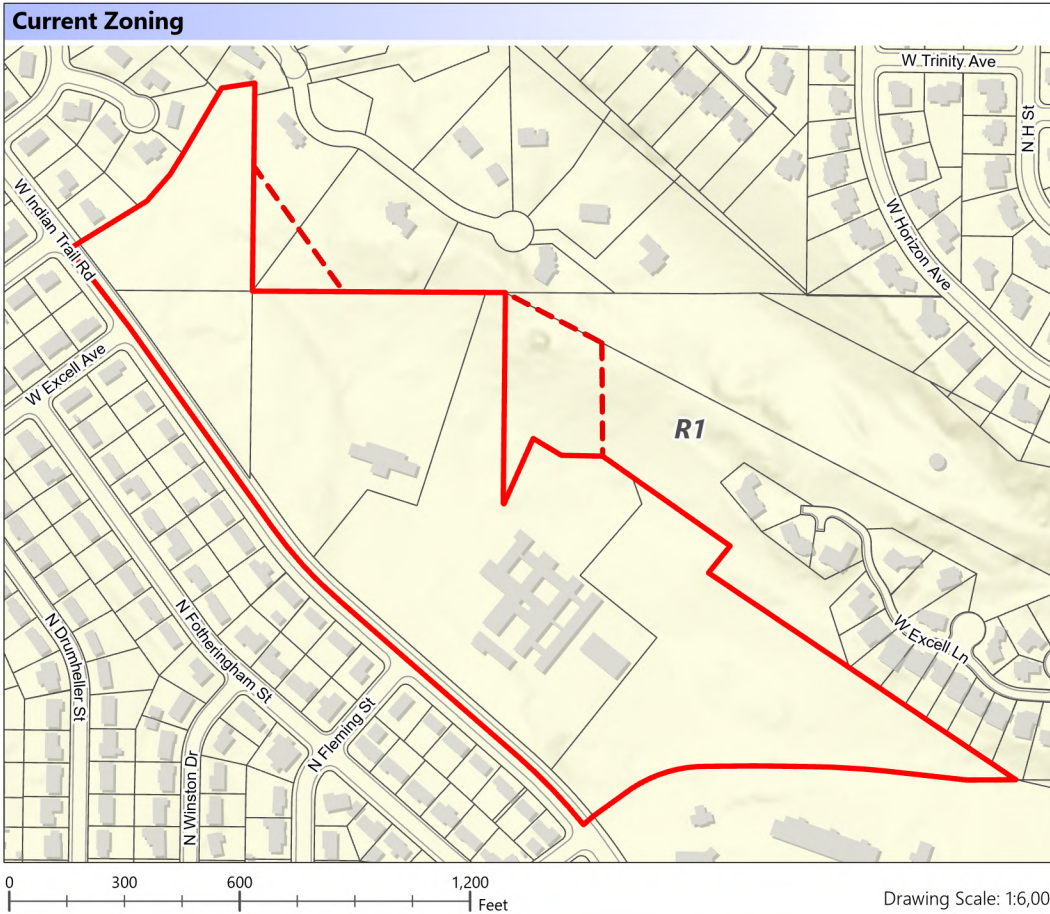




Exhibit C: Zoning Changes

Department of Planning & Economic Development

THIS IS NOT A LEGAL DOCUMENT
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Project Area

Buildings

Parcel

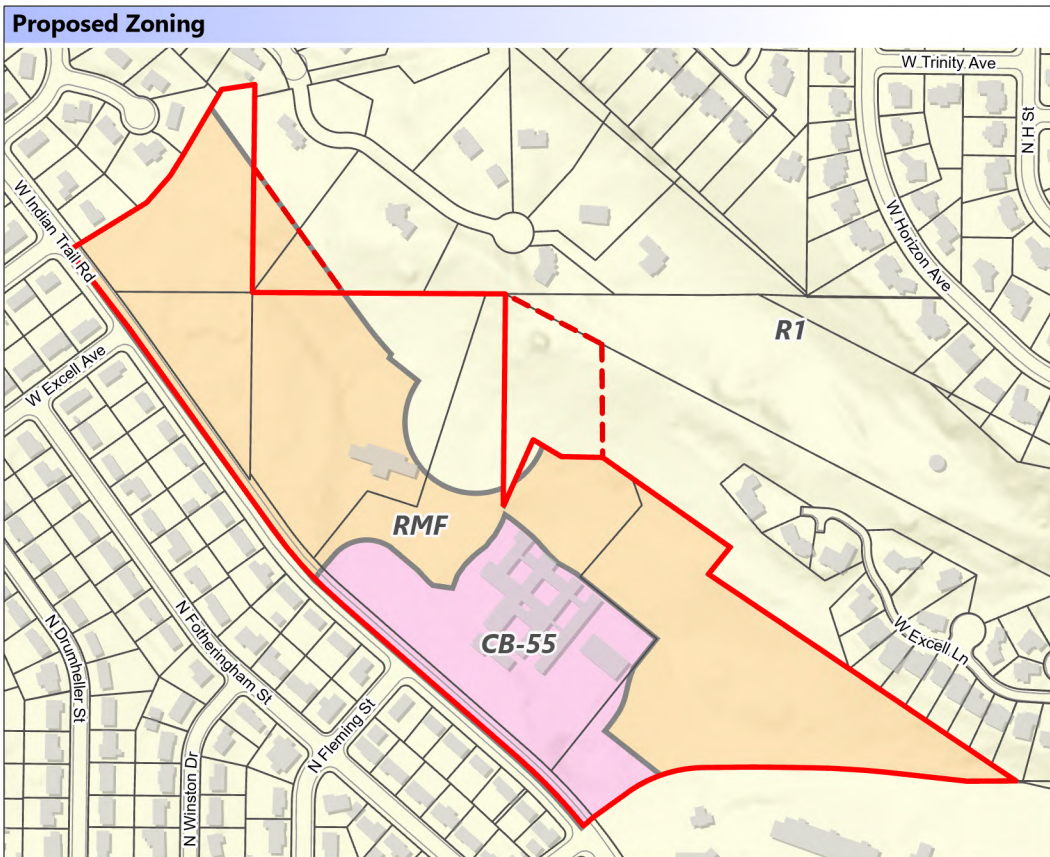
Curb Line

Zoning

Community Business

Residential Multifamily

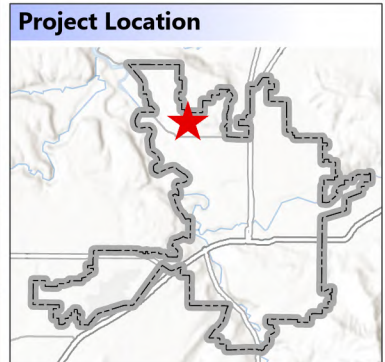
Residential 1



Agent: Land Use Solutions & Entitlement

Parcels: 26261.3401
 26262.0010
 26262.0018
 26262.0054
 26262.0055
 26262.2620
 26262.2621
 26265.0048

Size: 35.1 acres
(Size is Approximate)



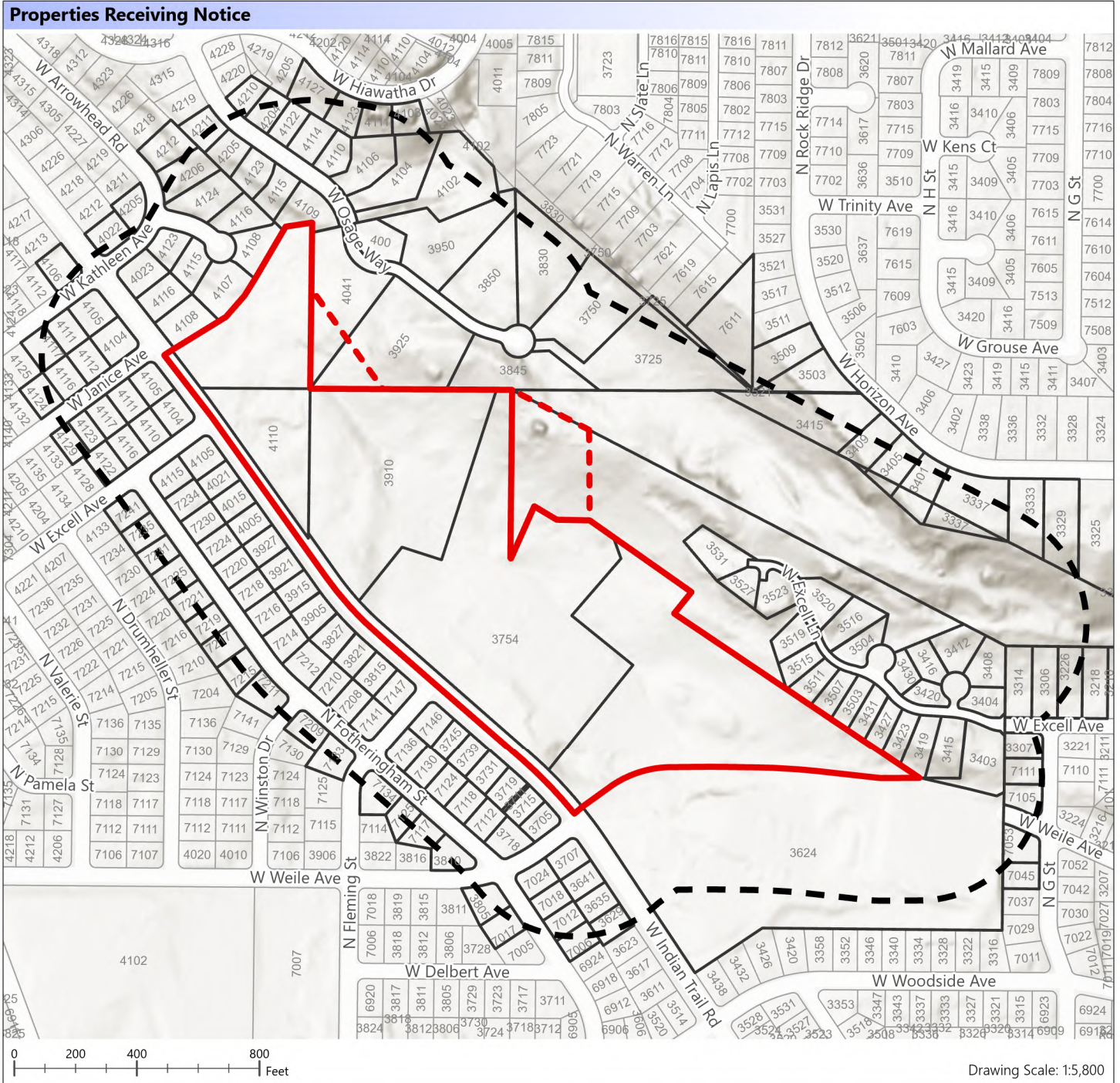


Notification Map - Comprehensive Plan Amendment

Department of Planning & Economic Development

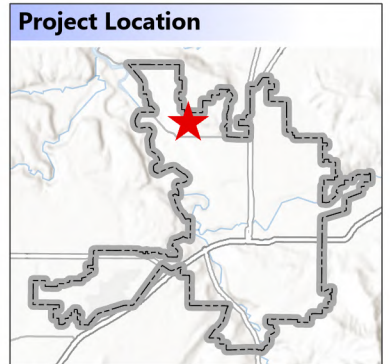


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Applicant: Land Use Solutions & Entitlement
Parcels: 26261.3401, 26262.0010, 26262.0018, 26262.0054, 26262.0055, 26262.2620, 26262.2621, 26265.0048
Size: 35.1 acres (Size is Approximate)

- 400' Notification Area
- Proposal Area
- Also Under Consideration
- Parcels



This Proposal Would: Amend the Land Use Plan Map designation and Zoning for eight (8) parcels in the Balboa/South Indian Trail Neighborhood. Parcels outlined in bold will receive notice of the proposal and the eventual Plan Commission hearing. Numbers indicate the parcel address.



Comprehensive Plan Policies Related to the Proposal

The following goals and policies are taken directly from the Comprehensive Plan and comprise those goals and policies that staff feels bears most directly on the proposal. The entire Comprehensive Plan is available for review and consideration at www.shapingspokane.org as well.

LU 1 CITYWIDE LAND USE

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Spokane’s role as a vibrant urban center.

LU 1.1 Neighborhoods

Utilize the neighborhood concept as a unit of design for planning housing, transportation, services, and amenities.

Discussion: Neighborhoods generally should have identifiable physical boundaries, such as principal arterial streets or other major natural or built features. Ideally, they should have a geographical area of approximately one square mile and a population of around 3,000 to 8,000 people. 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.

A coordinated system of open space, nature space, parks, and trails should be furnished with a neighborhood park within walking distance or a short transit ride of all residences. A readily accessible elementary school should be available for neighborhood children. Neighborhood streets should be narrow and tree-lined with pedestrian buffer strips (planting strips) and sidewalks. They should be generally laid out in a grid pattern that allows easy access within the neighborhood. Alleys are used to provide access to garages and the rear part of lots. Pedestrian amenities like bus shelters, benches, and fountains should be available at transit stops.

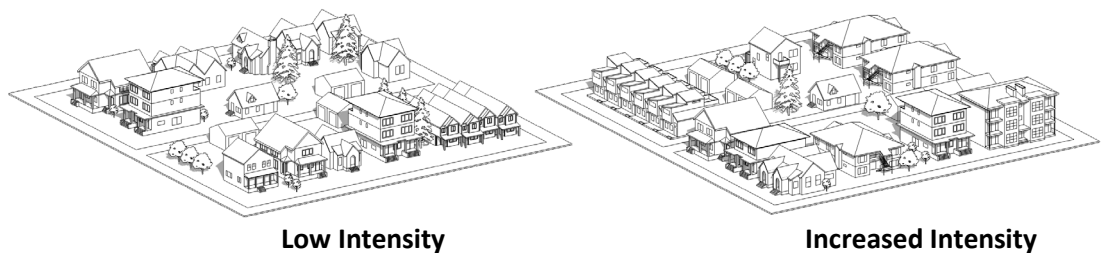
LU 1.3 Lower Intensity Residential Areas

Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.

Discussion: The city’s residential neighborhoods are one of its most valuable assets. Diversity in both housing type and residents in these areas is essential for the wellbeing and health of the city’s neighborhoods. Lower intensity residential uses, from detached homes to middle housing types, are generally compatible with each other and can be incorporated effectively into all neighborhoods. Accordingly, some residential areas would benefit from slightly increased intensities of residential use (e.g., somewhat taller buildings, more lot coverage), dependent on the context and nature of the surrounding neighborhood. These areas of increased residential development should focus on those parts of the neighborhood where proximity to adequate transportation (such as frequent transit), parks, schools, shopping, and other services already exists and where conditions allow for accommodation of increased utility/service needs and other impacts such as parking or the need for public green space.

Complementary types of development should include places for neighborhood residents to walk to work, shop, eat, and recreate. Complementary uses include those serving daily needs of residents, including schools, places of worship, grocery stores, recreation facilities, and small-format retail and medical uses. Development of these uses in a manner that avoids negative impacts to surroundings is essential. Creative mechanisms, including design standards, must be implemented to address these impacts so that potential conflicts are avoided.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the Land Use Plan Map designations guided by this policy—“Residential Low” and “Residential Plus”—see Section 3.4 below.

Policy LU 1.3 amended by Ordinance C36414 on September 7, 2023.

LU 1.4 Higher Intensity Residential Areas

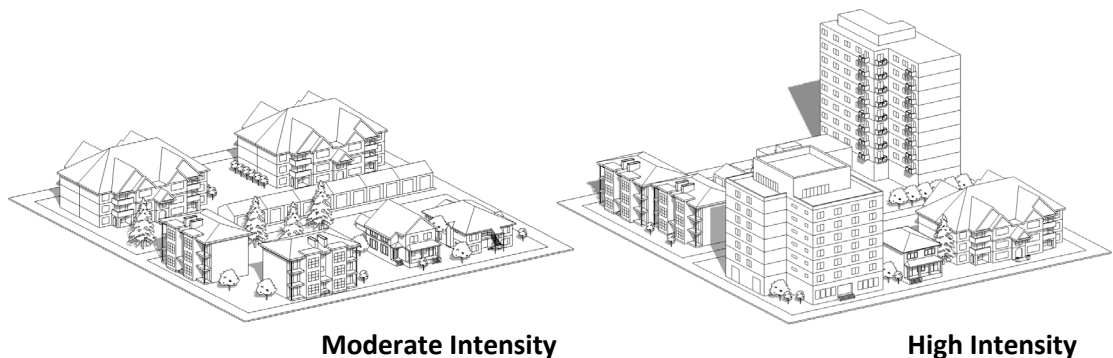
Direct new higher intensity residential uses to areas in and around Centers and Corridors designated on the Land Use Plan Map and to areas where existing development intensity is already consistent with development of this type..

Discussion: Higher intensity 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 to sustain more intense commercial development. Residential uses in and around Centers generally consist of multi-story condominiums and apartments. In some cases, smaller-scale residential development may be interspersed among those higher intensity uses, but generally uses of higher scale and height should predominate in these areas, especially as proximity to designated Centers or Corridors increases. Likewise, residential development should increase in height, mass, and lot coverage as properties are located closer to commercial areas or where employment is higher.

To ensure that the market for higher intensity residential use is directed to Centers, future housing of higher scale and form is generally limited in other areas. Whenever more intense residential uses are proposed outside the general vicinity of Centers and Corridors, topics such as the proximity of those areas to uses like commercial or downtown uses should be considered. Design and site requirements should be considered that minimize conflict between these areas and other uses.

The following graphics are provided as a conceptual guide to different intensities envisioned by this policy. These are schematic representations of possible development intensities and are not intended to call for specific structure designs or architectural details.



For specific guidance as to the two Land Use Plan Map designations guided by this policy—"Residential Moderate" and "Residential High"—see Section 3.4 below.

Policy LU 1.4 amended by Ordinance C36414 on September 7, 2023.

LU 1.8 General Commercial Uses

Direct new General Commercial uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: General Commercial areas provide locations for a wide range of commercial uses. Typical development in these areas includes freestanding business sites and larger grouped businesses (shopping centers). Commercial uses that are auto-oriented and include outdoor sales and warehousing are also allowed in this designation. Land designated for General Commercial use is usually located at the intersection of or in strips along principal arterial streets. In many areas such as along Northwest Boulevard, this designation is located near residential neighborhoods.

To address conflicts that may occur in these areas, zoning categories should be implemented that limit the range of uses, and site development standards should be adopted to minimize detrimental impacts on the residential area. New General Commercial areas should not be designated in locations outside

Centers and Corridors. Existing commercial strips should be contained within their current boundaries with no further extension along arterial streets allowed.

However, recognizing existing investments, and given deference to existing land-use patterns, exceptions to the containment policy may be allowed for limited expansions adjacent to existing General Commercial areas located outside Centers and Corridors. The factors to consider in such adjacent expansions include: maintaining the minimum depth from an arterial street necessary for the establishment or expansion of a general commercial neighborhood business; avoiding intrusion where incompatible into established neighborhoods; and implementing transitional land uses with the intent of protecting neighborhood character.

Areas designated General Commercial within Centers and Corridors are encouraged to be developed in accordance with the policies for Centers and Corridors. Through a neighborhood planning process for the Center, these General Commercial areas will be designated in a land use category that is appropriate in the context of a Center and to meet the needs of the neighborhood.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.

Policy LU 1.8 amended by Ordinance C35842 on January 17, 2020.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Policy LU 4.6 amended by Ordinance C35841 on January 17, 2020.

LU 5 DEVELOPMENT CHARACTER

Goal: Promote development in a manner that is attractive, complementary, and compatible with other land uses.

Policies

LU 5.1 Built and Natural Environment

Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.

LU 5.2 Environmental Quality Enhancement

Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses.

Discussion: Ensure the provision of adequate landscaping and other site design features that enhance the compatibility of development with the surrounding area.

LU 5.3 Off-Site Impacts

Ensure that off-street parking, access, and loading facilities do not adversely impact the surrounding area.

Discussion: Off-street parking, access, and loading facilities are usually associated with the development of higher density residential, office, and commercial uses. These features often have major impacts on single-family residential areas. The impacts are most significant when these facilities are next to or intrude between homes. When these facilities are accessory to a higher density residential or nonresidential use, they should be developed according to the same policies and zoning regulations as govern the primary use. New parking lots should also have the same zoning classification as the primary use. In addition, these facilities should be developed to minimize adverse impacts to adjacent properties. All parking lots should be paved. Parking lots and loading areas should have appropriate buffers to fully screen them from adjacent, less intensive uses. Access to business and higher density residential sites should be controlled to avoid impacts on adjacent uses, pedestrian movement, and street functions.

LU 5.4 Natural Features and Habitat Protection

Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.

Discussion: Natural areas include environmentally sensitive areas, critical areas and buffers, trail corridors, areas with difficult topography, stands of trees, wildlife habitat, and other natural features. To encourage conservation of natural features and habitat protection, development regulations should be established that allow clustering of development at higher densities than otherwise allowed (consistent with overall density allowed for the site). If the minimum density cannot be achieved by clustering of development, exceptions to minimum residential density requirements may be permitted.

LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Policy LU 5.5 amended by Ordinance C35841 on January 17, 2020.

LU 6.2 Open Space

Identify, designate, prioritize, and seek funding for open space areas.

Discussion: The open space land use map designation consists of three major categories:

Conservation Open Space: Conservation Open Space includes areas that are publicly owned, not developed, and designated to remain in a natural state. It is intended to protect areas with high scenic value, environmentally sensitive conditions, historic or cultural values, priority animal habitats, and/or passive recreational features. It is expected that improvements in these areas would be limited to those supporting preservation or some passive recreation activities, like soft trails and wildlife viewpoints.

Potential Open Space: Potential Open Space includes areas that are not currently publicly owned, not developed, and designated to remain in a natural state. The purpose and types of improvements in this category are the same as the Conservation Open Space category. Public acquisition of land designated Potential Open Space is encouraged and may be accomplished by outright purchase, nature space tax incentives, Spokane County Conservation Futures funds, and other methods. Restrictions on the use of land designated Potential Open Space may not occur until the city or Spokane County acquires sufficient interest to prevent development of the lands. Otherwise, uses allowed in the Residential 4-10 designation may be allowed on land designated Potential Open Space.

Open Space: Open Space includes major publicly or privately owned open space areas, such as golf courses, major parks and open space areas, and cemeteries. These areas usually have facilities for active and passive recreation and include paved and unpaved roads, parking lots, hard surface trails, and buildings and facilities that support activities occurring in the open space area.

3.4 DESCRIPTION OF LAND USE DESIGNATIONS

The following land use plan map designations are necessary for development and growth in the city to achieve the vision and values discussed at the beginning of the chapter. These land use designations are shown on the following map, LU-1 Land Use Plan Map, which apply the requirements of land use and the goals and policies of the Comprehensive Plan to the physical environment, describing the types of development expected in each area. The overall strategy, as described above, is that development mass,

height, and lot coverage be concentrated in focused growth areas (Centers and Corridors) while the remaining parts of the city remain occupied by lower intensity uses. Furthermore, future changes to the land use plan map should seek to achieve a transition between areas of lower and higher development mass and form and should avoid locations where the lowest intensity uses immediately transition to the highest intensity uses.

There is expected to be some variation in residential zones within each residential land use plan map designation. Contextual factors such as proximity to services, transportation options, and existing land use patterns should be considered when assigning a zoning category.

The land use designations and their general characteristics are as follows:

Residential Low: The Residential Low land use designation should focus on a range of housing choices built at the general scale and height of detached houses. This includes both detached and attached homes and housing categorized as middle housing (duplex, triplex, etc.). Combinations of these types should also be allowed, such as a duplex with an accessory dwelling unit. Other non-residential uses should be allowed conditionally, provided they integrate into the nature and context of the neighborhood. This would include uses such as schools, places of worship, grocery, small-format retail and medical services, and other resident serving uses.

Residential Low areas are appropriate in parts of the city where amenities and services are scaled for a lower level of development intensity.

Residential Plus: Uses in the Increased Intensity Residential designation are largely similar in type to low intensity residential areas. However, the overall development scale of those uses should be slightly higher, including possible design allowances like increased lot coverage, height, and other similar design requirements. The intent of Increased Intensity Residential areas is to provide a gradual increase in intensity, height, and overall context as the lower intensity areas transition into the more intense uses found in Centers and Corridors or significant commercial areas.

Residential Plus areas are appropriate whenever predominately lower scale residential is located near or around more intense uses like commercial locations or designated Centers and Corridors. Factors to be considered in designating such areas should include proximity to arterials and collectors, availability of transit, the nearness of more intense development, available capacity in systems and infrastructure, and any other factors that help ensure the proposed land use designation integrates well into the existing built environment.

Development allowed in these areas is expected to be larger in form (height, lot coverage, etc.) than those in the Low Intensity Residential areas, while still maintaining a high level of continuity and consistency between the two less intense residential areas.

Residential Moderate: Residential Moderate areas provide increased intensity of development more appropriate to areas in the vicinity of designated Centers and Corridors and those served by substantial commercial or employment opportunities. The typical type of residential development appropriate to this designation include larger apartment buildings while also including a mix of the lower intensity areas where warranted. Example apartment types include the three-floor walkup and traditional apartment complexes as well as larger townhome and condo complexes. If neighborhood serving uses are included, such as places of worship or community centers, those non-residential uses can be of a

higher scale and intensity than those conditionally permitted in Low and Increased Intensity Residential areas.

Residential Moderate uses should be generally limited to within moderate walking distance of a Center, Corridor, or major employment/commercial area. Placement of Moderate Residential outside walking distance of these more intense areas is acceptable if sufficient rationale exists to place them further out—such as proximity to high-capacity or frequent transit service (aka Transit Oriented Development).

Residential High: The Residential High designation allows for the highest intensity of residential uses, including construction types found in the Moderate Intensity Residential designation but also including taller and more intense apartment complexes. High Intensity Residential areas are intended to focus residential intensity in the near vicinity of downtown and other Centers and Corridors in the city, where sufficient services and employment opportunities exist nearby. A focus on accessibility, walkability, and equitable housing provisions should be provided in this area, including incentives and other bonuses for more affordable/attainable units as these areas are also located near to services and essential facilities like frequent transit.

Conservation Open Space: The Conservation Open Space land use category includes areas that are publicly owned, not developed, and designated to remain in a natural state. The purpose of this category is to protect areas with high scenic value, environmentally sensitive conditions, historic or cultural values, priority animal habitat, and/or passive recreational features. It is expected that improvements would be limited to those supporting preservation or some passive recreation activities, like soft trails and wildlife viewpoints.

Potential Open Space: The Potential Open Space land use category identifies areas that are not currently publicly owned, not developed, and designated to remain in a natural state. The purpose and types of improvements in this category are the same as the Conservation Open Space category.

Open Space: This designation includes major publicly or privately owned open space areas, such as golf courses, major parks and open space areas, and cemeteries. These areas usually have facilities for active and passive recreation and include paved and unpaved roads, parking lots, hard surface trails, and buildings and facilities that support activities occurring in the Open Space area.

H 1 HOUSING CHOICE AND DIVERSITY

Goal: Provide opportunities for a variety of housing types that is safe and affordable for all income levels to meet the diverse housing needs of current and future residents.

H 1.4 Use of Existing Infrastructure

Direct new residential development into areas where community and human public services and facilities are available.

Discussion: Using existing services and infrastructure often reduces the cost of creating new housing. New construction that takes advantage of existing services and infrastructure conserves public resources that can then be redirected to other needs such as adding amenities to these projects.

H 1.7 Socioeconomic Integration

Promote socioeconomic integration throughout the city.

Discussion: Socioeconomic integration includes people of all races, color, religion, sex, national origin, handicap, disability, economic status, familial status, age, sexual orientation, or other arbitrary factors. Often, housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community.

H 1.9 Mixed-Income Housing

Encourage mixed-income developments throughout the city.

Discussion: Mixed-income housing provides housing for people with a broad range of incomes on the same site, development, or immediate neighborhood. Mixed-income housing provides socio-economic diversity that enhances community stability and ensures that low-income households are not isolated in concentrations of poverty.

H 1.11 Access to Transportation

Encourage housing that provides easy access to public transit and other efficient modes of transportation.

Discussion: Transportation is the second largest expenditure after housing and can range from 10 to 25 percent of household expenditures. Examining where housing is located and the associated transportation costs may provide a more realistic evaluation of housing affordability in the future.

H 1.18 Distribution of Housing Options

Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.

Discussion: A variety of housing types should be available in each neighborhood. Diversity includes styles, types, size, and cost of housing. Many different housing forms can exist in an area and still exhibit an aesthetic continuity. Development of a diversity of housing must take into account the context of the area and should result in an improvement to the existing surrounding neighborhood.

H 2 HOUSING QUALITY

Goal: Improve the overall quality of the City of Spokane's housing.

H 2.4 Linking Housing With Other Uses

Ensure that plans provide increased physical connection between housing, employment, transportation, recreation, daily-needs services, and educational uses.

Discussion: The location of housing in relation to other land uses is a part of what determines the quality of housing. The desirability and viability of housing changes for different segments of the community, based on an area's mix of land uses. As complementary land uses become spread further apart, transportation options decrease while transportation costs increase. These added transportation costs reduce the amount of household income available for housing and other household needs. This affects

lower-income households first. In urban areas, basic services, such as grocery stores, public transportation, and public parks, should be available within a mile walk of all housing.

ED 2.4 Mixed-Use

Support mixed-use development that brings employment, shopping, and residential activities into shared locations that stimulate opportunities for economic activity.

ED 3.5 Locally-Owned Businesses

Support opportunities to expand and increase the number of locally-owned businesses in Spokane.

Discussion: Locally-owned businesses help to provide economic stability and a positive business environment. Locally-owned industries tend to have a stake in the community, leading to more involved corporate citizenship.

DP 1.2 New Development in Established Neighborhoods

Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

Discussion: New development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood.

DP 2.12 Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

Discussion: Infill construction can benefit the community when done in a manner that improves and does not detract from the livability of the neighborhood and the desirable design character of the area.

NE 7.3 Rock Formation Protection

Identify and protect basalt rock formations that give understanding to the area's geological history, add visual interest to the landscape, and contribute to a system of connected conservation lands.

Discussion: Two primary tools for rock formation protection are acquisition with funding sources, such as Conservation Futures, and encouraging to developers to protect a site's natural features.

NE 11 NATURAL AREAS

Goal: Designate a network of natural areas (natural areas and connecting corridors) throughout Spokane that supports native habitats and natural land forms.

Policies

NE 11.1 Identification of Natural Areas

Identify natural areas throughout the city, based on neighborhood input, existing city-owned conservation lands, wildlife habitats, steep slopes, wetlands, riparian areas, adjacency to county natural areas, and proximity to state parks.

NE 15 NATURAL AESTHETICS

Goal: Retain and enhance nature views, natural aesthetics, sacred areas, and historic sites that define the Spokane region.

Policies

NE 15.1 Protection of Natural Aesthetics

Protect and enhance nature views, natural aesthetics, sacred areas, and historic sites within the growing urban setting.

Discussion: Consult with local Native Americans and historians to establish criteria and identify features to be protected. Standards for protection should then be adopted to implement the protection program.

SH 2.1 Care Facilities

Distribute care facilities fairly and equitably throughout all neighborhoods.

Discussion: There is a need, as well as a legal obligation, to distribute essential public facilities fairly and equitably throughout and between all jurisdictions. Facilities of regional/countywide and/or local significance include:

- adult day care,
- child care,
- long-term care facilities, and
- other special need care facilities.

SH 2.2 Special Needs Temporary Housing

Disperse special needs temporary housing evenly throughout all neighborhoods.

Discussion: All efforts must be made to ensure that these special needs housing facilities are evenly dispersed throughout all of the city's neighborhoods. Examples of the types of facilities for which this can be an issue include:

- emergency shelters,
- foster care facilities,
- group homes,
- transitional housing, and
- homeless shelters.

SH 2.3 Compatible Design of Special Needs Facilities

Ensure that facilities that accommodate special needs populations blend in with the existing visual character of the neighborhood in which they are located.

Discussion: Neighborhood residents will be more likely to accept a residential care or treatment facility if it contributes to the consistency and appeal of the neighborhood's visual character.

SH 2.4 Co-Location of Facilities

Encourage a land use pattern that allows convenient access to daily goods and services, especially for those persons with limited mobility and/or transportation options.

SH 2.6 Joint-Use Facilities

Provide for the joint use of facilities that clusters services for child or adult day care, health care, human services, libraries, schools, and cultural, recreational, and educational programs, as needed.

SH 5.1 Coordination of Human Services

Coordinate with public and private agencies and other appropriate entities to evaluate existing needs, facilities, and programs relative to health and human services, and develop regionally equitable and comprehensive programs and service delivery systems.

Discussion: Community-based partners in this coordination process may include social service agencies, legal service providers, schools, libraries, community centers, and neighborhood groups. Efforts should be directed toward issues related to persons who are homeless, disabled, in low-income brackets, reentering the community following release from incarceration, and others in need. Of particular concern are the impacts of deinstitutionalization and the inequities and inefficiencies of service delivery, which can result when location of service provision, geographic distribution of consumers, and funding and programmatic decision-making become disassociated from one another. Cooperation will result in improved coordination, reduced duplication of services, and increased efforts to access and leverage any funds available to the respective entities that support these efforts.

SH 5.2 Neighborhood-Level Health and Human Services

Provide financial, regulatory, and tax incentives for business and property owners, service providers, and developers in order to increase the number of neighborhood and district centers where health and dental clinics, and human services are available.

Discussion: Access to health and dental care, and human services, is a fundamental aspect of social health. Therefore, facilities and staffing should be sufficient to enable all citizens to obtain health and human services at the neighborhood level, preferably within walking distance of their home. There are a number of ways the City of Spokane can provide financial support for neighborhood-based health and human services. By adequately funding the Community Housing and Human Services Department, the city provides both the matching money necessary to access outside funding as well as staff whose technical assistance can help non-profit organizations obtain federal, state and private funding for which they are eligible. These efforts should specifically focus on projects that support the location of human services in neighborhood and district centers.

N 2 NEIGHBORHOOD DEVELOPMENT

Goal: Reinforce the stability and diversity of the city’s neighborhoods in order to attract long-term residents and businesses and to ensure the city’s residential quality, cultural opportunities, and economic vitality.

Policies

N 2.1 Neighborhood Quality of Life

Ensure that neighborhoods continue to offer residents transportation and living options, safe streets, quality schools, public services, and cultural, social, and recreational opportunities in order to sustain and enhance the vitality, diversity, and quality of life within neighborhoods.

Discussion: Spokane enjoys a rich variety of living opportunities within its individual neighborhoods, each with its unique character. Maintaining and enhancing our neighborhood assets is key to providing stability within neighborhoods and Spokane citizens with a prolonged sense of pride.

N 2.3 Special Needs

Ensure that neighborhood-based services are available for special needs and located in proximity to public transit routes in order to be accessible to local residents.

Discussion: Special needs services can include child/adult care services, long-term care for special needs, special needs housing, and other related services which recognize self-direction and participation by all residents and/or recipients of the services.

N 3.2 Major Facilities

Use the siting process outlined under “Adequate Public Lands and Facilities” (LU 6) as a guide when evaluating potential locations for facilities within city neighborhoods, working with neighborhood councils and/or interest-specific committees to explore mitigation measures, public amenity enhancements, and alternative locations.

Discussion: Traffic and noise are just two negative impacts of locating a major facility within a neighborhood. The city needs to examine the benefits of centralizing these large facilities so that neighborhoods are not negatively impacted. The city can look to mitigation measures or a public amenity in exchange for major facility siting. In addition, the fact that property is city-owned is not a sufficient reason for choosing a site for a large facility, and alternative locations should be explored. The Land Use Policy 6.11, “Siting Essential Public Facilities,” describes the siting process contained in the “Spokane County Regional Siting Process for Essential Public Facilities.” This process should also be applied to siting decisions relative to essential public facilities of a local nature within neighborhoods, such as libraries, schools, and community centers.

N 4.4 Neighborhood Business Traffic

Ensure that the size of a neighborhood business is appropriate for the size of the neighborhood it serves so that trips generated by non-local traffic through the neighborhood are minimized.

Discussion: Neighborhood businesses should be of the size and type to fit neighborhood character and to serve the needs of neighborhood residents. Larger businesses within neighborhoods often attract community and regional traffic. By limiting the size of businesses within neighborhoods, fewer trips are generated through the neighborhood by non-local traffic.

N 6.1 Environmental Planning

Protect the natural and built environment within neighborhoods.

Discussion: Efforts must continue to be made to preserve the environment when introducing new projects into established neighborhoods, when developing new neighborhoods, and as a daily exercise in maintaining a clean living environment for health, safety, and aesthetic purposes.



General Application

DESCRIPTION OF PROPOSAL:

Map Amendment from R 4-10 to Open Space and R 1 zone; R 4-10 to R 15-30 (Residential Moderate) and RMF zone; 4-10 to GC and CB 55 zone.

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

3754 W Indian Trail Rd

APPLICANT:

Name: Excelsior Youth Center C/O Andrew Hill, CEO
Address: 3754 W Indian Trail Rd Spokane WA 99208
Phone (home): **Phone (work):** 509 559-3100
Email address: Andrew.Hill@excelsiorwellness.org

-PROPERTY OWNER:

Name: Same as above
Address:
Phone (home): **Phone (work):**
Email address:

AGENT:

Name: Land Use Solutions and Entitlement c/o Dwight Hume
Address: 9101 N Mt. View Lane Spokane WA 99218
Phone (home): **Phone (work):** 509-435-3108
Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

26262.0010; 26262.0018; 26262.0054; 26262.0055 and 26265.0046

LEGAL DESCRIPTION OF SITE:

See Attached

SIZE OF PROPERTY:

32.05 acres



Comprehensive Plan or Land Use Code Amendment

Pre-Application

Rev.20180102

DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es))

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-Wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions *(for all proposals):*

- a. Summarize the general nature of the proposed amendment.
- b. Why do you feel this change is needed?
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal?
- e. For map amendments:
 1. What is the current Land Use designation and zoning for each affected parcel?
 2. What is the requested Land Use designation and zoning for each affected parcel?
 3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc.
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal?
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood planning, public input on new regulations, etc.)?
- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--
- i. If yes, please answer the following questions:
 1. When was the amendment proposal submitted?
 2. Was it submitted as a consistent amendment or an inconsistent amendment?
 3. What were the Plan Commission recommendation and City Council decision at that time?
 4. Describe any ways that this amendment proposal varies from the previously considered version.

Comprehensive Plan Pre-Application Supplement Excelsior Youth Center

General Questions:

- 1) Summarize the general nature of the proposed amendment.

Amend 32+ acres from R 4-10 to Open Space, RMH and GC on 32 acres owned by Excelsior Youth Center.

- 2) Why do you feel this change is needed?

Excelsior has changed their business model and needs to add multiple services and housing for a community setting. The current designation will not allow this range of uses.

- 3) In what way(s) is your proposal like or different from the fundamental concepts contained in comprehensive plan?

Within Chapter 3, Land Use, we find the proposed changes for Excelsior to be consistent with Section 3.2 Visions and Values wherein, we are preserving historic and natural areas; controlling urban sprawl; developing convenient access and opportunities for shopping services and employment and guaranteeing a variety of densities that support a mix of land uses.

- 4) For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? *Not Applicable to this request.*

- 5) For map amendments:

- a. What is the current Land Use designation and zoning for each affected parcel?

R-4-10 and RSF zone

- b. What is the requested Land Use designation and zoning for each affected parcel?

Open Space; RMF and Regional Commercial

- c. Describe the land uses surrounding the proposed amendment site(s); e.g., land use type, vacant/ occupied, etc.

North: S/F

West: S/F

East Open Space and S/F

South: Church

- 6) Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal?

A Memorandum of Agreement between Excelsior Youth Center, the Spokane Tribe, the Washington State Department of Commerce and The Washington State Department of Archaeology and Historic Preservation regarding the Five Mile Prairie Pictograph Site located on the subject property and proposed to be designated Open Space.

- 7) Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Planning Services department's work program (e.g., neighborhood planning, public input on new regulations, etc.)?

The CPA is the only means of changing the zone for the proposed land uses envisioned by Excelsior.

- 8) Has there been a previous attempt to address this concern through a comprehensive plan amendment? No

End of Pre-Application Supplement



Comprehensive Plan or Land Use Code Amendment

Application

DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change | <input type="checkbox"/> Area-wide Rezone |

Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary.
- b. How will the proposed change provide a substantial benefit to the public?
- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.
- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?
- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.
- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide.

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
- b. What is the current land use designation? **R 4-10**
- c. What is the requested land use designation? **Open Space; Residential Moderate; and GC**
- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

Existing: Excelsior Youth Center and vacant

North: S/F

East: Open Space and S/F

South: Church

West: S/F

Comprehensive Plan Application Supplement

1. General Questions:

- a) Describe the nature of the proposed amendment and explain why the change is necessary.

The current designation for Excelsior Youth Center is R 4-10. The uses are institutional and allowed by CUP. Excelsior has changed its business model and is expanding its services to include skilled care, behavioral health care, child care, multi-purpose conference and social service facility, community recreation facility, food and other retail services. Residential components would include multi-generational housing, as well as detached and multi-unit housing. All of this would include a walking district for other retail and social services, centrally located for the entire residential use as well as neighboring properties. Consequently, the existing R 4-10 designation can not be used to accommodate this range of use and community service.

- b) How will the proposed change provide a substantial benefit to the public?

The proposed change will enable workers of these social and health services to live within walking distance to work, and extends an opportunity for the nearby residents to enjoy the convenience of these services as well.

- c) Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.

Within Chapter 3, Land Use, we find the proposed changes for Excelsior to be consistent with Section 3.2 Visions and Values wherein, we are preserving historic and natural areas; controlling urban sprawl; developing convenient access and opportunities for shopping services and employment and guaranteeing a variety of densities that support a mix of land uses.

This request for higher intensity of use, (General Commercial and RMF) within an area dominated by R 4-10 and RSF is based upon the need to develop future housing and retail uses within the constraints of the existing developable conditions and, to enable the use of a binding site plan for ease of separating various liens and encumbrances. Protection from excessive use of these zoning tools can be provided by a development agreement to control intensity of use.

With the limitations on intensity of use via a Development Agreement, the use of the entire site could be akin to a mixed use or neighborhood center concept. Unfortunately, a sub-area plan is required for that type of designation, and a neighborhood mini center would not enable the use of a Binding Site Plan to separate lots for finance purposes.

LU 1.8 addresses General Commercial use and acknowledges approval of a GC when it fronts along an arterial and does not intrude into an existing neighborhood where

incompatible and implements a transitional land uses with the intent of protecting neighborhood character.

This is an isolated 32-acre property owned by Excelsior. It fronts along a major arterial and backs up to an adjacent upland HOA common area as well as the 7.8 acre Five Mile Prairie Pictograph site of the Spokane Indian Tribe. The proposed mix of housing and retail services within the 32 acres, would not intrude into any other neighborhood and would be integral to the entire development of Excelsior. Moreover, the Development Agreement could restrict the site from becoming a single big box retailer. Hence the designation of 6.8 acres for GC and CB-55 zoning is consistent with the intent of LU 1.8.

The use of the remainder of the 32 acres for RMH use, is compatible with the internal land uses on site that are institutional in nature. That, together with the proximity of community business uses of the proposed walking district, lends itself to better use of the residential component of the Excelsior 32-acre development plan.

- d) Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

The request is consistent with applicable GMA regulations.

- e) Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

The request is consistent with the CWPP. No neighboring jurisdictions are affected and SRTC will provide comments and conditions under formal review of this application. Similarly, an analysis of capital facility services will be provided during the review process.

- f) Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?

The development will require significant improvements to Indian Trail intersections and frontage. These expenses will be borne by the developer and not the City.

- g) Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulations.

These impacts will be determined prior to the final action on this request.

- h) If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide.

Does not apply to this request.

City of
Spokane



Planning Services
Department

Notification Map

Application

DESCRIPTION OF PROPOSAL:

Map Amendment from R 4-10 to Open Space and R 1 zone; R 4-10 to R 15-30 (Residential Moderate) and RMF zone; 4-10 to GC and CB 55 zone.

ADDRESS OF SITE OF PROPOSAL: (if not assigned yet, obtain address from Public Works before submitting application)

3754 W Indian Trail Rd

APPLICANT:

Name: Excelsior Wellness C/O Andrew Hill CEO

Address: 3754 W Indian Trail Rd

Phone (home): **Phone (work):** 509-559-3100

Email address: Andrew.Hill@excelsiorwellness.org

PROPERTY OWNER:

Name: Excelsior Youth Center dba Excelsior Wellness C/O Andrew Hill CEO

Address: 3754 W Indian Trail Rd

Phone (home): **Phone (work):** 509-599-3100

Email address:

AGENT:

Name: Land Use Solutions & Entitlement, Dwight J Hume

Address: 9101 N Mt. View Lane Spokane WA 99218

Phone (home): **Phone (work):** 509-435-3108

Email address: dhume@spokane-landuse.com

ASSESSOR'S PARCEL NUMBERS:

26262.0010; 26262.0018; 26262.0054; 26262.0055 and 26265.0046

LEGAL DESCRIPTION OF SITE:

To Be Determined

SIZE OF PROPERTY:

32.05 acres

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

Comp Plan Map Amendment

**DOES OWNER/APPLICANT OWN PROPERTY ADJACENT TO SUBJECT PROPERTY?
If yes, provide all parcel numbers.**

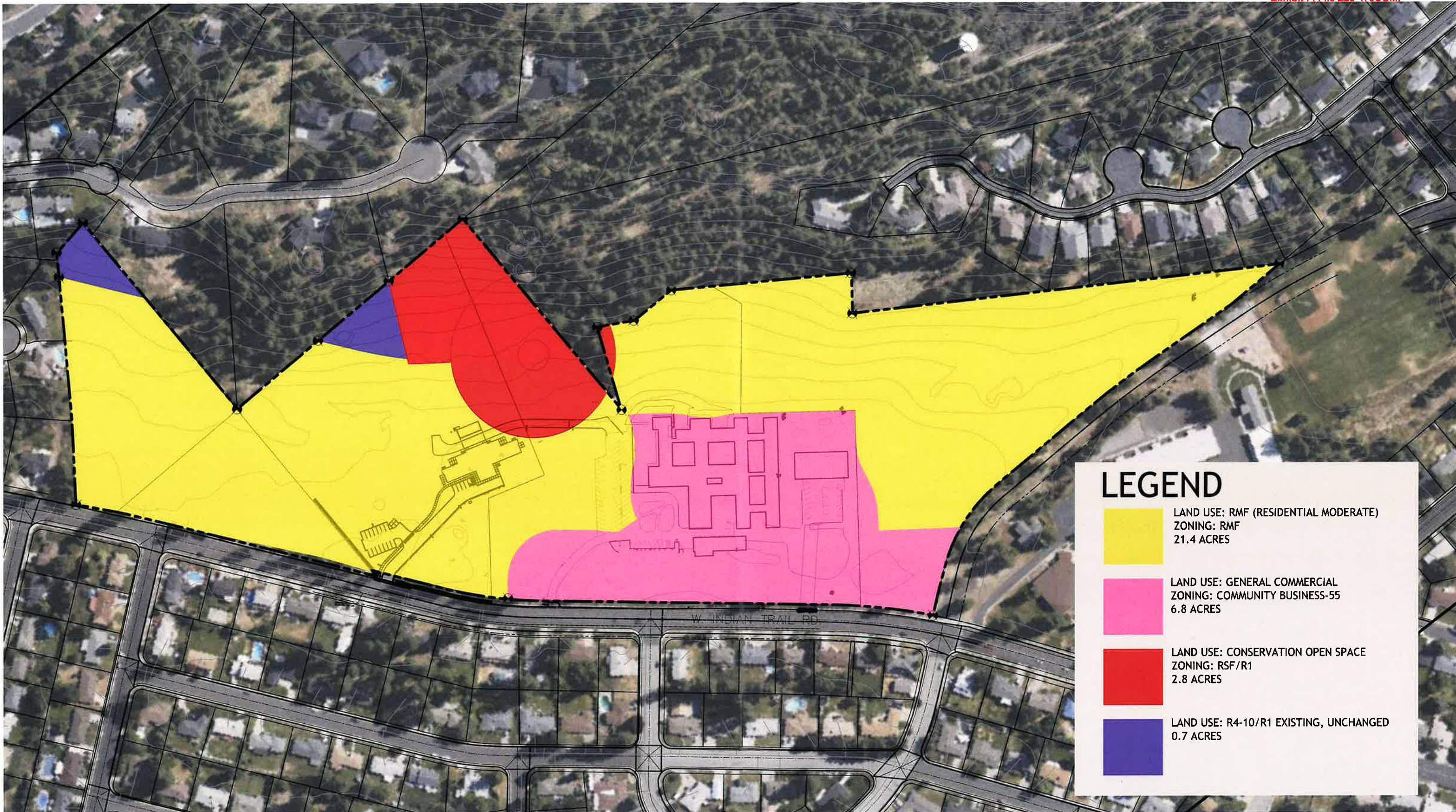
All property is listed above.

I acknowledge, as a part of this application, that I am responsible for all notification requirements as described in SMC 17G.060. for public hearing and community meeting. Copies of these instructions are available from the Planning Services Department or on www.spokaneplanning.org.

SUBMITTED BY:



- Applicant
 Property Owner
 Property Purchaser
 Agent



LEGEND

- LAND USE: RMF (RESIDENTIAL MODERATE)
 ZONING: RMF
 21.4 ACRES
- LAND USE: GENERAL COMMERCIAL
 ZONING: COMMUNITY BUSINESS-55
 6.8 ACRES
- LAND USE: CONSERVATION OPEN SPACE
 ZONING: RSF/R1
 2.8 ACRES
- LAND USE: R4-10/R1 EXISTING, UNCHANGED
 0.7 ACRES



dhume@spokane-landuse.com

From: Davida Condron <Davida.Condron@excelsiorwellness.org>
Sent: Tuesday, October 31, 2023 12:29 PM
To: Dwight Hume (dhume@spokane-landuse.com)
Subject: FW: Excelsior Wellness Visit and Tour Request

Dwight,

I also called and left a message. I am not at the office to show the number I called. I can get that to you.

I will return tomorrow.

Davida Condron

Pronounced: də-vē-də kən-drən
Chief of Staff



Your Homegrown Healthcare System Alternative

3754 West Indian Trail Road
Spokane, WA 99208
T: (509) 588-7437
F: (509) 328-7582
www.excelsiorwellness.org

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Note that email messages typically reside on various servers even after all parties have deleted the messages. Therefore, email should not be considered confidential or a secure form of communication.

From: Davida Condron
Sent: Wednesday, October 25, 2023 2:25 PM
To: cgangof4@gmail.com
Subject: Excelsior Wellness Visit and Tour Request

Good Afternoon Claudette,

Excelsior Wellness's CEO and team are interested in setting up a one-hour meeting with you in the upcoming weeks to share our plans and provide you with a tour of the renovations we have in progress.

Do you have any availability next week for this meeting? The Excelsior Wellness team is available for a one-hour meeting on the following dates and times:

- Monday, Oct 30
 - 10:00 to 12:00 PM
 - 1:00 to 3:00 PM
- Tuesday, Oct 31
 - 10:00 AM to 12:00 PM
 - 3:00 PM
- Friday, Nov 3
 - 1:00 PM to 3:00 PM

Please let us know which of these options work for you, or if you have alternative dates and times in mind. We are flexible and will do our best to accommodate your schedule.

Thank you for considering our request, and we look forward to the opportunity to discuss our plans and show you the exciting renovations taking place at Excelsior Wellness.

Best regards,

David Condron

Pronounced: də-vē-də kăn-drən

Chief of Staff



Your Homegrown Healthcare System Alternative

3754 West Indian Trail Road

Spokane, WA 99208

T: (509) 588-7437

F: (509) 328-7582

www.excelsiorwellness.org

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**State Environmental Policy Act (SEPA)
ENVIRONMENTAL CHECKLIST**File No. Z23-479COMP**PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!****Purpose of Checklist:**

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "*does not apply.*"

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.



A Note for Reviewers of this SEPA Checklist from City of Spokane Staff

As you consider the following checklist, please keep in mind that this proposal is a “non-project action” under the State Environmental Policy Act (SEPA). The proposal under consideration is a change only to the Land Use Plan Map of the Comprehensive Plan and the Zoning Map of Spokane. Accordingly, the proposal would amend the types of development expected and allowed on the subject parcels, but no actual physical improvements are under consideration at this time. The City expects that, if these proposals are approved, the property owners will come forward in the future for approval of building permits and other permits for physical changes to the site. However, no such permits have been requested by the applicants at this time and no approval for construction or physical changes to the site is under consideration by the City.

As such, when the applicant’s answers to the following checklist items mention physical improvements (e.g., the number of dwelling units to be constructed) reviewers should understand that these physical developments are not required or permitted by the proposal. Rather, future applications will be necessary before any physical changes occur to the site. Furthermore, requirements in place for construction permits, such as concurrency of services, stormwater controls, and any possible environmental surveys or analyses for that construction, will be analyzed and actions required before any construction or grading permits are issued, commensurate with the requirements of SEPA and the City’s Municipal Code.

For information on what could be permitted on the site, as opposed to the specifics the applicant may have provided in the following pages, reviewers are encouraged to review Title 17 of the Spokane Municipal Code for details as to what kinds of construction are permitted in the proposed zone, as well as any requirements for further analysis and consideration that must occur before any future permits for physical construction will be issued. Title 17 of the Spokane Municipal Code can be found at the following site:

<https://my.spokanecity.org/smc/>

Note from City of Spokane Staff:

The proposal classified as File Z23-479COMP has been expanded by Spokane City Council, adding portions of three parcels of approximately 3.01 acres to the project area.

The properties added to the proposal by City Council include:

Parcel	Address
26261.3401 (part of)	No Address Assigned
25262.2620 (part of)	3925 W Osage Way
25262.2621 (part of)	4041 W Osage Way

Where necessary, **boxes with red text** have been added to the SEPA Checklist to account for additional relevant information necessary for evaluating the environment impact of the expanded proposal. These additions have been inserted by City staff and concern only the expanded parcels listed above.

A. BACKGROUND

1. Name of proposed project: Excelsior Wellness Planned Community
2. Applicant: Excelsior Wellness C/O Andrew Hill CEO
3. Address: 3754 W Indian Trail Road
4. City/State/Zip: Spokane WA 99208 Phone: 509-559-3100
 Agent or Primary Contact: Land Use Solutions & Entitlement C/O Dwight Hume
 Address: 9101 N Mt. View Lan City/State/Zip: Spokane WA 99218 Phone: 509-435-3108
 Location of Project: Approximately >6 mile N of Francis on Indian Trail Rd. Correction: 0.6 miles north of Francis & Indian Trail
 Address: 3754 W Indian Trail Rd.
 Section: 26 Quarter: Variable Township: 26 Range: 42
 Tax Parcel Number(s) 26262.0010, 26262.0054, 26262.0055 and 26265.0048
5. Date checklist prepared: 5-05-24 Revised
6. Agency requesting checklist: Spokane Planning & Economic Development
7. Proposed timing or schedule (including phasing, if applicable): A 10 year schedule for development upon approval of this amendment request.
8. a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. See attached Supplement #7, page 1
- b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. We do not have options on land at this time but hope to enter into agreements with adjoining neighbors for exchanges to create a uniform development along the easterly boundary. Note: Parcel 26261.3401 (part) would be designated for Open Space and is not expected to develop.
9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. See attached Supplemnt #8, page 1
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. We understand that there have been some informal work done by the neighborhood concerning pedestrian safety at Indian Tail Rd and some discussions about a round-about at our entrance across from Weile.
As of the submittal of this checklist, the City has not considered a new intersection at this location.
11. List any government approvals or permits that will be needed for your proposal, if known. Comprehensive Plan Amendment; traffic studies and mitigation; building permits and plat approvals.

12. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. See attached Supplement # 11, page 1 and 2

13. Location of the proposal: Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. _____
The site is located along the east side of Indian Trail Rd adjacent and north of Assumption Church and School.

14. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.) See attached Supplement # 12 page 2

15. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

(1) Describe any systems, other than those designed for the disposal of sanitary waste installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities). _____

This is a non-project action. This will be detailed with future project actions and SEPA review.

See the note on Page 2 of this document for more information on "non-project actions" (NPA).

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored? _____

This is a non-project action. The use of and storage of chemicals will be addressed at a project

level review.

The stated intent of the applicant includes a number of uses that might be developed on the site. However, at this time no mention has been made of a gas station or other use that would necessitate the installation of above- or below-ground tanks.

(3) What protective measures will be taken to ensure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems. See (2) above.

(4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater? See (2) above.

b. Stormwater

(1) What are the depths on the site to groundwater and to bedrock (if known)? Unknown, but will be addressed at a project level review.

(2) Will stormwater be discharged into the ground? If so, describe any potential impacts. See (1) above.

If the site is developed in the future, stormwater handling will be required according to existing Spokane Municipal Code requirements for stormwater management, including on-site swales, retention of waters, and possible passive treatment, commensurate with the City's current stormwater manual.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

- Flat Rolling Hilly Steep slopes Mountainous

Other: The site contains both hilly and flat terrain.

b. What is the steepest slope on the site (approximate percent slope)? The slope may be in excess of 40% in places but will not be developed.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The soil is classified as Sandy Loam

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. _____

The slopes have existing vegetative cover and are stable.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill: _____

This is an NPA, however, it is not expected to require imported material for development.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. _____

This is an NPA, however, erosion control will be addressed as part of specific project review.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)? _____

This is an NPA, however at full buildout, approximately 70% of the site would be hard surface.

Under the expanded proposal, the portion of parcel 26261.3401 included in the proposal would remain undeveloped as conservation open space.

h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: _____

This is an NPA, however, grading and erosion will be reviewed and addressed at the project specific level.

2. Air

a. What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. _____

This is an NPA, however, dust control will be addressed during project construction.

Any future grading would be subject to existing City of Spokane standards for dust remediation.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. _____

There are no off-site odors or emissions affecting this site.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: _____
To be determined under project level review and approval.

3. Water

a. SURFACE WATER:

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. _____

Any future development will be subject to city standards requiring protection of wetlands on site,

if any.

The City is aware of a potential wetland on the site, located in the northernmost portion. Protection of this wetland, including buffers and other measures, will be required if and when construction of the main site occurs, commensurate with Spokane Municipal Code 17E.070 (Wetlands Protection)

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?

If yes, please describe and attach available plans. _____

No projects will encroach upon wetlands, should any exist.

Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable, there are no dredging or fill activities within this site.

(3) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known. _____

No surface water diversion will occur.

(4) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. _____

Not applicable

(5) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. _____

No discharge to surface waters will occur.

b. GROUNDWATER:

(1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a

general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. _____

No groundwater is needed, the site is served by public water.

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. _____

This is an NPA, no waste materials will be discharged directly on site.

The project site is located within the City of Spokane sewer service area. Any future construction on site would be required to connect to City Sewer, as new septic systems are no allowed in the City.

c. WATER RUNOFF (INCLUDING STORMWATER):

(1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. _____

This is an NPA. The run-off would be from the anticipated 70% impervious surface conditions at full buildout. However, each project for development will be reviewed for drainage control and proper discharge or disposal.

Any future development would be subject to existing City of Spokane requirements for stormwater management, subject to City review and approval.

(2) Could waste materials enter ground or surface waters? If so, generally describe. _____

No, each project will be reviewed for drainage control.

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. _____

No alteration of run-off is anticipated.

d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any. _____

To be determined with individual project submittals.

4. Plants

a. Check the type of vegetation found on the site:

Deciduous tree: alder maple aspen

Other: _____

Evergreen tree: fir cedar pine

Other: _____

Shrubs Grass Pasture Crop or grain

Orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush skunk cabbage

Other: _____

Water plants: water lily eelgrass milfoil

Other: _____

Other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered? _____

This is an NPA. It is expected that new projects will have to comply with adopted landscape standards of the development code.

c. List threatened and endangered species known to be on or near the site. _____

Unknown, to be determined at project level review.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: _____

Unknown, to be determined at project level review.

e. List all noxious weeds and invasive species known to be on or near the site. _____

Unknown, to be determined at project level review.

5. Animals

a. Check and list any birds and other animals which have been observed on or near the site or are

known to be on or near the site:

Birds: hawk heron eagle songbirds

Other: _____

Mammals: deer bear elk beaver

Other: _____

Fish: bass salmon trout herring shellfish

Other: _____

Other (*not* listed in above categories): _____

b. List any threatened or endangered animal species known to be on or near the site. _____

There are no endangered species observed on site.

c. Is the site part of a migration route? If so, explain. _____

This is not a migratory route for wildlife.

d. Proposed measures to preserve or enhance wildlife, if any: _____

None

e. List any invasive animal species known to be on or near the site. _____

Unknown.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Heating of future buildings will be electric and possibly solar.

_____ If the project were to develop as proposed by the applicant (and as allowed under the proposed land uses and zoning), additional electrical energy, natural gas, and other utilities will be required above and beyond those needed by the existing buildings on site. This demand is expected to be commensurate with development surrounding this site.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. _____

This is an NPA, but projects should not affect adjacent solar access.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: _____
This is an NPA, however, new construction will meet then current energy code requirements.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. ____
This is an NPA, however, there is no exposure to toxic chemicals.

- (1) Describe any known or possible contamination at the site from present or past uses. _____
This is an NPA, however, the site has historically been used for educational and housing of girls and subsequently boys. No contamination would have occurred during those uses of the site.

The City is unaware of any existing contamination on the site.

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. _____
This is an NPA, however, construction activity on site is subject to existing utility location before site grading and activity.

- (3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. _____
This is an NPA, however, no chemical conditions are foreseen with future projects.

- (4) Describe special emergency services that might be required. _____
No special emergency services are foreseen.

- (5) Proposed measures to reduce or control environmental health hazards, if any: _____
Not applicable, no environmental health hazards are expected.

b. NOISE:

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Traffic is the primary source of noise, and that is not averse to the proposal.

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. This is an NPA, however, noise would be generated during construction and site preparation work. Long-term noise from the site would be minimal and traffic related.

(3) Proposed measure to reduce or control noise impacts, if any: None

Any future construction will be limited in hours and days by existing City of Spokane ordinances for noise requirements.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. See Supplement 8a page 2.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? This is not farmland or a working forest.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: Not Applicable
- c. Describe any structures on the site. See Supplement 8a, page 2
- d. Will any structures be demolished? If so, which? The utility structure may be removed and rebuilt.
- e. What is the current zoning classification of the site? R1
- f. What is the current comprehensive plan designation of the site? R 4-10

Correction: The site is currently designated "Residential Low" in the Comprehensive Plan.
- g. If applicable, what is the current shoreline master program designation of the site? N/A
- h. Has any part of the site been classified as a critical area by the city or the county? If so, specify. See Supplement 8 page 1.
- i. Approximately how many people would reside or work in the completed project? 750
- j. Approximately how many people would the completed project displace? none
- k. Proposed measures to avoid or reduce displacement impacts, if any: Not Applicable
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Development in compliance with applicable development regulations.
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands

of long-term commercial significance, if any: Not Applicable

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. Approximately 314 units of middle and low income housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. None

c. Proposed measures to reduce or control housing impacts, if any: Not applicable

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? _____

Excelsior anticipates that the vertical mixed-use structures would be approximately 55 feet.

b. What views in the immediate vicinity would be altered or obstructed? _____
No views would be altered significantly, due to vegetative tree cover.

c. Proposed measures to reduce or control aesthetic impacts, if any: The projects will follow applicable design standards of City Codes and be professionally designed by licensed architects.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? _____
This is an NPA, however, future development will add interior and exterior lighting. Lighting would be visible at dusk and throughout the night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? _____
No, lighting would not be a safety hazard.
- c. What existing off-site sources of light or glare may affect your proposal? _____
None
- d. Proposed measures to reduce or control light and glare impacts, if any: _____
Outdoor lighting would be controlled to cast downward.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? _____
Indian Trail Park is ¼ mile to the west. Wyakin Park is ½ mile to the SW. Riverside State Park is 1.5 miles from the subject property.
- b. Would the proposed project displace any existing recreational uses? If so, describe. _____
No displacement will occur.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the sited that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. _____
The site includes an archeological site that will be protected and preserved. See #8 page 1 of the attached Supplement.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. _____
See attached Supplement #8, page 1

See notes previously in this checklist. An agreement exists between the property owner and the Spokane Tribe for the protection of the tribal resources known to exist on site.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. Excelsior has requested that the archeological area be protected with the Conservation Open Space designation.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. The designation of Open Space will protect the archeological area from development.

The applicant has entered a Memorandum of Agreement with the Spokane Tribe, outlining the presence of tribal resources on site and listing mitigation and protection measures that will be undertaken to ensure impacts to those resources are avoided. A copy of this agreement is available at the City for review, by contacting compplan@spokanecity.org.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. The site is accessed to and from Indian Trail Rd.

b. Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? The site is served by STA. We anticipate that STA will eventually have a transit stop on site within the walking district.

STA evaluates the need for new stops. As of the writing of this checklist, the City is unaware of any plans by STA to study or install a new stop at this location. However, at least one STA route passes directly by the project site, along North Indian Trail road.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? This is an NPA. However, parking will be subject to the parking standards of the development code and will be reviewed as projects are submitted for review and approval.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). _____

It is expected that upon approval of this amendment request, specific projects will be assessed against the then current threshold for traffic impacts and will be required to make improvements to Indian Trail Rd and or contribute to a TBD, if applicable.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. There are no water or air issues at this site.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? _____

See Supplement Page 3, item 14. There is an anticipated reduction of 280 VTD from the allowed use for residential. This is based upon the mix of ages and reduced intensity of development.

(Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours).)

- g. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe. No effects.

- h. Proposed measures to reduce or control transportation impacts, if any: See Supplement attached

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. _____

The applicant envisions a 10 year build out. It is therefore necessary for the assessment of impact to be based upon the then current conditions and the nature of the proposed project.

While buildout of the construction described by the applicant would result in new and increased needs for public services, concurrency requirements of new building permits require that sufficient services and utilities to serve the project are in place or planned prior to construction.

- b. Proposed measures to reduce or control direct impacts on public services, if any: _____

See 15 a, above.

16. Utilities

a. Check utilities currently available at the site:

- electricity
- natural gas
- water
- refuse service
- telephone
- sanitary sewer
- septic system

Other: _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed: _____

This is an NPA, however the demand for these services will be assessed and provided on a project-by-project bases. _____

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 5-05-24 Signature: 

Please Print or Type:

Proponent: Excelsior Wellness C/O Andrew Hill CEO Address: 3754 W Indian Trail Rd

Phone: 509-559-3100 Spokane WA 99208

Person completing form (if different from proponent): Dwight Hume Agent

Phone: 509-435-3108 Address: 9101 N Mt. View Lane
Spokane WA 99218

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: Kevin Freibott, Senior Planner

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? _____

The proposed use of the site is for residential, health services and neighborhood retail. Currently, and historically, it has been used for housing and education, and a transition to health serices. No impacts as mentioned above are reasonably foreseen.

As the proposal, if constructed, would develop portions of the site that are currently undeveloped, normal emissions from such uses would increase. However, this location is already identified for devleopment in the Comprehensive Plan and is contained within an existing urban area, with urban services located adjacent or nearby to the site.

Proposed measures to avoid or reduce such increases are: _____

Based upon the current and historical uses, there will be no impacts as questioned above.

2. How would the proposal be likely to affect plants, animals, fish or marine life? _____

There would be no impacts to plants or animmals. No water body exists on site to support marine life.

Correction: a suspected wetland is located on site. Any marine life in that wetland would be protected by the application of existing City standards for wetland protection codified in Spokane Municipal Code 17E.070.

Proposed measures to protect or conserve plants, animals, fish or marine life are: _____

Plants will be introduced per landscape standards of the city development codes.

3. How would the proposal be likely to deplete energy or natural resources? _____

The site is located within an urban setting and served by all public services. Development will be in compliance with the current energy codes, therefore, no depletion of energy resources are foreseen.

Proposed measures to protect or conserve energy and natural resources are: _____

Construction in compliance with current energy standards.

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands? _____

The site includes an archeologically sensitive area that has previously been identified and protected from removal per agreement of the Spokane Tribe, Excelsior and applicable agencies.

Proposed measures to protect such resources or to avoid or reduce impacts are: _____

The request to amend includes the designation of this area as Conservation Open Space with limited access via walking trails.

A range of protection/mitigation measures to protect and conserve tribal resources on site have been agreed to by the applicant, in a Memorandum of Agreement signed by both the property owner and Spokane Tribe.

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? _____

See attached Supplement #5, page 3.

Proposed measures to avoid or reduce shoreline and land use impacts are: _____

See attached Supplement #5, page 3

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities? _____

See attached Supplement #6 page 4

Proposed measures to reduce or respond to such demand(s) are: _____

See attached Supplement #6 page 4

- 7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment. _____

There are conflicts with state or federal laws.

Correction: The applicants response contains a typo. It should read: "There are NO conflicts with state or federal laws."

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 5-05-24 Signature: 

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- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

SEPA Checklist Excelsior Wellness

Supplement

7. Do you have plans for future additions, expansions or further activity related or connected with this proposal?

With a vision to bring holistic access to goods and services to a multi-generational planned community, the initial phase will consist of one to three projects of multifamily apartments and one commercial space that will add vibrancy to the South Indian Trail, North Indian Trail and Five Mile neighborhoods. The implementation of full development will take approximately 10 years following this approval.

#8) List any environmental information you know about that has been prepared or will be prepared directly related to this proposal.

In January 2022, the City of Spokane Hearings Examiner approved a CUP for the expansion of Community Service Uses on the subject property. (Z21-301CUP3).

In his findings, the Washington State Department of Archaeology and Historic Preservation and the Spokane Tribe of Indians advised of a high probability of archeological or cultural resources on site. (page 5 of 10, item 4 of said Findings).

This proposal acknowledges these environmental conditions and requests that this sub-area of the site be designated Conservation Open Space to further ensure its protection and preservation.

#11) Give brief, complete description of your proposal, including the proposed uses and the size of the project and site.

The total acreage of this request is approximately 32 acres, according to public information on SCOUT. Of this, 21.4 acres are proposed for Residential Moderate to accommodate a mix of work force, market rate and multi-generational housing. Centrally located are 6.8 acres for General Commercial designation for Community Business 55 zoning and the walking district with wellness related stores and services. Finally, approximately 2.8 acres would be designated as Conservation Open Space to ensure the preservation area with walking trails and the Spokane Tribe Interpretive Center.

This 32-acre site is located along the east side of Indian Trail Rd adjacent and north of Assumption Church and Elementary School. It is the existing entry to Excelsior

Wellness, formerly known as Excelsior Youth Center and prior to that, The Good Shephard Home for Girls. A map of the various comprehensive plan amendment requests is included with this application.

Excelsior is planning a phased development that integrates residential and neighborhood business growth aligned with our vision for a sustainable community. Over the next decade, we anticipate the creation of 300 residential units in a mix of low to moderate densities, including approximately 80 multifamily units in the first 5 years. Our diverse housing options cater to various demographics, including workforce family housing, senior housing, and multi-generational living spaces, with a current master plan that includes 180 multifamily units to the north, with the centrally located village accommodating 40 senior units, 10 units for young adults, and 24 family units. Complementing the residential component, we plan to develop between 20,000 to 40,000 square feet of neighborhood office and retail space at full build out. This space will primarily support administrative functions for wellness partners and local neighborhood businesses, further enhancing our envisioned walking district and wellness mission.

12) The site is located within the ASA and the ACARZ. As a result, the projects must comply with SMC Chapter 17E.010. This will ensure that storm drainage is properly handled.

Environmental Elements:

Land & Shoreline Use

8a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses or adjacent properties?

The current use of the site is integrated healthcare and skilled nursing facility, service and utility building, administrative offices, and a five-bedroom home for transitional age youth. These uses were previously approved under CUP (Z17-001CUP3 and Z21-301CUP3).

The surrounding land uses are low-density residential flanking from the West, North and East, and a church/school adjoining along the south boundary. An HOA open space and a designated wetland as well as an archeological site (petroglyphs) are located upland along the easterly boundary, currently proposed for preservation under a Conservation Open Space designation.

14. Transportation (f)

How many vehicular trips per day would be generated by the completed project proposal?

The current zoning of the 21.4 acres would allow 214 DU's at 10/acre, whereas the entire mixed-use proposal would generate 314 DU's. This is based upon 180 units of MF; 40 senior housing units; 10 young adults; 24 family units; and 100 mixed use dwellings.

If we assume that the retail and office component will have an estimated 500 customer and employee trips per day, the combined VTD would be approximately 2120 VTD, whereas the full build out under current zoning would generate approximately 2400 VTD.

Accordingly, there is a net reduction of 280 VTD from the current allowed build out.

Non-Project Section:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed change is to allow the transition of Excelsior Wellness from its former use as a residential treatment center and school for boys, to an integrated healthcare and education organization, providing integrated care through a variety of specialty programs and services to youth and adults of the community at large.

The site consists of 32 acres, and at full buildout, will provide approximately 7 acres for mental health and other related health services. A walking district for neighborhood wellness related stores and services. The remaining 21 acres for a variety of workforce, market rate and multi-generational housing.

The proposed Conservation and Open Space area will protect the existing historical area from development and act as a buffer to upland residential areas.

The development of the whole site will represent an incremental increase in the intensity of use on the site and will result in development of portions of the site that have been left relatively untouched thus far—however, this area is already identified for urban scale development in this location by the Comprehensive Plan, and the applicant's proposal is consistent with such a concept.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Review and condition proposed projects at the then current time of project submittal, based upon then current land use and traffic issues.

6) How would the proposal be likely to increase demands on transportation or public services and utilities?

The city has adequate utility services for this proposal. Traffic mitigation needs to be addressed beyond this non-project level action and conditioned for mitigation accordingly when the nature and intensity of the project impacts can be measured by phase of development.

However, it has been determined that the proposed full buildout of the site for mixed use and variable housing types will generate approximately 280 fewer trips than a maximum buildout under current zoning rights.

End of SEPA Supplement

NONPROJECT MITIGATED DETERMINATION OF NONSIGNIFICANCE

PROJECT: Z23-479COMP Indian Trail, Comprehensive Plan Amendment

PROPONENT: Excelsior Wellness & the City of Spokane

DESCRIPTION OF PROPOSAL: An amendment to the Land Use Plan Map (LU-1) of the Comprehensive Plan and attendant changes to the Official Zoning Map of the City of Spokane for 35.1 acres in the Balboa/South Indian Trail Neighborhood.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Northeast of W Indian Trail Rd between the intersections of W Janice Ave and W Weile Ave.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

[] There is no comment period for this DNS.

[] This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.

[X] This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5 p.m. on October 8, 2024, if they are intended to alter the MDNS.

Mitigating Measures:

1. Prior to the construction of any structures on the site or the approval of building permits, the applicant shall supply to the Integrated Capital Management department a schematic site plan for their consideration and approval. This site plan shall include building footprints, expected floor area of each building, internal streets and drives, and the primary uses of each structure. Integrated Capital Management will analyze those details to determine possible improvements necessary to avoid significant impacts to City streets, including but not limited to a new signal on W Indian Trail Rd.

Responsible Official: Spencer Gardner

Position/Title: Director, Planning Services **Phone:** (509) 625-6500

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: Sept 16, 2024 **Signature:**  _____

Exhibit I: Agency Comments

Exhibit I, File Z23-479COMP

Whitmarsh, Brandon

From: Development Review <developmentreview@spokanetransit.com>
Sent: Friday, May 17, 2024 12:53 PM
To: Planning & Development Services Comp Plan; Planning & Development Services Comp Plan
Cc: Poole, Emily; Redman, Drew
Subject: RE: Request for Comments for Z23-479COMP (Indian Trail) - Comments DUE May 21, 2024

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good afternoon,

Thank you for taking the time to receive and record this comment for Z23-479COMP (Indian Trail) from Spokane Transit Authority (STA). STA is supportive of the City's efforts to rezone land near transit service that adds more residential density. Denser, multi-family housing development generally supports increased transit ridership.

This stretch of Indian Trail Road is currently served by Route 23. Please allow the opportunity for STA to review proposals and site plans in advance of their approval, and to request that adequate space be provided along Indian Trail Rd for stops to be constructed, if deemed necessary by STA.

Please coordinate any future construction at these sites with STA, as construction can impact our ability to operate safely there.

Please let me know if you have any questions or concerns, and thank you for working closely with STA.

Thanks,

Randy Brown

Associate Transit Planner

Office: (509) 344-2618

Email: RBrown@spokanetransit.com

spokanetransit.com

[Sign up](#) for regular STA text and email updates

We are hiring - [Drive your career](#) at STA!



Whitmarsh, Brandon

From: Note, Inga
Sent: Tuesday, May 7, 2024 4:36 PM
To: Planning & Development Services Comp Plan
Subject: RE: Request for Comments for Z23-479COMP (Indian Trail) - Comments DUE May 21, 2024

A trip generation letter would be useful on this one.

From: Benzie, Ryan <rbenzie@spokanecity.org>
Sent: Tuesday, May 7, 2024 3:34 PM
Subject: Request for Comments for Z23-479COMP (Indian Trail) - Comments DUE May 21, 2024

Good afternoon,

Please see the attached request for comments, SEPA checklist, and associated documents for the following project:

Project Name: Z23-479COMP (Indian Trail)

Location: North of W Indian Trail Rd between W Weile Ave and W Janice Ave; Section 26, Township 26N, Range 42E

Please direct any comments or questions to compplan@spokanecity.org by **May 21, 2024 at 5 PM.**

Thank you,



Ryan Benzie | Clerk III | Planning & Economic Development
509.625.6863 | my.spokanecity.org





Spokane Tribe of Indians
Tribal Historic Preservation Officer
P.O Box 100 Wellpinit WA 99040

To: Ryan Benzie, Planner

Subject: Z-23-479COMP “Indian Trail”

Mr. Benzie,

Thank you for inviting the Spokane Tribe of Indians to be a consulting party is greatly appreciated. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

We have reviewed the permit forwarded to our office for the project mentioned above; after archive research we are concerned that the project area potentially contains archaeological resources, which would be impacted by the proposed ground disturbing action.

Recommendation: Cultural monitor present during construction activities.

At this time there are several questions that will be ask for this proposal,

- 1, Must have a cultural clearance for staging area.
3. Prepare construction crews for the possibility of encountering cultural resources during construction.
4. What kind and amount of vegetation will be moved or altered?
5. What kind of landscaping use of native plants or other measures to preserve or enhance vegetation on the site.

However, if any artifacts or human remains are found upon excavation activity this office is to be notified and the immediate area cease. Should additional information become available our assessment may be revised.

Again, thank you for this opportunity to comment and consider this a positive action that will assist us in protecting our shared heritage.

If questions arise, please contact me at (509) 258 – 4222

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer



The City of Spokane received numerous public comments via email and letter regarding the proposal on W Indian Trail Road, File Z23-479COMP. Those comments are summarized in the following pages, along with responses to the concerns where possible. Also included below are comments that were received early in the process, during the docketing stage. The following public comments represent everything received by City staff prior to the end of the public comment period on August 9, 2024.

Because some topics were raised by multiple commenters, it is more useful to provide a master response to some topics instead of listing them each time the topic is raised by individual commenters. Accordingly, before the summary of individual comments, there are a few “master responses” organized by general topic (i.e. traffic, character) that apply to multiple commenters’ letters and emails.

Master Response MR-1: Hillside Park Owners Association Property

Numerous commenters were concerned about the portion of Parcel 26261.3401, owned by Hillside Park Owners Association, that was included in the proposal by City Council. This “expansion” of the application was made by City Council early in the process, during the Threshold Determination, when City Council must consider the package of applications received by the City and decide which should move forward for full processing. Such an expansion is allowed and guided by SMC 17G.020.026.

At the time, detailed information about the Hillside Park development was not known. What was known was that the applicant, Excelsior Wellness, was proposing an area of Conservation Open Space on their property and that the Hillside Park property was shaped such that it would bisect that open space area. Considering that protective buffers like this perform better when they are cohesive, City Council felt that including a portion of Hillside’s property would be beneficial in protecting the known historical resource on Excelsior’s property.

Since that time, significant research has been conducted by City staff, including a literature review of the City’s files on the Hillside Park planned unit development, its preliminary plat, and its final plat. Additional information was supplied by Hillside Park Owners Association itself via Jim Davis. The results of that review are discussed in the Staff Report under section IV.7.

As discussed in the staff report and presented to Plan Commission during their workshop on June 26, 2024, staff has recommended that this portion of the proposal be excluded from any changes to land use or zoning. It will be up to Plan Commission and then City Council to condition any approval on that exclusion.

Regarding some of the specific comments received on this topic, and the concerns stated by commenters, the following should be noted by reviewers of this staff report:

- At no time has the project included a plan or permission for Excelsior to take ownership, use, or otherwise encroach on land owned by Hillside Park Owners Association. This portion of the proposal is not theirs, rather it was added for consideration by the City.
- Excelsior has not stated plans to purchase, use, or develop the Hillside Park Owners Association property. They did not approach City staff about such an idea, nor did they ask City Council to consider this as part of their proposal. Its inclusion was originally discussed by the City's Threshold Committee and was ultimately added to consideration by City Council under Resolution RES 2024-0029.
- At no time would a designation of Conservation Open Space on this portion of the Hillside property permit or plan for the public to use this site as a public resource. Its inclusion for consideration was solely to help provide a buffer around a known historic resource, a buffer that would help to ensure no development would encroach on that resource. Staff has since found that such a buffer on this property would be redundant (see section IV.7 of the staff report).

Master Response MR-2: Impacts to Existing Property Values in the Vicinity

There are many factors that come into play when the County Assessor determines taxable property value. However, the City is unaware of any direct impact that a multi-family use or commercial land use being placed adjacent to an existing residential use can have on the property value of an existing home or homes. Commenters are encouraged to contact the County Assessor's office with questions regarding their taxable property value.

Master Response MR-3: Loss of Natural Habitat

The subject properties are heavily wooded in parts that have remained undeveloped in the history of the property. Upon inspecting the site, City staff witnessed numerous birds and small mammals like marmots on the site. However, no biological study or survey was conducted, nor does the City have any direct information that would point to the presence of any protected species on the site.

While much of the site contains natural resources such as grasses, trees, shrubs, small animals, and other typical features of undisturbed lands in the vicinity, the site itself is not designated on any protected list or database of properties with high ecological value. A portion of the site was once under a requirement that it remain in its natural state and, if it did not, would revert to the original owner (Ms. Helen M. McKinley). However, Excelsior Wellness successfully received a termination of that reversion in 2016, as recorded by Spokane County. No other covenant or restriction on the properties that would require they remain in their current state exists, to the knowledge of the City.

Additionally, the site was nominated in 2010 for purchase and preservation by Conservation Futures. Following a review and assessment by the Land Evaluation Committee for Conservation Futures, including the use of outside expertise from the WA Department of Fish and Wildlife, the property was ranked 30 out of 36. It ranked too low for protection at that time.

Because the proposal under consideration is a Comprehensive Plan Amendment, any analysis of the impact to natural resources from this proposal should also be in the framework of the Comprehensive Plan. While the site itself remains in its natural state, it is not designated for protection in the Comprehensive Plan, nor is it identified for protection in any other known local, regional, or state plan. Furthermore, this site is already designated for development of low intensity residential uses in the City's Comprehensive Plan. Accordingly, the development strategy implemented by the Comprehensive Plan, and the future state of the site analyzed in the City's Environmental Impact Statement (EIS) for the Comprehensive Plan, account for the eventual development of this site.

What is at question is not whether this site remains undeveloped. It is the intensity of use and development to be expected on this site. The applicant is asking to develop more intense, multi-family residential uses on the site as well as an area of commercial uses. When considering the environmental and policy implications of the proposal, analysis is based on the comparison between these two intensities of development, not the natural state. The conversion of the site from natural state to developed state was already analyzed and addressed in the EIS for the Comprehensive Plan.

Of further consideration, the proposal by the applicant (if approved) would not result in 100 percent of the land being covered by physical development. Any multi-family development in the City is required to provide a proportion of public open space as part of the proposal (see SMC 17C.111). Likewise, commercial development must dedicate a portion of their site for landscaping and green areas (see SMC 17C.120). Finally, the 2.9 acres of the site the applicant has proposed for Conservation Open Space would remain in its natural state, regardless of the development elsewhere on the site.

In summary, the site is not designated for preservation or protection in the Comprehensive Plan. While the site would be developed were the proposal approved, it could likewise be developed under the current designation and zoning with no further action than grading permits, building permits, and the like.

Master Response MR-4: Traffic Impacts

When the required Agency Comment Period was initiated for this proposal on May 7, 2024, it was routed to the Integrated Capital Management (ICM) department as well. As is their responsibility, ICM staff evaluated the proposal for its potential impact to traffic and levels of service in the vicinity. They subsequently requested that the applicant secure the services of a qualified traffic engineer to prepare a trip generation memo for the application. Following review of that technical memo, ICM replied to Planning staff that the proposal to change the Comprehensive Plan would not, in itself, cause a significant impact on local traffic. However, ICM staff also indicated that depending on the eventual site plan developed by the applicant for the site, including the location of ingress/egress points, it may eventually be necessary to locate a new signal on W Indian Trail to allow sufficient access to the site.

A mitigation measure was included in the SEPA determination for this project requiring that the applicant and City adopt a Development Agreement prior to any construction, including sufficient information to allow the City to determine any probably traffic impacts and, where required, apply conditions on the project that will mitigate those impacts. Upon receipt of the applicant's required submittals pursuant to that Development Agreement, ICM will once again review the project to ensure that impacts to W Indian Trail Rd are sufficiently addressed.

Master Response MR-5: Trespassing and Encroachment

Trespassing is already illegal in Spokane and in Washington State. No part of this proposal (a change to land use plan map designation and zoning) would give the occupants, employees, or visitors an opportunity to circumvent that law or the enforcement of it.

While this topic is not affected by the Comprehensive Plan Amendment under consideration, City staff did forward these concerns to the City's Code Enforcement Department so they are aware of the issue and so they may contact concerned property owners with more information when warranted.

Master Response MR-6: Neighborhood Character and Compatibility

The impact that the proposal can have on both the project site and the surrounding neighborhood is central to the topic of any Comprehensive Plan Amendment. Accordingly, SMC 17G.020 has provided a series of criteria that decisionmakers like the Plan Commission and City Council should consider when making any final approval or denial. Staff's analysis of those criteria is included in section VI.2 of the staff report. Commenters are referred there for a detailed description of this topic. Of most applicability to neighborhood character and compatibility, see section VI.2.K.

Master Response MR-7: Noise Impacts from Development

The Spokane Municipal Code (SMC) provides for noise limits in the City (see SMC 10.70). Any use of or future development on this site must conform to these standards. Future development proposals, if and when they are submitted for approval by the City, will be considered for their applicability and conformance with these standards.

Regarding the current proposal, there is no feature of general multi-family residential zoning that would produce or allow significant unique sources of noise. While much of the subject properties are currently undeveloped, they are already described in the Comprehensive Plan for urban scale residential development. The proposal would increase the intensity of that development above what is allowed now, but the magnitude and nature of noise is expected to be similar to what would exist if the property were developed under the current designation.

#	Summary	Response
Commenter A: Bill Garry, Hillside Park Owners Association		Date: 3/1/24
A1	No development may occur on the common area lands of the Hillside Park Owners Association. The dedication of their property already contains protection of the area from development and public use.	See master response MR-1.
A2	The association will not allow any member of the public to use their private open space land.	See master response MR-1.
Commenter B: Scott Tetz & Kelsey Martell		Date: 3/25/2024
B1	States they have no plan to sell or redevelop any portion of their property (3925 Osage Way, included as part of the proposal by the City Council).	Such an action would not be required per this proposal. If part of their property were designated Residential Moderate and zoned Residential Multi-Family as this proposal suggests, there would be no effect on their ability to remain on their property and continue to use it for low-intensity residential use as they do now.
B2	Concerned about changes in their property taxes resulting from the proposal.	See master response MR-2.
B3	Requests a dedicated 50-foot boundary between their property and the Excelsior property, precluding development in that area and serving as a "green buffer."	This request has been forwarded to the applicant. There is no guidance or policy in the Comprehensive Plan or the Spokane Municipal Code that would require such a buffer between two residential uses, save for property setbacks that will be enforced at the time of building permit consideration (see SMC 17C.111.205). The applicant is not required to implement a buffer by any code or policy, so it is their decision whether or not to.
B4	Acknowledges the benefit of "increasing livable spaces" and walkability.	Comment noted and forwarded to Plan Commission and City Council via this staff report.
Commenter C: Kelly Jones		Date: 6/12/2024
C1	Generally opposed to the proposal.	Comment noted and forwarded to Plan Commission and City Council via this staff report.
C2	Concerned about the loss of natural habitat.	See master response MR-3.
C3	Concerned about traffic problems on North Indian Trail.	See master response MR-4.
Commenter D: Matt Brannon		Date: 6/15/2024
D1	Opposed to the perceived taking of Hillside Park Owners Association lands.	See master response MR-1.
Commenter E: Rashmi Mishra		Date: 6/21/2024
E1	Opposed to the inclusion of Hillside Park Owners Association land in the proposal.	See master response MR-1.
Commenter F: Michael & Kimberly Bush		Date: 7/7/2024
F1	Opposed to the inclusion of Hillside Park Owners Association land in the proposal.	See master response MR-1.

#	Summary	Response
F2	Concerned about ingress/egress from the portion of site that lies between Hillside Park Owners Association land and the church/school property to the south.	Because no actual construction has been proposed, it is difficult to evaluate the ingress/egress from this location at this time. However, that property is currently owned entirely by Excelsior Wellness and it fronts on and has full access to W Indian Trail, pointing to the fact that adequate egress/ingress should be possible. As a non-project proposal with no actual construction proposed, it's not possible to determine with any certainty what the ingress/egress will be. Staff has recommended a Development Agreement be developed for this site prior to any construction that would settle the topic of access before any physical development (see the end of the Staff Report). Also see master response MR-4 regarding the traffic impacts to W Indian Trail Rd.
F3	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
F4	Concerned about the operation of a treatment center next to the existing school on the adjacent property to the south.	The actual future use of the Excelsior property is not known because the only request of the City at this time is to consider a map change to the Land Use Plan Map and an attendant rezone. Future use must be considered against the types of uses allowed in the zones requested by the applicants. According to the use tables for both residential and commercial zones in the city (see Spokane Municipal Code [SMC] 17C.111.100 and SMC 17C.120.100), group living is subject to a conditional use permit (CUP). Medical centers require a CUP in RMF zones and are allowed outright in CB zones. Accordingly, the zoning proposed by the applicant would allow such a use if they so wished, though additional permits may be required. At this time, the City is not permitting or considering any actual development or treatment center use. The applicant does possess a valid CUP for treatment uses on the site now, so a continued use of that facility would still be allowed under that CUP whether or not the current proposal is approved. Regardless, the general concern of the commenter has been forwarded to the Plan Commission and City Council via this staff report for their consideration.
Commenter G: Tara Smith		Date: 7/16/2024
G1	Opposed to including Hillside Park Owners Association land in the proposal.	See master response MR-1.
G2	Concerned about trespassing between Excelsior Wellness properties and adjacent properties.	See master response MR-5.
Commenter H: Jim Davis (First Letter)		Date: 7/19/2024
H1	Opposed to including Hillside Park Owners Association land in the proposal.	See master response MR-1.
H2	Concerned about encroachment and trespassing between Excelsior land and the Hillside Park Owners Association lands.	See master response MR-5.

#	Summary	Response
H3	Concerned that their property survey monuments have been removed.	At no time has City staff moved, modified, or removed monuments during the execution and processing of this proposal. The removal of property monuments is a civil matter and has been referred to the Code Enforcement department so they can reach out to the commenter with advice.
Commenter I: Jim Davis (Second Letter)		Date: 7/22/2024
I1	Mr. Davis supplied the City materials related to the status of the Hillside Park Owners Association lands and their dedication.	See section IV.7 in the staff report for the results of this research and staff's recommendation, wherein staff recommends that Plan Commission and/or City Council remove the Hillside Park Owners Association property from the proposal. Also, see master response MR-1 for more information on this topic. Staff thanks Mr. Davis for his cooperation with this matter.
Commenter J: Michele McClafin		Date: 7/23/2024
J1	Commenter is concerned about the impacts apartments will have on the existing neighborhood.	See master response MR-6.
J2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
J3	Concerned about historic and future trespassing.	See master response MR-5.
J4	Requests the City "downsize" the proposal.	As the disposition of the proposal (whether it be approved, modified, or denied) is the purview of decisionmakers, this request has been forwarded to the Plan Commission and City Council via this staff report for their consideration when deciding on the proposal.
Commenter K: Mary Marsh		Date: 7/28/2024
K1	States a general concern about the impact of the proposal on the surrounding neighborhood.	See master response MR-6.
K2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
Commenter L: Steve Ellis		Date: 8/1/2024
L1	Concerned about trespassing and requests that Excelsior be required to fence the "backside" of the properties.	See master response MR-5. As this is a civil matter, not a legislative one, staff cannot recommend such a requirement at this stage. However, this comment (along with all others) has been forwarded to Plan Commission and the City Council via this staff report for their consideration.
Commenter M: M Marsh (No first name given.)		Date: 8/1/2024
M1	Expressed general concern about placing apartments in this location, asking "how many? Where?"	The specific development characteristics of any future development on this site that may or may not occur cannot be known—the City is not being asked to approve any actual construction at this time, nor has the applicant proposed any. The matter before the City is the land use and zoning of these properties. Accordingly, the analysis in the staff report and topics discussed with the Plan Commission have been predicated on what is generally allowed within the proposed zones/land use designations, not some specific design or plan for the site. Future analysis and consideration will be required if and when building permits

#	Summary	Response
		or other development permits are submitted for approval by the property owner.
M2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
M3	Concerned about noise impacts from development.	See master response MR-7.
Commenter N: Stacie Ellis		Date: 8/6/2024
N1	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
Commenter O: Joanne Welch & Christopher Smith		Date: 8/8/2024
O1	States noticing was inadequate and materials aren't sufficiently available.	<p>Noticing and signage is primarily the responsibility of the applicant, though notification regarding parcels added to the proposal by City Council lies with staff. Regardless, noticing has been conducted according to the requirements of the Spokane Municipal Code. The 400-foot boundary for mailed notification is a requirement of the Spokane Municipal Code and is not arbitrarily set.</p> <p>As the commenter lists in their letter, notice has been posted online, in the Spokesman Review, and in the Spokane Gazette. Additional notification was provided via presentations to the concerned neighborhood councils (conducted by the applicant) and through electronic notification to the concerned neighborhood councils, the Community Assembly, and the Land Use Subcommittee to the Community Assembly. Lastly, all signage, notices, and emails have included web addresses where the pertinent materials can be reviewed as well as direct contact information (both email and phone) where staff can be reached. The project website already includes a schematic of the process as well, something the commenter specifically requests in their letter.</p>
O2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
O3	Concerned about impacts to neighborhood character and the surrounding community.	See master response MR-6.
O4	Concerned about impacts to the natural area.	See master response MR-3.
O5	Concerned about trespassing from future uses and treatment patients crossing property boundaries.	At this time no actual development or "treatment" use has been proposed. The matter before the City is a change in land use plan map and zoning designation. Regarding trespassing in general, see master response MR-5.
Commenter P: Pat Corbin		Date: 8/8/2024
P1	Concerned about impacts to neighborhood character and the nearby community.	See master response MR-6.
P2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
P3	Concerned there would be inadequate parking.	The City does not mandate a minimum amount of parking for any development. That is a decision made by the actual developer and property owner. As no actual development has been proposed for this site, the City cannot know how much parking might be provided on site

#	Summary	Response
		for future development. Note there is currently no parking on W Indian Trail adjacent to the proposal, so impacts to circulation on Indian Trail from parked cars is currently unlikely.
P4	Concerned that apartment residents won't "care about their new neighborhood" and thus will not use transit.	There is no evidence that apartment dwellers are less likely to use transit than those that reside in single-unit homes. In fact, per existing Comprehensive Plan policy, the City should seek to increase residential density in the vicinity of high capacity transit specifically because those uses are more likely to use those transit facilities.
Commenter Q: Jacob Gadbery		Date: 8/8/2024
Q1	Stated that information on the proposal is "less accessible than one might hope."	See the response to comment O1 above.
Q2	Concerned about general safety.	All current regulations for public safety in the SMC would apply to any future use on this site.
Q3	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
Q4	Concerned about the loss of natural habitat.	See master response MR-3.
Commenter R: Douglas Spickard		Date: 8/8/2024
R1	Concerned about aesthetic impacts from converting forestland to development.	The proposed site is already designated for low intensity residential use in the Comprehensive Plan. The proposal is to consider more intense residential use on the site. However, if the project is not approved the site can still be developed for residential uses in its current land use plan map designation and zoning. Multi-family residential uses do not by its very nature result in more significant impacts to the aesthetic environment over lower intensity uses. For more on the loss of natural habitat, see master response MR-3.
R2	Concerned about light and noise impacts from the proposed uses.	Regarding uses that could be developed under the proposed RMF zoning, multifamily uses by their nature do not constitute a significantly increased impact to the light and noise impacts of a property. Furthermore, any future development, if and when it is proposed, would be subject to the City's existing noise restrictions (SMC 10.70) and design requirements for residential uses (SMC 17C.111).
R3	Concerned about impacts to a "wildlife corridor"	There is no known established or described corridor in this location. Thus, the issue concerns the loss of natural habitat in this location. For that, see master response MR-3.
R4	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
R5	Concerned about impacts to a known historic/prehistoric resource on the site.	The site of the historic resource is known to both the City and the applicant. The property owner has already undertaken significant steps to protect that resource from impact. They have signed an agreement with the Spokane Tribe outlining the steps required to protect the site. Furthermore, they have installed site protection measures that prevent a reasonable person from impacting the resource. Finally, their proposal includes a large buffer of Conservation Open Space in the

#	Summary	Response
		vicinity of the resource that intends to exclude future development and physical impacts to that area.
R6	Asks the City to consider whether Excelsior will be "successful" as the manager/developer/user of this site.	<p>This site is owned wholly by Excelsior wellness, save for the small portions added for consideration by City Council. Excelsior is a legal property owner in the City of Spokane and can develop and use their property as they see fit, within the requirements and realm of the Spokane Municipal Code, the Comprehensive Plan, and the regulations and laws that govern land use in the state of Washington. The City does not evaluate the likely success of a given operator when considering the appropriate land use and zoning of an individual site.</p> <p>Regardless, the comment has been forwarded to the Plan Commission and City Council via this staff report and its exhibits for their consideration.</p>
R7	Concerned development will affect their property value.	See master response MR-2
Commenter S: Brian Walters		Date: 8/8/2024
S1	Concerned development will affect their property value.	See master response MR-2
S2	Concerned about impacts to the natural area.	See master response MR-3.
S3	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
S4	Concerned about impacts to school systems.	According to the requirements of SMC 17G.020, the proposal was forwarded to concerned local agencies, including the school district. No comment was received from the school district that would indicate a concern about the students that may be generated by future development on this site.
Commenter T: Ken Marquess		Date: 8/9/2024
T1	Concerned about impacts to neighborhood character and the nearby community.	See master response MR-6.
T2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
Commenter U: Steve & Linda Bloom		Date: 8/9/2024
U1	Asserts that answers of "will be reviewed as projects are submitted for review and approval" on the application are inadequate.	<p>These types of answers point to the fact that the proposal is not for any specific construction project. The applicant has not submitted building permits, site plans, or any other development schematics. This proposal by the applicant is a necessary first step towards establishing what could be built on the properties. Only after this proposal is approved or denied can the applicant adequately design a project or projects suitable for requesting development permits. To that end, SEPA and the City's procedures for Comprehensive Plan Amendments allow the applicant to give such an answer when additional details necessary to answer the question more fully cannot yet be known.</p> <p>Additionally, the eventual SEPA determination and approval of a proposal like this does not exempt the future developer from</p>

#	Summary	Response
		<p>requirements that the environmental and policy implications of construction be analyzed in detail. Additional SEPA review will be required before any actual construction is approved. Additional determination of any construction's compliance with the Spokane Municipal Code will be required as well, once those details are known.</p> <p>The only action the City is considering at this point is a change in land use plan map designation and zoning. Additional permits will be required before any actual construction can occur. Nor is any actual construction required by this action--that is up to the property owner to decide if they wish to move forward.</p>
U2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
U3	The "target population" of the new housing was not discussed.	There is no decision criteria or code requirement that the City approve a "target population" when considering a Comprehensive Plan Amendment of this nature. To understand what is allowed in the requested zoning, see SMC 17C.111 (Residential) and SMC 17C.120 (Commercial). Any future uses constructed on the site will be required to conform to the SMC requirements at that time.
U4	The City should consider the impacts to the school to the south, not just the church described in the application.	The analysis presented in the staff report considers the presence of the private school to the south, regardless of whether the applicant called the use "church" or "school." This is indicated by section IV.4 of the staff report, which notes the presence of the school.
U5	Buildings on the site could be taller than 55 feet, thus the City should reconsider the aesthetic impacts of the proposal.	The applicant has requested a zoning of either RMF or CB-55 on the site (save for the portions that will remain R1 as they are zoned now). The maximum height in RMF zones is currently 55 feet (SMC 17C.111.205). The maximum height in the CB zone is set by the number after the letters, so in this case the applicant has asked for zoning that would set a maximum height of 55 feet as well. Any future development in these two zones would have to conform to the maximum of 55 feet regardless. The City's consideration of aesthetic impacts is based upon a maximum height of 55'.
U6	A previous rezone on this property "failed" due to a condition on the land that it revert to the Sisters of the Good Shepard if ever converted from a use of "child treatment."	<p>The commenter is somewhat in error on the history of this site. The requirement recorded with the deed was to keep a specific portion of the site as open space. That requirement was rescinded in 2016 via a termination of reversion filed with the County and recorded with the property. The matter was decided in court between Excelsior Wellness and the original owners, as recorded by the County on April 26, 2016 (County document 6490905). Accordingly, no such restriction remains on the land.</p> <p>The City can find no record or evidence that any other restriction or covenant exists on this site, save for a covenant recorded for Excelsior's property under the requirements of their existing Conditional Use Permit from the City for the operation of their existing facility (County document 7186083). That matter is not related to the Comprehensive Plan amendment, nor would the currently recorded covenant prohibit the execution of the Comprehensive Plan amendment or the construction of</p>

#	Summary	Response
		uses on the site commensurate with the requested land use plan map and zoning designation.
Commenter V: Aimee Thompson		Date: 8/9/2024
V1	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
V2	Concerned about noise generated by additional development.	While the proposal does not provide approval for any actual construction, future construction on the site, if it were to occur, will be required to conform with the City's existing noise standards (see SMC 10.70).
V3	Concerned about impacts to neighborhood character and the nearby community.	See master response MR-6.
V4	Concerned about impacts to the natural area.	See master response MR-3.
Commenter W: Mack & Carole Cain		Date: 8/9/2024
W1	Objects to Excelsior showing their plans being forced upon property of the Hillside Park Owners Association.	See master response MR-1.
W2	Concerned about traffic on W Indian Trail Rd.	See master response MR-4.
Commenter X: Randy & Karen Lewandowski		Date: 8/9/2024
X1	Questions how project will handle stormwater runoff, wetlands, runoff, impacts to animals, and impervious surfaces.	<p>The applicant has not submitted building permits, site plans, or any other development schematics. This proposal by the applicant (a map change and rezone) is a necessary first step towards establishing what <i>could</i> be built on the properties. Only after this proposal is approved or denied can the applicant adequately design a project or projects suitable for requesting development permits. Accordingly, only some details as to the final construction on this site can be known.</p> <p>Under SEPA, actions such as map and policy changes to the Comprehensive Plan are considered “non-project actions,” for which certain specific details cannot yet be known because they have not been developed. This is true for this non-project action as well.</p> <p>If and when the applicant proposes actual construction on the parcels, then the specific stormwater, wetlands, runoff, animal, and aquifer impacts will be analyzed for their impact and measured against City standards for such features.</p> <p>Reviewers are asked to note that any future construction must conform to the City’s existing stormwater manual and standards. No part of the approval of a Comprehensive Plan amendment would prevent the City from enforcing the requirements of the Spokane Municipal Code, including protection of wetlands (see SMC 17E.070) and the requirement for and design of stormwater facilities (see SMC 17D.060)</p> <p>Furthermore, while the proposed Comprehensive Plan amendment is being considered for its environmental impact as a non-project action</p>

#	Summary	Response
		<p>under SEPA, any SEPA determination for this proposal concerns <u>only</u> this proposal. Future construction will be required to conduct more analysis for its specific environmental impacts at the time an application is made for construction or any ground disturbing activities.</p>
X2	<p>Questions how the City can determine there would be no impact to traffic when this level of development is proposed.</p>	<p>While no actual development has been proposed at this time, nor would any development be approved directly as a result of this proposed Comprehensive Plan Amendment, the City has determined that additional information is required to determine whether development allowed within the land use plan map designation and zoning proposed by the applicant would occur. Accordingly, the SEPA determination for this proposal includes a requirement that a site plan be submitted prior to the approval of any construction permits. Furthermore, staff has recommended that the City require a Development Agreement for this proposal that would outline and require certain details for future development, in order to allow the City to determine and mitigate any traffic impacts. See Exhibit H for the site plan requirement and the end of the Staff Report for details on the recommended Development Agreement.</p> <p>For additional information, see Master Response MR-4.</p>

Hillside Park Owners Association
3227 W Excell Lane
Spokane, WA 99208

Board of Trustees
Bill Garry, President
Ben Markham, Secretary
Gary Jablonski, Treasurer
Jim Davis, Vice-President
LeAnna Chauvin, at large

March 1, 2024

Mr. Kevin Freibott, Senior Planner
Planning and Economic Development
Planning Services
808 W. Spokane Falls Blvd.
Spokane, Washington 99201-3329

RE: Application Z23-479COMP, Proposed Comprehensive Plan Amendment Possible Affecting Your Property at 3925 W OSAGE WAY in Spokane WA

Dear Mr. Freibott,

We have received your letter dated February 22, 2024, in which you notified us that a portion of our common property may be designated Conservation Open Space Land Use Plan Map and continue to have R1 zoning. Please refer to our Hillside Park Planned Unit Development Plat #4184339 which has a Dedication that says what the uses may and may not be for the common property owned by the Hillside Park Owners Association. No development may occur on our common area lands.

Under no circumstance will we allow any public use of our private lands, and it must not be included in any designation that might imply that we allow "open space land use". Without knowing what the City of Spokane and Excelsior are intending we must deny any changes or maps that associate our private common property with Excelsior's development plans. We do not want our property identified on any map as part of a "Project Area" or "Possible Expansion Area". Our private lands are clearly identified and dedicated already by the plat Dedication mentioned above through the action of the City Council and Executive Officers who signed it. On March 25, 2024, the City Council must remove our private common property from the proposed Plan Amendment referenced above.

We do not want to be involved in "many months of processing and public meetings". This letter is our final word on this subject. Please note that our legal name is Hillside Park Owners Association.

Sincerely,



Bill Garry, President

Sent by email to: compplan@spokanecity.org
Also by USPS to: address above

From: [Freibott, Kevin](#)
To: [WILLIAM GARRY](#); [Whitmarsh, Brandon](#)
Cc: [gea123gea@yahoo.com](#); [megnscott@comcast.net](#); [mattbrannon42@msn.com](#); [jrdarth1@aol.com](#); [krbush5250@gmail.com](#); [mack.cain@gmail.com](#); [dclark8905@gmail.com](#); [misterlc@msn.com](#); [bjgarry3520@comcast.net](#); [hill.debpta@gmail.com](#); [baggymoney2@yahoo.com](#); [jimdavis059@yahoo.com](#); [dkklein48@hotmail.com](#); [katelle68@gmail.com](#); [kurtleonard@rocketmail.com](#); [lch67647397@163.com](#); [bmarkham3@aol.com](#); [rashmi.dolly123@gmail.com](#); [abottmar@hotmail.com](#); [thepeterfamily@yahoo.com](#); [lshauvin222@yahoo.com](#); [jcsmith1108@gmail.com](#); [theresastone7@gmail.com](#); [mitchtaylor@comcast.net](#)
Subject: RE: Hillside Park Owners Association comments on Z23-479COMP
Date: Tuesday, March 5, 2024 9:45:00 AM
Attachments: image002.png
image003.png
image004.png

Good morning, Mr. Garry. Thank you for getting back to us on this proposal. Please allow me to correct some ambiguity in our letter, as I think it will help assuage some of your concerns and those of the other members of the Hillside Park Owners Association.

- “Expansion area” does not imply that Excelsior or any other developer would expand into your property. It is your property and will stay that way. The term “expansion” refers to the *geographic* expansion of our potential map change. I can see how that term might be misleading—we will attempt to make that clearer in the future.
- “Conservation open space,” does not indicate a desire by the City or anyone else to use the land. Rather it’s the appropriate designation for locations that will remain generally undeveloped. No one, not the City, not Excelsior, seeks to use that land—think of it as this map designation as highlighting its value as undeveloped land. It certainly does not mean the same thing as “park” or “recreation facility” in this context.
- You won’t have to be involved in any of the discussions or processing if you don’t wish to be. As an adjacent landowner, and subject to legal noticing requirements, you will receive periodic notices on the process, such as when public meetings or hearings are held. However, there is zero burden on you to participate or provide any input on this. We will certainly provide you the opportunity, but we will never burden you or your members with any costs or take any more of your time than necessary. That said, I am more than happy to discuss this proposal with you at your convenience or to answer any questions your members may have.
- We will note your objection to the inclusion of your property, and your letter will travel with the application throughout the process so that the decisionmakers can see it. Thanks for writing us back, as that helps the Plan Commission and City Council understand your concerns and, where possible, to accommodate them.

Thank you again for your letter. I completely understand if you don’t wish to communicate further, but if you *do* have questions or would like to speak to me directly about this, I’m happy to make myself available at your convenience. My contact information is in my signature block below.

I hope you and yours have a great day!

Kevin



Kevin Freibott, MA ORGL | Senior Planner | City of Spokane - Planning and Economic Development
509.625-6184 | <mailto:kfreibott@spokanecity.org> | spokanecity.org | spokaneplanning.org



Please note that my work schedule is currently 6:30 AM – 5:30 PM, Monday through Thursday

Scott Tetz
Kelsey Martell
3925 W Osage Way
Spokane WA, 99208
Scott.Tetz@gmail.com
503.201.9362
3/25/24

Kevin Freibott
Spokane City Planning Department
808 W Spokane Falls Blvd
Spokane, WA 99201

Dear Mr. Freibott,

We are writing to express our concerns regarding Z23-479COMP, particularly its potential impact on property taxes that may be influenced by rezoning of a portion of our property off Osage Way, adjacent to Excelsior Youth Center.

We have no plans to sell or redevelop any portion of our land and plan to spend the remainder of our lives here.

We are concerned about the potential increase in property taxes resulting from the proposed zoning changes. Our intention to reside in this house for the remainder of our lives underscores the significance of this issue. We urge the Spokane City Planning Department to carefully consider the financial implications for long-term residents like us when evaluating the proposed zoning adjustments, and request any details about this impact be shared with us.

Furthermore, we value the surrounding green space and advocate for its preservation. In light of the proposed changes, we respectfully request that the City of Spokane and Excelsior Youth Center collaborate to designate a 50-foot protected green strip along the shared boundary. Such a green buffer would not only preserve habitat but also provide an opportunity for the community to enjoy nature through the establishment of a walking trail.

We believe that incorporating this green space into development plans would not only enhance the ecological integrity of the area but also contribute to the overall well-being of the community. By prioritizing the preservation of green space, we can ensure that future generations can enjoy the natural beauty of the Indian Trail neighborhood.

We acknowledge the benefit of increasing livable spaces as outlined in your plan, as well as the stated objective of improving the walkability of our neighborhood. We feel that our request honors these interests.

Thank you for considering our concerns. We look forward to your response and to working together to create a sustainable and vibrant future for our community.

Sincerely,

Scott Tetz & Kelsey Martell

From: kjonesrt@aol.com
To: [Planning & Development Services Comp Plan](#)
Subject: Indian Trail change of zoning
Date: Wednesday, June 12, 2024 3:27:02 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Application Number: Z23-479COMP

I oppose the change of planning for Indian Trail development, I live in the impact area and feel this will destroy the natural habitat of deer, fox, owl, hawks, moose and multiple other species. It is a beautiful natural area in an already overcrowded neighborhood with significant traffic problems.

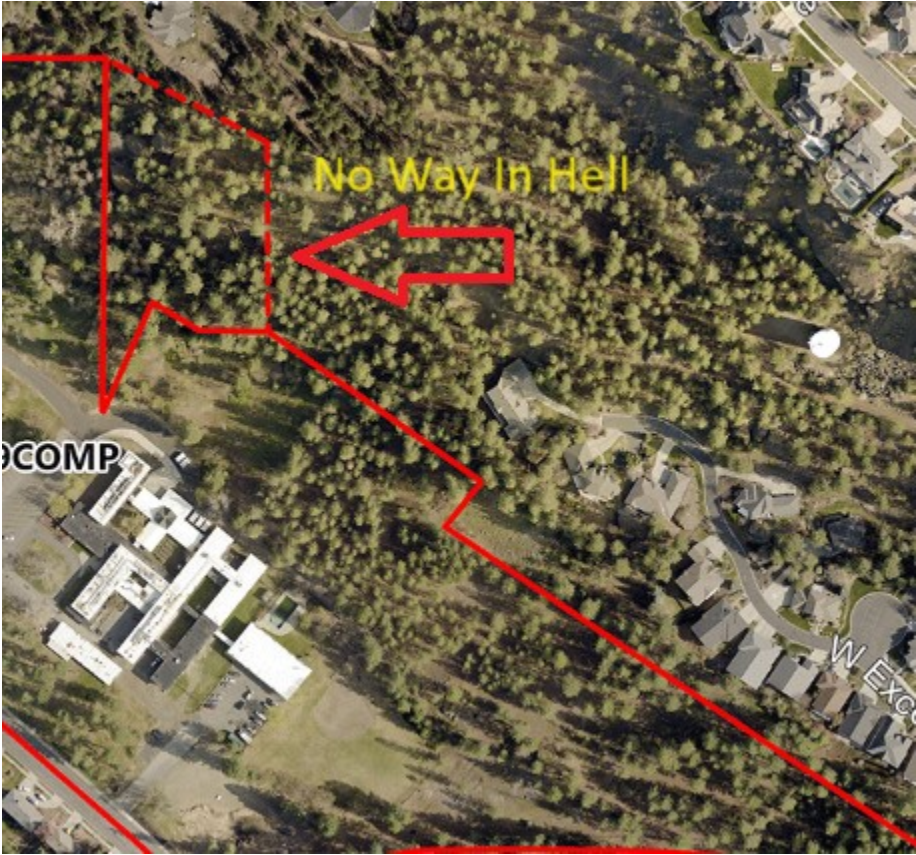
Kelly Jones

Whitmarsh, Brandon

From: M BRANNON <mattbrannon42@msn.com>
Sent: Saturday, June 15, 2024 8:31 PM
To: Planning & Development Services Comp Plan
Subject: Indian Trail Sewerage Project

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Regarding this, there will be no way in hell you get to take our property. You are already screwing our lives by rezoning the excelsior land for high density apartments for the sake of your fucking greed. No Way man.



Legal action will be forthcoming.

[Indian Trail Comprehensive Plan Amendment - City of Spokane, Washington \(spokanecity.org\)](http://spokanecity.org)

Thanks.

Matt Brannon

Whitmarsh, Brandon

From: Rashmi Mishra <rashmi.dolly123@gmail.com>
Sent: Friday, June 21, 2024 6:54 AM
To: Planning & Development Services Comp Plan
Subject: Comments for Application Number: Z23-479COMP

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello,

I am writing in regards to the application as below:

Application Number: Z23-479COMP

Address:

Applicant Proposal: 3754, 3910, and 4110 W. Indian Trail Rd.;
City-Sponsored Proposal: 3925 & 4041 W. Osage Way and an unaddressed property.

I am a resident of Hillside Park and a member of the Hillside Park Owners Association.

We, as a group, and me personally, do not wish any of our association's private land to be included in the Indian Trail Comprehensive Plan (which is currently included for some reason).

The association's private land is solely for the use & enjoyment of the residents of Hillside Park and is not open for public use. It is private property.

Further, our association's private lands have already been designated in the Plat Dedication for Hillside park as a conservation area that may not be developed. Accordingly, there is no need for any amendments to be made to the status of our association land, as it is already a conservation area.

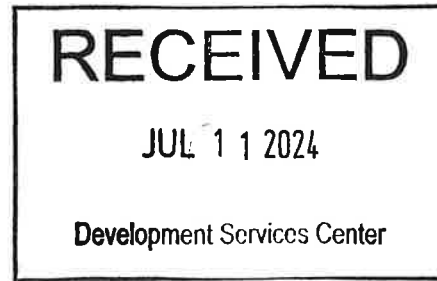
Please take appropriate measures and remove our private lands from this "Comprehensive Development Plan".

Thank you,

Rashmi Mishra
3523 W Excell Lane
Spokane, WA 99208

July 7, 2024

Planning Services Department
Attn: Kevin Freibot, Senior Planner
808 W. Spokane Falls Boulevard
Spokane, WA 99201-3333



RE: Z23-479COMP, Indian Trail Proposal

Dear Mr. Freibot,

We are in receipt of your letter dated June 10, 2024 regarding the above Comprehensive Plan Land Use Map Amendment Proposal submitted by Excelsior. We live at 3511 W. Excel Lane, and are submitting our comments regarding this proposed Land Use Amendment.

First, Hillside Park Homeowners' Association owns the property contained in Assessor's Parcel Number 26261.3401 (8.42 acres). These community private lands were established as a conservation area for non-development in perpetuity, and are not open for public use. They should not be included in this proposal.

Second, the area where Excelsior is considering a Moderate Residential area will be squeezed between our property and the Catholic church and school. There is only one way for ingress and egress from this area. We believe that this is a danger to everyone in this area in the event of a fire or other emergency that requires swift evacuation and for emergency vehicles to reach the area.

Third, the traffic on Indian Trail is already very heavy. On the east side of Indian Trail there are five roads or driveways entering Indian Trail, all within about two blocks: Woodside, an entrance and an exit from the Catholic church and school, and an entrance and exit from Excelsior. We believe that granting this proposal for moderate residential use will greatly increase the traffic on Indian Trail and cause further traffic congestion and accidents, especially in the area where all of the driveways spill onto Indian Trail. Trying to get out of a side street onto Indian Trail is already difficult. The addition of more vehicles from the moderate residential area will only make this more difficult.

Finally, it has come to our attention that the residential area will possibly be used for "wellness housing" for mental health patients and recovering drug addicts. We have a concern about this being right next to an elementary school.

Thank you for considering our concerns. We are hoping that this land Use Amendment will not be approved.

Sincerely,

Michael and Kimberly Bush
3511 W. Excell Lane
Spokane, WA 99208

Two handwritten signatures in blue ink. The top signature is "Kimberly R. Bush" and the bottom signature is "Michael Bush".

From: [Tara Smith](#)
To: [Planning & Development Services Comp Plan](#)
Cc: [John Smith](#)
Subject: comp plan Z23-479COMP
Date: Tuesday, July 16, 2024 11:09:43 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

We are residents of the Hillside Park PUD, the proposed Indian Trail Comprehensive Plan Amendment Z23-479COMP seeks to change our private property to Conservation Open Space. The original plat has already designated this property as a conservation area for non-development in perpetuity. We oppose this change in designation and request the private property of the HOA, not be considered in this proposal.

The plan amendment to change the zoning from R1 to RMF will increase the number of people that will trespass on our property. The city has adjacent property that will be affected by the increase also. With the water tower being the city asset that will be affected. It already is a target of graffiti and the close proximity of additional 30-40 residences per acre on the plan guarantees an increase in problems.

We have dealt with trespassing from the Excelsior facility since moving into Hillside Park. This plan will increase the potential of trespassing on our lands, both the HOA and the City of Spokane.

Sincerely,

Tara A Smith

John C Smith

3412 W Excell Ln

Spokane Wa 99208

509-230-3267

Sent from [Mail](#) for Windows

From: [Jim Davis](#)
To: [Planning & Development Services Comp Plan](#)
Subject: Hillside Park Board of Trustees Response to Proposed Indian Trail Comprehensive Plan Amendment- Z23-479COMP - Public Comment Period
Date: Friday, July 19, 2024 11:56:47 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

*We the undersigned are the Board of Trustees of the Hillside Park Owner's Association, a Planned Unit Development on W. Excell Ln that is north of and shares a boundary with the proposed project area and the property owned by Excelsior Wellness located on W. Indian Trail Road. The proposed plan amendment designates a portion of our Association Common Lands as part of the "Conservation Open Space" as shown on Exhibit B, Proposed Land Use Map Changes. Per the Plat Dedication (**Recording # 4184339, filed for record on February 3, 1998**), all of our community private lands (**Assessor's # 26261.3401 of 8.42 acres**) are already established as a conservation area for non-development in perpetuity. These terms are a "covenant that shall run with the land" as called out in that Plat Dedication. Our association common lands are private and are solely for the use and enjoyment of the residents of Hillside Park and are not open for public use. There is no need for this portion of our common lands to be re-designated as shown on Exhibit B, Proposed Land Use Map Changes, as these lands already hold that designation. Inclusion of our lands in the proposed plan implies that they are open for public use which they are not. They are private property.*

Accordingly, we do not want any of our association land to be included in the proposed Indian Trail Comprehensive Plan Amendment Z23-479COMP.

*Additionally, we have attached a photo of an Encroachment that we have discovered on our land. It is a large log suspended from two 4X6 steel beams, the tops of which are about 5 feet above the ground. We have also attached a photo looking North toward the farthest South point of our Association land by Excelsior's parking lot. That point is actually two surveyed corners set 2.50 feet apart. If you refer to City of Spokane satellite imagery of this area from 2018 and 2020 it is plain that Excelsior removed those two corner monuments, one of which was **The True Point of Beginning** of our original Plat survey. The monuments were removed sometime in that 2 year period when they expanded their roadway and parking lot. The Southern boundary of Hillside Park Association land is very close to two ground-proofed stakes (marked with yellow tape) that we have put in the ground, it is evident from the photo that the two monuments were removed during the expansion when the hillside was cut back. The log and steel beam structure is clearly on our Association land. If you refer to the satellite images the log appears as a faint line. The fence to the right of the log structure in the photos is the fence enclosing Excelsior's garden area that dates from the Good Shepard Home era.*

We have no idea when the log structure was built, possibly prior to the 1997 survey that established our PUD. But the Good Shepard Home owner, the TFH Corporation, and the City of Spokane officials that signed the Plat Dedication did not identify it as an encroachment at that time. However, now that Excelsior is seeking to expand the land use density of their property we foresee a much higher level of trespass on our land. The log structure is an attractive nuisance and we see no reason for it to

remain on our land. We would not allow it under the terms of our Plat nor do we think the City should allow it. We would like to have this structure removed in its entirety as part of the Comprehensive Plan Review.

Finally, the City should require the re-establishment of the missing corner monuments as it is a gross misdemeanor to remove them. (RCW 58.04.015)

Should you wish to visit the area we would be happy point out the boundaries we have established with information from the original surveyor, Daniel Clark of Adams & Clark in Spokane. If you have any questions please direct them to Bill Garry at 907-854-2207 or Jim Davis at 520-822-4592.

Respectfully,

*William Garry - President
Jim Davis - Vice President
Gary Jablonski - Treasurer
Ben Markham - Secretary
LeAnna Chauvin - Member at Large*

Jim Davis
(520) 822-4592

From: [Jim Davis](#)
To: [Freibott, Kevin](#); [Klitzke, Kitty](#)
Cc: [Bill Garry](#); [Whitmarsh, Brandon](#)
Subject: Re: Hillside Park Board of Trustees Response to Proposed Indian Trail Comprehensive Plan Amendment- Z23-479COMP - Public Comment Period
Date: Monday, July 22, 2024 4:33:54 PM
Attachments: Hillside Park Plat Dedication.pdf
Page one of plat dedication.pdf
Page two of plat dedication.pdf
ccr_bylaws 06-10-2024_15-16-09-416.pdf
image002.png
image004.png
image003.png

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Kevin, that is good news and yes, I am happy to send you both our CC&Rs and scans of our original Plat Dedication. The Plat Dedication is the document that contains the language protecting Hillside Park common land from development. All are attached below at the very bottom.

Ms Klitzke, I am sending this to you as well to enlist your support in having our common lands excluded from the Indian Trail Comp. Plan Amendment.

There are three scans of the Plat Dedication, one was done on a large flatbed scanner but you can expand it so the verbiage in the Dedication is legible. If not I have also included two other scans of the Dedication (Page 1 & 2) that are larger and easier to read, but not as pretty and there is some overlap. (The full size plat didn't fit well into my home scanner)

For the language protecting our common areas from development please refer to Paragraphs 4, 5 and the final paragraph of the Plat Dedication. (Note: Paragraph 3 is a single sentence.)

I hope this helps, if you need anything further or have any questions, please don't hesitate to call me at 520-822-4592 or Bill Garry on 907-854-2207.

Best Regards

Jim Davis - VP- Hillside Park Owners Association Board of Trustees

Jim Davis
(520) 822-4592

On Monday, July 22, 2024 at 02:04:17 PM MST, Freibott, Kevin <kfreibott@spokanecity.org> wrote:

Hi, Jim. I think I've got enough from your email and a little research into the files to recommend to Plan Commission that your property be excluded from the Comp Plan Amendment. I don't have the ability to do that myself (I don't make any decisions in this process) but I can advocate for it. On a side note, one piece I don't have is your CC&Rs. I can see those are recorded with the County but the County's portal doesn't seem able to share them with me. Do your Covenants include anything protecting that area from development? If so, would you be willing to share a copy with me?

Thanks again and have a great day!

Kevin



Kevin Freibott, MA ORGL | Senior Planner | City of Spokane - Planning and Economic Development

509.625-6184 | <mailto:kfreibott@spokanecity.org> | spokanecity.org | spokaneplanning.org



Please note that my work schedule is currently 6:30 AM – 5:30 PM, Monday through Thursday

From: Jim Davis <jimdavis059@yahoo.com>
Sent: Monday, July 22, 2024 10:33 AM
To: Freibott, Kevin <kfreibott@spokanecity.org>
Cc: Bill Garry <bjgarry3520@comcast.net>; Whitmarsh, Brandon <bwhitmarsh@spokanecity.org>
Subject: Re: Hillside Park Board of Trustees Response to Proposed Indian Trail Comprehensive Plan Amendment- Z23-479COMP - Public Comment Period

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Kevin,

Good morning and thanks for confirmation. Appreciate it. And thanks for the info regarding the Plan Commission meeting this Wednesday. Appreciate the clarification on email addresses, didn't mean to clog up your inbox unnecessarily.

Regards

Jim

Jim Davis

(520) 822-4592

On Monday, July 22, 2024 at 08:28:02 AM MST, Freibott, Kevin <kfreibott@spokanecity.org> wrote:

Good morning, Jim. Thanks for providing this information. It's very helpful. I will add this message to the official record and will be sure that the Plan Commission and City Council receive a copy prior to any hearings on the topic. Also, regarding the encroachment and the missing stakes, I will forward you email on to our Code Enforcement department as they are best equipped to handle matters like this—my connection to this proposal is solely regarding the Comp Plan Amendment. I do not have any enforcement or violation-related authority in these cases, hopefully Code Enforcement can help you out.

You can find out more information about the Code Enforcement department and their duties at their website here: <https://my.spokanecity.org/codeenforcement/>

Lastly, please note that Plan Commission is scheduled to hold a workshop on the proposed Comprehensive Plan Amendment this Wednesday. Their meeting starts at 2:00 PM but the workshop is not the first thing on the agenda.

You are more than welcome to attend in person or watch online. The details can be found on the agenda packet here: <https://static.spokanecity.org/documents/bcc/commissions/plan-commission/agendas/2024/07/plan-agenda-2024-07-24.pdf>

Please note that times on the agenda are approximate—there's no guarantee the workshop will start right at 2:20—it may start earlier or later than that. Please also note that per Plan Commission rules, no public testimony is taken at workshops. There will be opportunity to speak directly to the Plan Commission during the eventual hearing, expected in September. Everyone who comments on the proposal will receive an email from me when that hearing is scheduled. Everyone whose property is within 400 feet of the proposal, which includes the Hillside Park Owners Association, will also receive a mailed notice when the hearing is scheduled.

I hope that information is helpful. Please feel free to contact me again if you have further comment, questions, or concerns. Also, please note that compplan@spokanecity.org comes directly to me—don't

feel obligated to send both to me and to that address.

Thanks again and have a great day!

Kevin



Kevin Freibott, MA ORGL | Senior Planner | City of Spokane - Planning and Economic Development

509.625-6184 | <mailto:kfreibott@spokanecity.org> | spokanecity.org | spokaneplanning.org



Please note that my work schedule is currently 6:30 AM – 5:30 PM, Monday through Thursday

From: Jim Davis <jimdavis059@yahoo.com>
Sent: Friday, July 19, 2024 4:40 PM
To: Freibott, Kevin <kfreibott@spokanecity.org>; Whitmarsh, Brandon <bwhitmarsh@spokanecity.org>
Cc: Bill Garry <bjgarry3520@comcast.net>
Subject: Fw: Hillside Park Board of Trustees Response to Proposed Indian Trail Comprehensive Plan Amendment- Z23-479COMP - Public Comment Period

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good afternoon Kevin and Brandon,

I am the Vice President of the Hillside Park Owners Association Board of Trustees. On behalf of the Board I left the comment attached below on the Request for Comment link on compplan@spokanecity.org. I am forwarding it to you gentlemen as well, as we wish to make certain you are aware of our position regarding the subject Plan Amendment. If either of you have any questions regarding this matter please direct them to Bill Garry on 907-854-2207 or to me at the number below.

Best regards

Jim Davis

(520) 822-4592

----- Forwarded Message -----

From: Jim Davis <jimdavis059@yahoo.com>

To: compplan@spokanecity.org <compplan@spokanecity.org>

Sent: Friday, July 19, 2024 at 11:52:58 AM MST

Subject: Hillside Park Board of Trustees Response to Proposed Indian Trail Comprehensive Plan Amendment- Z23-479COMP - Public Comment Period

*We the undersigned are the Board of Trustees of the Hillside Park Owner's Association, a Planned Unit Development on W. Excell Ln that is north of and shares a boundary with the proposed project area and the property owned by Excelsior Wellness located on W. Indian Trail Road. The proposed plan amendment designates a portion of our Association Common Lands as part of the "Conservation Open Space" as shown on Exhibit B, Proposed Land Use Map Changes. Per the Plat Dedication (**Recording # 4184339, filed for record on February 3, 1998**), all of our community private lands (**Assessor's # 26261.3401 of 8.42 acres**) are already established as a conservation area for non-development in perpetuity. These terms are a "covenant that shall run with the land" as called out in that Plat Dedication. Our association common lands are private and are solely for the use and enjoyment of the residents of Hillside Park and are not open for public use. There is no need for this portion of our common lands to be re-designated as shown on Exhibit B, Proposed Land Use Map Changes, as these lands already hold that designation. Inclusion of our lands in the proposed plan implies that they are open for public use which they are not. They are private property.*

Accordingly, we do not want any of our association land to be included in the proposed Indian Trail Comprehensive Plan Amendment Z23-479COMP.

Additionally, we have attached a photo of an Encroachment that we have discovered on our land. It is a large log suspended from two 4X6 steel beams, the tops of which are about 5 feet above the ground. We have also attached a photo looking North toward the farthest South point of our Association land by Excelsior's parking lot. That point is actually two surveyed corners set 2.50 feet apart. If you refer to City of Spokane satellite imagery of this area from 2018 and 2020 it is plain that Excelsior

removed those two corner monuments, one of which was **The True Point of Beginning** of our original Plat survey. The monuments were removed sometime in that 2 year period when they expanded their roadway and parking lot. The Southern boundary of Hillside Park Association land is very close to two ground-proofed stakes (marked with yellow tape) that we have put in the ground, it is evident from the photo that the two monuments were removed during the expansion when the hillside was cut back. The log and steel beam structure is clearly on our Association land. If you refer to the satellite images the log appears as a faint line. The fence to the right of the log structure in the photos is the fence enclosing Excelsior's garden area that dates from the Good Shepard Home era.

We have no idea when the log structure was built, possibly prior to the 1997 survey that established our PUD. But the Good Shepard Home owner, the TFH Corporation, and the City of Spokane officials that signed the Plat Dedication did not identify it as an encroachment at that time. However, now that Excelsior is seeking to expand the land use density of their property we foresee a much higher level of trespass on our land. The log structure is an attractive nuisance and we see no reason for it to remain on our land. We would not allow it under the terms of our Plat nor do we think the City should allow it. We would like to have this structure removed in its entirety as part of the Comprehensive Plan Review.

Finally, the City should require the re-establishment of the missing corner monuments as it is a gross misdemeanor to remove them. (RCW 58.04.015)

Should you wish to visit the area we would be happy point out the boundaries we have established with information from the original surveyor, Daniel Clark of Adams & Clark in Spokane. If you have any questions please direct them to Bill Garry at 907-854-2207 or Jim Davis at 520-822-4592.

Respectfully,

William Garry - President
Jim Davis - Vice President
Gary Jablonski - Treasurer
Ben Markham - Secretary
LeAnna Chauvin - Member at Large

Jim Davis

(520) 822-4592

From: [Michele Mcclafin](#)
To: [Planning & Development Services Comp Plan](#)
Subject: Indian Trail Comprehensive Plan Amendment
Date: Tuesday, July 23, 2024 7:17:40 PM
Importance: High

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I am a long time (24 year) homeowner in *the Hillside Park Owner's Association, a Planned Unit Development on W. Excell Ln that is north of and shares a boundary with the proposed project area and the property owned by Excelsior Wellness located on W. Indian Trail Road.*

I believe that the Excelsior School and their personal representatives have not been fully transparent with their development plans when they presented this information to our Homeowner's Association meetings. It now appears that they intend to build many high density apartments below us. The only people who really are truly responsible property owners (i.e. - toward their housing and surroundings) are people who actually OWN their home and/or property. The density that is being proposed could be up to 4 story apartment buildings ... approximately 45-50 feet tall. Then, if we have close to a thousand apartments built below us there will be: probably 2 to 3 people per apartment ... per average statistics on the Internet. We are then assuming 2k to 3k people. Over time, apartments are not taken good care of and eventually over the years become run-down. According to statistics - the average length of time someone stays in a specific apartment is a year to 15 months ...but occasionally up to 3 years. Multiply this number of people with the problems of traffic on Indian Trail (in addition to the other issues) ... it is unreasonable to go forward with this project at this time. As it is now, when we leave our home and get to Woodside Avenue and then try to cross Indian Trail to get to our grocery store (Yokes) we may sit at that corner for sometimes 5 to 7 minutes just waiting to get across the road. Of course, it all depends on timing but it has gotten to the point where it is actually dangerous trying to cross Indian Trail. Supposedly, the new development plans must demonstrate ingress and egress to and from adjacent streets with adequate, and safe arrangements for motorists and pedestrians. It isn't safe today! I've heard no mention of signal lights being installed at Woodside and Indian Trail. For Spokane I see that there should be pedestrian crossing every 80 to 100 meters (approximately 260 to 325 feet). I didn't see this mentioned in the plans either.

Add to that - our Hillside Park HOA has had issues for the past 20+ years with resident teens leaving the Excelsior facility and coming into our neighborhood at all hours of the night. They have set fires, been found smoking dope, drinking alcohol, and set up small camps on our undeveloped property just behind our homes. Many times over the years our senior HOA officers have had to confront the teens and tell them they cannot set fires or set up camps on our HOA

property. We've had neighbors (some single women) who've had some peeping through their windows and into their homes...frightening them. As our CC&Rs have not permitted us to put up our own fences it has been an issue having Excelsior resident teens roaming through our backyards and our property. When Excelsior was called about this over the years we were told that their facility is not a prison and they cannot hold any teens if they do not want to stay. It isn't just an issue for only our HOA. I was in attendance at another meeting a few years ago where many of the neighbors up and down the Indian Trail area were also complaining about the late night wanderings of the Excelsior patients/students/clients.

I can see how this proposal from Excelsior looks wonderful on paper, adds more tax revenue to the city, and sounds so helpful to the community but it is also very detrimental to the surrounding families who have purchased homes in a R1 ZONE RESIDENTIAL area. I'd like to ask you this question: "If you specifically purchased a home in a residential neighborhood with single family homes - how would YOU feel if you were now looking from your bedroom windows to maybe just 200 feet away into the windows of a 3 or 4 story apartment building?"

Please reconsider the Indian Trail Comprehensive Plan. Downsize the Indian Trail Comprehensive Plan, make provisions for a signal light at Woodside and Indian Trail, consider REQUIRING full fencing behind any family housing units and our Hillside Park HOA (*IF* this plan is to go forward). Personally, I'd prefer it not happen at all based on my previous 24 years of interaction with Excelsior. A PORTION OF THE FOLLOWING INFORMATION WAS TAKEN FROM OUR HOA BOARD MEMBERS LETTER:

*The proposed plan amendment designates a portion of our Association Common Lands as part of the "Conservation Open Space" as shown on Exhibit B, Proposed Land Use Map Changes. Per the Plat Dedication (**Recording # 4184339, filed for record on February 3, 1998**), all of our community private lands (**Assessor's # 26261.3401 of 8.42 acres**) are already established as a conservation area for non-development in perpetuity. These terms are a "covenant that shall run with the land" as called out in that Plat Dedication. Our association common lands are private and are solely for the use and enjoyment of the residents of Hillside Park and are not open for public use. There is no need for this portion of our common lands to be re-designated as shown on Exhibit B, Proposed Land Use Map Changes, as these lands already hold that designation. Inclusion of our lands in the proposed plan implies that they are open for public use which they are **not**. They are **private property**.*

Accordingly, we do not want any of our association land to be included in the proposed Indian Trail Comprehensive Plan Amendment Z23-479COMP.

Also, there is an Encroachment that we have discovered on our land. It is a large log suspended from two 4X6 steel beams, the tops of which are about 5 feet above the ground. Our HOA Board Members have detailed this information in a letter sent to your offices with photos and details on this specific issue. Apparently our boundary stakes were removed sometime when Excelsior expanded their roadway and parking lot. The Southern boundary of Hillside Park Association land is very close to two ground-proofed stakes (marked with yellow tape) that was in the ground, it is evident

that the two monuments were removed during the expansion when the hillside was cut back. The log and steel beam structure is clearly on our Association land. The fence to the right of the log structure is the fence enclosing Excelsior's garden area that dates from the Good Shepard Home era. The log structure should not remain on our land. We would not allow it under the terms of our Plat nor do we think the City should allow it. We would like to have this structure removed in its entirety as part of the Comprehensive Plan Review. Finally, the City should require the re-establishment of the missing corner monuments as it is a gross misdemeanor to remove them. (RCW 58.04.015)

Kindest regards,
Michele McClafin
3503 W Excell Ln
Spokane, WA 99208
michtaylor@comcast.net
509-990-9915

From: Swiss Mom <pat.mcgroyme15@gmail.com>

Sent: Sunday, July 28, 2024 2:08 PM

To: Zappone, Zack <zzappone@spokanecity.org>; Klitzke, Kitty <kklitzke@spokanecity.org>

Cc: CGangof4@gmail.com

Subject: SEPA application from Excelsior on Indian Trail

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello.

The attached document states that Excelsior is proposing building 314 units of housing in "vertical mixed-use structures", 55 ' tall. That translates to 5- story buildings. I can't find documentation for how many 5 -story buildings they want or where they would be placed.

As our City Council representatives for District 3, I implore you to read this application carefully and consider the consequences for the Indian Trail **neighborhood** that you represent. The congested traffic situation is already a huge concern in just getting to work, school, walking in the area, etc. And it would truly be a nightmare if an evacuation of the area was necessary (ex catastrophic fire).

The issue of noise pollution from all the increased traffic is totally dismissed in said report. I wonder if the people proposing this would feel the same if they lived nearby. An increase of a minimum of 314 vehicles?? This is unacceptable.

I look forward to your reply.

Thanks,
Mary Marsh

From: [Steve Ellis](#)
To: [Freibott, Kevin](#)
Subject: Re: INDIAN TRAIL PROJECT
Date: Thursday, August 1, 2024 7:47:14 AM

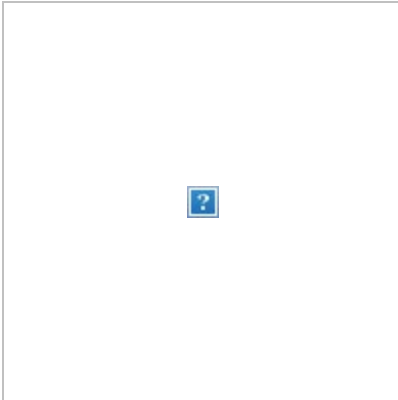
[CAUTION - EXTERNAL EMAIL - Verify Sender]

The biggest concern I have and a lot of the neighbors feel the same way. Is to protect our properties from random people walking through them to get to the city land behind us. The plan should have the entire backside of Excelsiors property complete fence of to our properties. I think this would be a great neighborly thing to do and to put a lot of us at ease. I would think they would feel the same way we do, if they owned our properties and had a major change like this. I would really like to talk with you for a few minutes as well Kevin. My personal number is 220-8600

Thank you very much

Steve Ellis

Regional Sales Manager - Spokane
(509) 328-3824 Ext 1101



2525 N Monroe
Spokane, WA 99205

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www.FredsAppliances.com

From: Freibott, Kevin <kfreibott@spokanecity.org>
Sent: Wednesday, July 31, 2024 5:50 PM
To: Steve Ellis <SEllis@fredsappliances.com>
Subject: Re: INDIAN TRAIL PROJECT

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. (C:4873824167)

Hello, Steve. Please share any concerns or questions you have with me. Any comments I receive are automatically made part of the public record and will be shared with both the Plan Commission and City Council prior to any hearings. Thanks and have a great day!

Kevin

Sent from my iPhone

On Jul 31, 2024, at 5:24 PM, Steve Ellis <SEllis@fredsappliances.com> wrote:

[CAUTION - EXTERNAL EMAIL - Verify Sender]

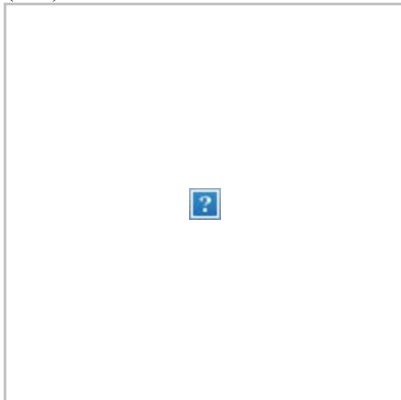
Good afternoon, Kevin

My name is Steve Ellis and I have one of the homes on Osage Way. I'm trying to find where I can voice some concerns and some ideas to put us neighbors at ease. If you could send me a link, I sure would appreciate it.

Thanks,
Steve

Steve Ellis

Regional Sales Manager - Spokane
(509) 328-3824 Ext 1101



2525 N Monroe
Spokane, WA 99205

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4102 W Osage
Spokane 99208

Dear Mr Freibott,

I am writing in regards to
ExcelSior's proposal to amend the
Land Use designation in the Indian
Trail neighborhood.

I implore you to consider the consequences
of building 314 units of housing
in "vertical mixed-use structures";
55 feet tall. That translates to 5
story buildings. How many? Where?

The congested traffic situation is
already a huge concern in just getting
to work, to school, and even to
just walk in our neighborhood.

And it would truly be a nightmare
if an evacuation of the area was
necessary (ex a catastrophic fire).

The issue of noise pollution is totally dismissed in the SEPA application. I wonder if the people proposing this would feel the same way if they lived nearby. An increase of a minimum of 314 vehicles?

This is unacceptable.

Please deny this application,
Our neighborhood can't handle
this unrestricted growth.

Sincerely,
Marsh

From: [Stacie Ellis](#)
To: [Planning & Development Services Comp Plan](#)
Subject: FileNo. Z23-479COMP, Indian Trail
Date: Tuesday, August 6, 2024 9:17:47 AM
Attachments: sm_fb_f4d78dc8-634a-49b3-9980-0c3824cb49eb.png
sm_in_ee60b6f7-be2b-4e0a-b6d4-f42aaffbc70d.png
instagram_32x32_e28eab26-ab2a-4406-be66-9b57f7d7a5f4.png
crosswalk-rendering_f9d9bef7-7562-48c0-aaaa-c62ae91cefec.png
Importance: Low

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello!

I just wanted to submit a comment about the Indian Trail proposal and that I have concerns about increased traffic on Indian Trail with housing additions.

Currently there is congestion at Indian Trail and Woodside, Indian Trail and Kathleen as well as difficulty for those getting in and out of Assumption school/church. I am hoping that there will be considerations made for the flow of traffic on Indian Trail with continued growth in this neighborhood.

Best regards,
Stacie



Stacie Ellis
Executive Assistant

Volunteers of America Eastern WA and Northern ID

pronouns: She/Her/Hers

telephone: 509-624-2378

email: sellis@voaspokane.org

525 W 2nd Ave, Spokane, WA, 99201, USA



www.voaspokane.org

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Planning Services Department
 Attn: Kevin Freibott, Senior Planner
 808 West Spokane Falls Boulevard
 Spokane, WA 99201-3333
 compplan@spokanecity.org

This document addresses the zoning change proposal File Z23-479COMP on N Indian Trail.

Firstly, we take issue with the manner in which the public was informed of the proposed Land Use Map Change. Notice of the project and zoning proposal were not very transparent to the public. We saw few articles in Spokane's more read papers about the expansion of Excelsior. In addition, signs for the accompanying zone change were posted parallel to traffic along Indian Trail where cars are traveling at 30mph. Homes within 400 feet of the property under proposal were notified by mail, but numerous homes beyond the required 400 feet are also affected and deserve notification as well, including homes using Indian Trail for travel daily. We are one of those homes and take great exception to the proposal.

Composing a response to a planning proposal requires considerable research and hours of time in combing documents associated with the project. Although citizens are expected to invest in such time and energy, most do not understand the city's planning and building process or even know what documents to read and where to find them on the city's website. It would be advantageous to have the city provide a synopsis of the planning process, what documents to review, and where those documents reside on-line with the city. We are concerned that most people affected by this project proposal are unaware of what is really happening.

We would like to put forward our reservations regarding this proposal:

Indian Trail Road is already experiencing too much traffic, primarily at peak times. It's especially difficult to turn against oncoming traffic onto Indian Trail.

Development of a number of communities to the north have flooded Indian Trail with vehicles. The Please property off Barnes and Strong Road allowed for over 100 (approximate) additional homes and vehicles. The property across from Safeway to the east and to the north allowed for over 500 (approximate) homes and associated vehicles. Development above Shawnee Dr. include another multitude of homes and associated vehicles... and the development continues. The traffic report submitted by Sunburst is misleading in that it compares the traffic effect of Excelsior's potential development to the development of 214 single family detached houses in the same area. The second scenario has not been proposed and is pure speculation as to the eventual use of this land. What is apparent from the report is that the Excelsior potential development would indeed add 1,657 ADT's daily to the W. Indian Trail Road. It is hard to believe that the existing road system can accommodate another these additional trips.

The proposal is planned in an already established community, the boundaries are directly adjacent to some homes' backyards, and even requires infringements on privately owned properties.

The development of the tract of land proposed by Excelsior backs directly on the backyards of homes on W Arrowhead Ct., W Osage Way, and the west side of W Excell Lane. The present proposal also asks that 3.01 acres, combined from 3925 W. Osage, 4041 W. Osage, and parcel 26261.3401, be added to the project area. These homeowners cannot help but be disappointed by the infringement onto their properties and the changes to their own backyard. In contrast, just a mile down Indian Trail Road, property that once housed the old city dump, provides plenty of undeveloped land without already established homes and neighborhoods.

This area (and others like it) have already been “trummeled” in its history, providing a cleaner palette for building and infrastructure.

The proposal would indelibly change the already established character of the community affected by the proposal.

Most homeowners in the Indian Trail area built or bought their homes for the “natural” values the neighborhoods have retained through the years. These values include a relative quiet, forested, and spacious area with large lots and abundant wildlife. Some areas have unobstructed views of Spokane or the valley; some areas are on wildlife corridors allowing visits by deer, turkey, quail, coyote, raccoon, opossum, golden marmot, eagles, red-tailed hawk, other raptors, woodpeckers, hummingbirds, numerous songbirds, and other species. The spacious positioning of lots and associated forest and brush provide natural corridors for these animals to pass through into wilder environs that act as more permanent homes. The interlocking of wildlife corridors allow for movement and the continued presence of these animals. This same corridor allows recreation for homeowners in the form of dog walking, running, walking, birding, wildlife viewing, and “communing” with nature.

The present proposal for develop would obliterate the existing wildlife and recreation corridor; the project does not address measures to preserve or enhance either wildlife or recreational uses for the existing neighborhoods. To the contrary, the proposal as suggested indicates a significant destruction of the trees and the understory in the area in that 70% of the planned development will be impervious surface (we assume concrete or asphalt). The view scape for some homes will be obstructed by a 4-story building and other structures. A community of 314 units and 750 residents cannot help but increase disturbance in regard to noise and foot traffic in the area, especially for those homes bordering the project.

In the past, the presence of Excelsior has had a disturbing affect on its surrounding neighborhoods.

When we moved to Spokane in 2016, Excelsior was a residential unit for about 28 boys with behavioral health issues, including substance abuse. At that time, the presence of Excelsior, periodically affected its neighbors in a negative manner. There were numerous complaints about trespassing, frequent police presence in the neighborhoods, and fires started in the woods. Excelsior then added a separate building for older residents (young men) with behavioral problems that requiring restricted living. Within years, this particular objective was seemingly abandoned and Excelsior changed to a open campus for non-residential young people, again with a spectrum of behavioral issues and/or substance abuse requiring individual counseling and assistance. The changes and expansion in Excelsior’s mission have been confusing and at times disturbing to its neighbors. Although 32 units in Excelsior Wellness Village will be provided for assisted living and memory care, it appears most other units will be provided for individuals with behavioral issues and/or substance abuse and their families as well as for individuals transitioning from foster homes and adjusting to living outside a more intensive care situation. Given the history of the institution, the surrounding neighborhoods have understandable misgivings about introducing 314 units and potentially 750 residents into their community.

We hope you read our comments with serious consideration. We feel the zone change and the eventual project proposal by Excelsior is incompatible with the established neighborhoods in the area and should not go forward.

Please notify us directly of any further actions concerning this proposal and project.

Joanne Welch and Christopher Smith
4022 W Hiawatha Dr
Spokane, WA 99208
907-350-9866
klondyke@mac.com

From: [Pat Corbin](#)
To: [Planning & Development Services Comp Plan](#)
Subject: South Logan Proposals
Date: Thursday, August 8, 2024 10:36:44 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

These proposals lead current residents of the proposed zoning changes uncertainty, they fear these changes are proposed to the benefit of the wealthy developers and the wealthy investors to the detriment of the neighborhoods! These folks have absolutely no considerations of these proposals only to enhance themselves not the neighborhoods! These proposals will enable more high rising apartments to benefit tenants who can pay for the high rents! There will be more congestion on the streets as most of these building will not be required to have sufficient parking for all residents! This will make it harder for current research to park or have spots for visitors! It will cause more disruption of the flow of traffic! These new renters will most likely not care about their new neighborhood!and as such unlikely to avail themselves of the transit buses and especially the HOPE to increase the ridership of The City Line buses!

[Sent from Yahoo Mail on Android](#)

From: [Pat Corbin](#)
To: [Planning & Development Services Comp Plan](#)
Subject: South Logan Plan
Date: Thursday, August 8, 2024 10:46:34 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I forgot to leave my name, address and phone number! Sorry for the over sight! Patricia Corbin
707 East Mission, apt 133 , 99202 (509) 934-7542
[Sent from Yahoo Mail on Android](#)

Jacob Gadbery
4333 W Osage Way
Spokane, Washington
August 7, 2024

Comprehensive Plan Team
Re: Application Number: Z23-479COMP

This letter is intended to comment on the rezoning of the Balboa/South Indian Trail and elucidate some of the collective concerns of the neighboring residents. Long-term project planning and information associated with the upcoming proposal (“Residential Low” to “General Commercial”, “Open Space”, “Residential Moderate”, and “Residential Low”) seems less accessible than one might hope. This appears to be another skirmish in a many-year negotiation between Excelsior Wellness (formerly Excelsior Youth Center) and the local population’s safety, street traffic, crowding, and preservation of land. In the past 10 years, Excelsior has promised to create a more secure and supportive behavioral health clinic by transitioning from residential care to an outpatient model. Excelsior has committed to highlighting the aesthetic of Indian Trail through developing a public arboretum, protecting indigenous geological sites, offering children’s summer camps, and conducting community events. Misleading and grandiose argot may be seen in articles citing “clapping...and thanking us” from the neighboring community about the Wellness Village. However ironic, the “village” appears to undermine the aforementioned programming Excelsior has worked so diligently to leverage public approval. My hope is for the application to be denied and for the current zoning to remain. Thank you for your time and consideration of these concerns.

Sincerely,

Jacob Gadbery
Licensed Mental Health Counselor

From: dougspickard@gmail.com
To: [Planning & Development Services Comp Plan](#)
Subject: SEPA Application File #Z23-479COMP
Date: Thursday, August 8, 2024 2:34:10 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I am Douglas V. Spickard, and I am a homeowner on Hiawatha Drive near the controversial proposed project location. I submit the following comments as a concerned neighbor and urge that the agency responsible for implementing the State Environmental Protection Act deny the application in its entirety.

The proposal before you for Comprehensive Plan Map Amendment and zone change request (SEPA Application File #Z23-479COMP) is submitted on behalf of Excelsior Wellness, a self-described “overarching non-profit **healthcare** system alternative.”

Contrary to its mission as a healthcare organization, Excelsior proposes to transform a peaceful forested neighborhood into high-density low-income housing with commercial space, exceeding acceptable height requirements up to 55 feet-an eye sore to be sure. But in addition to the negative aesthetic impact on the area, this project is sure to increase crime as has happened previously. Furthermore, the project will create unacceptable levels of light and noise pollution, negatively impact our wildlife corridor, and worsen already unbearable traffic congestion. It may also negatively impact a Native American site of significance on the property.

A basic risk/reward analysis suggests that the environmental harm caused by the project greatly outweighs any desired social outcome. And while the harm to the adjoining neighborhood and the environment is clear, what is less clear is to what extent Excelsior can succeed in justifying their proposal. It is the duty of this agency to scrutinize Excelsior's previous successes and/or failures when it comes to the use and implementation of public funds and the allocation of resources for this and similar projects. And I am hearing whispers that Excelsior might not survive forensic scrutiny.

For example, I hear rumors that Excelsior has not maintained compliance with the requirements of existing contracts that are publicly funded. Thus, inquiry into their compliance, or lack thereof, would seem imperative. The stability of Excelsior's organizational goals, mission and values is very much in question. What does “neighborhood office and retail space” have to do with the “healthcare” provided by Excelsior in any event? And apparently there is a long history of irresponsible management regarding these types of projects. I am informed that there have even been executive level employees that have parted from Excelsior, in large part, because of these issues.

Before determining if Excelsior should even be considered for the instant application, it must be determined if Excelsior has been successful with projects already under contract. As part of performing your due diligence, I suggest you commence your inquiry by contacting former employee Lynn Suksdorf.

“Housing as **healthcare**”, according to the National Health Care for the Homeless Council, is a “Human rights **theory**.” And while I am not opposed to social experimentation, it must be done responsibly and so as not to create more harm than good, especially to the environment and the surrounding community. Clearly, the

proposal fails this most basic test.

And finally, the above noted adverse consequences that will be created by Excelsiors' proposal will undoubtedly affect the property values of nearby residential properties, which in turn, will negatively impact property tax revenues. Reduced tax revenue affects the government's ability to implement and enforce environmental policy.

I assure you that despite what you might hear from Excelsior, NO ONE that lives near this project is in favor of it. That is because there are a million reasons for us to oppose the project, and not one reason for us to support it.

There are undoubtedly alternative locations and perhaps other organizations more worthy of and more appropriate for this type of government intervention.

For all the reasons stated above, I respectfully request that the application be denied in its entirety.

Douglas V. Spickard

From: [Brian Walters](#)
To: [Planning & Development Services Comp Plan](#)
Subject: Excelsior planned zoning change and development comments
Date: Thursday, August 8, 2024 3:02:28 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I purchased my property at 4041 W Osage Way in 2020 and tried to buy the property to the south of me before Excelsior purchased it. At the time, this property was zoned R1, and I had little concern of what they would put on there that would affect my property. Changing this property entirely to RMF will likely have a significant effect on my property and property value, especially with the increased allowed height restrictions. I have 510' of property line that borders their property, and I watch the deer and turkeys migrate through our properties daily. I'd likely push to have the property line fenced for security reasons if this moves forward. I would not object to changing some of the current buildings and closely surrounding land to allow for commercial use. And, I'm assuming they could build a nice community under the BOCA changes that already allow for more density. I don't feel adding this amount of housing is beneficial to this community, already bad traffic, natural wildlife, or nearby school systems.

Sincerely,

Brian Walters

From: [K.M](#)
To: [Planning & Development Services Comp Plan](#)
Subject: File Z23-479COMP
Date: Friday, August 9, 2024 9:59:21 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

The proposed development - 55 foot structures, 750 people, and over 300 units will be an enormous change for a residential neighborhood that is already experiencing large increases in traffic and development. It's not a good fit.

Ken Marquess, Osage Way.

From: [Steve and Linda Bloom](#)
To: [Planning & Development Services Comp Plan](#); [Freibott, Kevin](#); [Whitmarsh, Brandon](#)
Subject: FW: Indian Trail Comprehensive Plan Amendment - ApplicationNumber Z23-479COMP
Date: Friday, August 9, 2024 10:49:40 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Subject: Re: Indian Trail Comprehensive Plan Amendment - ApplicationNumber Z23-479COMP

These comments are in response to the Indian Trail Comprehensive Plan Amendment – Application Number 23-479OMP / Excelsior Wellness

1. “Will be reviewed as projects are submitted for review and approval” seems to be the stock response from the applicant’s agent to questions on the Threshold Application.

A request for approval of zoning changes for a project of this magnitude requires definitive answers prior to obtaining an approval. **This project should not receive the zone change approval, with the specifics to be received at a later date.**

Inaccuracy of this proposal does not allow a true traffic study of impact. There are at least three very large developments on Indian Trail Road north of the Excelsior property – Woodridge, Sundance, and Pacific Park, not to mention the smaller Indian Hills Development. Indian Trail Road is the only significant means of travel in and out both under normal daily circumstances and in an emergency. Concern is for residents to be able to escape during an emergency situation of fire, etc. It was noted in the Sunburst Engineering Trip Distribution Letter that it may be necessary to re-configure the part of Indian Trail Road that passes by Excelsior properties to include turn lanes in and out of that business. In doing so, that would change Indian Trail to one lane each direction. (1) How would residents of **all** Indian Trail areas be able to evacuate, if necessary? (2) Would the lanes be wide enough for or allow passing room for large emergency vehicles? (3) This additional traffic will heavily impact all users of Indian Trail, not just those using Excelsior Wellness.

The Trip Distribution Letter does not appear to include the vehicles of the building residents, the staff for all of these services, and the employees of the commercial buildings coming and going each day, or parking at the facility. A true traffic study of that area needs to be required prior to approval being granted.

2. Comprehensive Plan Use Code Amendment Pre-Application:

The target population of these new buildings was not specifically addressed. A Spokesman Review Article of May 12, 2024, indicates traditional, senior, multigenerational, and foster care housing, and an early learning center would be added to services provided. Currently, the skilled nursing facility on its campus can

provide hospice care, memory care, and high-intensity psychiatric or behavioral health services for youth and young adults age 11 to 21. ****In the Threshold Application / Description of the Proposed Amendment (Item 5C), land use to the south is identified as a 'Church'. **There is also a preschool – 8th grade school – what is being done to ensure residents of Excelsior will be screened for safety this close to the school?**

3. Building heights:

The zone change is to approve a 5 story apartment complex with 314 units. Per the SEPA Checklist, it is stated the height would be approximately 55' at the tallest point. A 5 story apartment building would be more than 55 feet. **Please have the applicant correct the information under #10 Aesthetics, and re-review with the accurate information.**

4. **In the past, a re-zoning request was made for construction of senior living apartments at 3910 or 4110 W Indian Trail Road. That was denied due to a clause in the original transfer of the land ownership from the Sisters of the Good Shepard to Excelsior saying if the land use was ever changed from the original use of child treatment (?), then the land would revert back to the Sisters. This information should be in a Title Policy for the sale, for which I do not have access.** Can someone check to see if this is still something that is in force?

Please include us in updates about this re-zoning request for Excelsior Wellness at swbloom@comcast.net or Steve and Linda Bloom, 4329 W. Arrowhead Road, Spokane, WA 99208.

Thank you,

Linda Bloom

From: [MacBook Pro 14](#)
To: [Planning & Development Services Comp Plan](#)
Subject: Comments regarding proposal Z23-479COMP
Date: Friday, August 9, 2024 3:37:54 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Planning Services Dept
Attn: Kevin Freibott

As residents in a home near an intersection with Indian Trail in the Balboa area, we have concerns regarding this proposal for development.

My husband and I fell in love with this neighborhood because of its slower pace, the friendly respect for privacy that neighbors extend to one another, and the quiet. After years of living in apartments at the fringes of busy commercial districts, we felt as if we had finally found our oasis.

Just four years later, as a result of continued development in North Indian Trail, Five Mile Prairie, and Nine Mile Falls, combined with a lack of alternative northbound routes, Indian Trail Rd is already seeing more traffic than it is designed to withstand. Much of this increased traffic is commuter in nature, which means many of the drivers are hurried, frustrated, and largely condensed into rush-hour type patterns, which exacerbates aggressive driving behaviors. This has resulted in numerous traffic accidents, many of which have involved vehicles crashing into houses or other property. There are no traffic lights between North Indian Trail and Francis, and the result is traffic that is consistently traveling at speeds in excess of posted limits. The additional residential and commercial properties that would occur as a result of the proposed development would only worsen the traffic density and the problems accompanying it.

Additionally, the increase in noise that would occur as a result of the proposed development cannot be understated. Already, we suffer excessive vehicle and stereo noise at all hours of the day and night from drivers idling near intersections while they are waiting to turn, honking when trying to merge, or revving engines. Building this mixed commercial and residential zone just down the block from our house would introduce yet another point where cars would be turning onto and off of Indian Trail, bringing all of the aforementioned noise with them.

Another concern is the addition of commercial and business zoning. This area has historically been residential and has appealed to those wishing to not live next to commercial properties. We are fortunate to have some tree coverage left in our neighborhood, which serves to maintain cooler local temperatures, buffer sound, and support local wildlife. The proposed residential and commercial development would have the opposite effect. Adding commercial properties and businesses fundamentally alters the landscape of the neighborhood, introducing additional noise, congestion, and destruction of natural areas. Plus, the introduction of commercial zoning in an area will undoubtedly pave the way for further business development.

It is our sincere hope that this plan does not go forward and that the neighborhood be allowed to remain as it is.

Thank you for your careful attention to this matter.

Aimee Thompson

From: [Carole Cain](#)
To: [Planning & Development Services Comp Plan](#)
Subject: 2023/2024 Comprehensive Plan Adjustments– Indian Trail Comprehensive Plan – Z23-479COMP – Public Comment Period
Date: Friday, August 9, 2024 4:26:06 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

2023/2024 Comprehensive Plan Adjustments– Indian Trail Comprehensive Plan – Z23-479COMP – Public Comment Period

I wish to begin by stating that agents of the Excelsior Village expansion plan have not been transparent in their representation of the project to the Hillside Park HomeOwners Association (Hillside HOA). Excelsior has plans for expansion that far exceed the representations made to members of the Hillside community. Furthermore, their published plans for the expansion indicates that they are already selling Excelsior Village as including features which are on land privately owned by the Hillside residents and HOA, as if it is a done deal. (See Excelsior Wellness Waves Magazine Summer 2024: Issue 3:6.) Far from the “good neighbors” “working hand in hand” with “local residents... and organizations” as they portray themselves, they have been anything but “collaborative partners.”

Among our concerns are:

That their plan for walking trails and the development of interpretive heritage sites will infringe on the privately owned property of current residents and the HOA, and lead to property damage, loss, and potential liability as people walking the trails or visiting the heritage site will fail to distinguish private property from Excelsior property.

The influx of a large number of new residents (which we estimate to be 2000-3000 if apartments are built) will have a serious and negative impact on congestion and traffic on Indian Trail. This would also be a safety issue.

We are opposed to the development of the Excelsior Village/ Indian Trail Comprehensive Plan Z23-479COMP, and we do not want our property included in this project.

Sincerely,

Mack H. Cain
Carole Cain
3507 W Excell Ln
Spokane WA 99208

From: [Karen Lewandowski](#)
To: [Freibott, Kevin](#)
Subject: Application Z23-479COMP
Date: Friday, August 9, 2024 1:18:40 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To Kevin Freibott,

Concerns regarding –SEPA/APPLICATION # Z23-479COMP

Submitted by: Randy and Karen Lewandowski

Concerns found on the State Environmental Policy Act (SEPA)
Environmental checklist:

- Page 3. Critical Aquifer Recharge area/Aqua Sensitive Area- It lacks clarity about HOW it will handle storm runoff.
- Page 6. Wetlands- Wetland determination should be made **PRIOR** to approval so any change to the codes will be accurate for the project site.
- Page 7. Water Runoff- No surface water diversion will occur, but the site is described as “hilly” with slopes of 40%. It also states water runoff will be reviewed at each project. Water runoff should be evaluated looking at the full build out plan BEFORE IT BECOMES AN ENVIRONMENTAL PROBLEM.
- Page 9. Animals- The list does not include- Marmots, Turkeys, Coyotes and a cougar passing through with cubs several years back. The checklist does say No measures will be taken to preserve or enhance wildlife.
- Item 15. Critical Aquifer Recharge Area- storm water is listed as being handled “ if site is developed”. But at full build out approximately 70 % of the site would be hard surface. This could have a big environmental impact on the site and local area, why is more detail not required prior to any approval to change of zoning codes?

Concerns found in the Trip Distribution Letter for Excelsior Comprehensive Plan
Amendment:

- This report states it was completed for a Non Action Plan; therefore no site plan is associated with the report. It summarizes there would be no

traffic impacts caused by approving this CPA. Our question to the planning commission is: How can a final build out plan which includes: 314 DU's, 180 Units, 40 senior housing, 10 young adults, 24 family units and 100 mixed dwellings as well as staff for all of the above and visitors not have an impact on traffic? Indian Trail already has traffic from thousands of homes farther North all the way to Rutter Parkway and beyond.

Allowing changes to the zoning codes based on the State Environmental Policy Act (SEPA) Environmental Checklist for Application Z23-479COMP without requiring Excelsior to provide more details and clarity about the potential environmental impact to the neighborhood and local traffic would be a mistake. Please do not approve this re-zoning application it is too broad with no clear plan for completion and success.

Please include us in any updates for this re-zoning request:
k.lewandowski13@gmail.com

Randy and Karen Lewandowski
4335 W. Arrowhead Rd.



Legal Descriptions of Affected Parcels:

APPLICANT PROPOSAL:

Parcel 1 (26265.0048):

26-26-42 PTN OF SEC DAF; BEG AT MOST SWLY COR OF HILLSIDE PARK PUD & TRUE POB, TH NWLY ALG SLY LN OF SD PUD 965.04FT, TH NELY ALG SLY LN 90.04FT, TH NWLY ALG SLY LN 312.12FT, TH S 19DEG 28MIN 50SDS E 74.83FT, TH S 41DEG 04MIN 18SDS W 245.90FT, TH S50DEG 50MIN 52SDS E 257.11FT, TH S 38DEG 53MIN 14SDS W 438.41FT M/L TO NLY R/W LN OF INDIAN TRAIL RD TH SELY ALGNLY R/W TO INTER WITH NLY R/W LN OF WEILE AVE, TH NLY & ELYALG SD NLY R/W LN OF WEILE AVE TO TRUE POB

Parcel 2 (26262.0055):

26-26-42: A PORTION OF THE NORTHWEST QUARTER OF SAID SECTION 26, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTERLINE INTERSECTION OF INDIAN TRAIL ROAD AND FLEMING STREET, ACCORDING TO PLAT OF PACIFIC HEIGHTS 9TH ADDITION; THENCE NORTH 48°51'00" WEST ALONG THE CENTERLINE OF INDIAN TRAIL ROAD, 258.33 FEET TO THE POINT OF CURVE OF A 995.44 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°01'13", 100.39 FEET; THENCE NORTH 38°53'14" EAST, 40.44 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INDIAN TRAIL ROAD AND THE POINT OF BEGINNING: THENCE CONTINUING NORTH 38°53'14" EAST, 225.05 FEET; THENCE SOUTH 72°00'00" EAST, 135.39 FEET; THENCE NORTH 18°00'00" EAST, 582.65 FEET TO THE NORTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26; THENCE SOUTH 89°26'06" EAST, 51.39 FEET ALONG THE NORTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26 TO THE EAST LINE OF THE WE 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 26; THENCE SOUTH 00°37'42" WEST, 547.97 FEET ALONG THE EAST LINE OF SAID W 1/2; THENCE SOUTH 48°13'25" EAST, 2.50 FEET; THENCE NORTH 24°04'21" EAST, 186.75 FEET; THENCE SOUTH 59°07'19" EAST, 85.54 FEET; THENCE SOUTH 88°49'05" EAST, 107.57 FEET; THENCE SOUTH 54°52'30" EAST, 94.09 FEET; THENCE SOUTH 19°28'50" EAST, 74.83 FEET; THENCE SOUTH 41°04'18" WEST, 245.90 FEET; THENCE SOUTH 50°50'52" EAST, 257.11 FEET; THENCE SOUTH 38°53'14" WEST, 438.41 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE, SAID POINT LYING ON A 1,472.18 FOOT RADIUS NONTANGENT CURVE TO THE LEFT, THE CENTER OF CIRCLE OF WHICH BEARS SOUTH 44°32'59" WEST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°23'59", 87.35 FEET; THENCE NORTH 48°51'00" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 640.16 FEET TO THE POINT OF CURVE OF A 915.44 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°23'06", 102.01 FEET TO THE POINT OF BEGINNING.

Parcel 3 (26262.0054):

26-26-42: A PORTION OF THE WEST 1/2 OF THE SOUTHEAST 1/4, OF THE NORTHWEST 1/4 OF SAID SECTION 26, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTERLINE INTERSECTION OF INDIAN TRAIL ROAD AND FLEMING STREET, ACCORDING TO PLAT OF PACIFIC HEIGHTS 9TH ADDITION; THENCE NORTH 48°51'50" WEST ALONG THE CENTERLINE OF INDIAN TRAIL ROAD, 258.33 FEET TO

THE POINT OF CURVE OF A 995.44 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°01'13", 100.39 FEET; THENCE NORTH 38°53'14" EAST, 40.44 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INDIAN TRAIL ROAD AND THE POINT OF BEGINNING: THENCE CONTINUING NORTH 38°53'14" EAST, 225.05 FEET; THENCE SOUTH 72°00'00" EAST, 135.39 FEET; THENCE NORTH 18°00'00" EAST, 582.65 FEET TO THE NORTH LINE OF THE SE 1/4 OF THE NW1/4 OF SAID SECTION 26; THENCE NORTH 89°26'06" WEST, 609.17 FEET TO THE NORTHWEST CORNER OF SAID SE 1/4 OF THE NW 1/4; THENCE SOUTH 00°39'58" WEST, ALONG THE WEST LINE OF SAID SE 1/4 OF THE NW 1/4, 474.56 FEET TO SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF INDIAN TRAIL ROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO CALLS: 1) SOUTH 35°31'35" EAST, 163.22 FEET TO THE POINT OF CURVE OF A 915.44 FOOT RADIUS CURVE TO THE LEFT; 2) ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 6°56'19", 110.86 FEET TO THE POINT OF BEGINNING.

Parcel 4 (26262.0010):

262642PTN OF SW1/4 OF NW1/4 LYG NELY OF INDIAN TRAIL RD ANDS OF NEW SPOKANE CITY LIMITS

Parcel 5 (26262.0018):

26-26-42, PTN OF NW1/4 OF NW1/4: BEG 119.39 FT S OF NE COR OF SE1/4; TH S 80DEG 35MIN W, 86.9 FT; TH S 28DEG 25MIN W, 109.7 FT; TH S 31DEG 08MIN W, 152.5 FT; TH S 40DEG 14MIN W, 92.9 FT; TH S 57DEG 36MIN W, 207.4 FT TO NLY LN OF INDIAN TRAIL RD; TH SE ALG SD RD TO S LN; TH E TO SE COR; TH N TO POB

CITY ADDITIONAL PROPOSAL (portions of the following):

Parcel 6 (26261.3401):

26-26-42: HILLSIDE PARK P.U.D. (AFN# 4284339) BLK 'A' (COMMON AREA); EXC PTN OF SAID BLK 'A' DAF: BEG AT WLY-MOST COR OF SAID L1; TH S49°52'53"E 179.00FT ALG THE SWLY LN OF SAID L1 TO THESLY-MOST COR THEREOF; TH S66°22'49"W 32.00FT; TH N40°00'21"W 167.32FT TO POB

Parcel 7 (26262.2620):

26-26-42 LOT 7 OF ROS 6363965 DAF: THAT PORTION OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 26 NORTH, RANGE 42 EAST, W.M. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 22, 23, 27 AND 26, A RECOVERED #4 REBAR WITH CAP, MARKED BENTHIN #13315; THENCE SOUTH 89°20'39" EAST ALONG THE TRUE LINE BETWEEN SAID SECTION CORNER AND A RECOVERED 1/2" PIPE WITH CAP STAMPED WCE, PLS #26401 BEING THE N 1/4 CORNER OF SECTION 26, A DISTANCE OF 1319.42 FEET TO THE W 1/16 CORNER SECTION 26; THENCE SOUTH 00°49'30" WEST, A DISTANCE OF 813.71 FEET, TO THE TRUE POINT OF BEGINNING, FOR LOT 8; THENCE ON AND THENCE NORTH 77°42'36" EAST, A DISTANCE OF 100.89 FEET TO THE OSAGE WAY RIGHT-OF-WAY AND THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 205.00 FEET AND A CENTRAL ANGLE OF 5°37'31" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 09°29'52" EAST 20.12 FEET; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY CURVE, A DISTANCE OF 20.13 FEET; THENCE CONTINUING ON AND ALONG SAID RIGHT-OF-WAY, SOUTH 06°41'06" EAST TANGENT TO SAID CURVE, A DISTANCE OF 28.92 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE CONTINUING ON AND ALONG SAID RIGHT-OF-WAY, SOUTHERLY, SOUTHEASTERLY AND EASTERLY A DISTANCE OF 182.84 FEET ALONG THE CURVE CONCAVE TO THE

NORTHEAST, HAVING A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 87°18'06" TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING ON AND ALONG SAID RIGHT-OF-WAY EASTERLY AND SOUTHEASTERLY A DISTANCE OF 38.12 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 27°07'18" TO A POINT OF CUSP; THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 36°36'32" WEST, A DISTANCE OF 461.99 FEET; THENCE NORTH 00°37'01" EAST, A DISTANCE OF 510.06 FEET TO THE POINT OF BEGINNING

Parcel 8 (26262.2621):

26-26-42 LOT 8 OF ROS 6363965 DAF: THAT PORTION OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 26 NORTH, RANGE 42 EAST, W.M. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 22, 23, 27 AND 26, A RECOVERED #4 REBAR WITH CAP, MARKED BENTHIN #13315; THENCE SOUTH 89°20'39" EAST ALONG THE TRUE LINE BETWEEN SAID SECTION CORNER AND A RECOVERED ½" PIPE WITH CAP STAMPED WCE, PLS #26401 BEING THE N 1/4 CORNER OF SECTION 26, A DISTANCE OF 1319.42 FEET TO THE W 1/16 CORNER SECTION 26; THENCE SOUTH 00°49'30" WEST, A DISTANCE OF 813.71 FEET, TO THE TRUE POINT OF BEGINNING, FOR LOT 8; THENCE ON AND THENCE NORTH 77°42'36" EAST, A DISTANCE OF 100.89 FEET TO THE OSAGE WAY RIGHT-OF-WAY AND THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 205.00 FEET AND A CENTRAL ANGLE OF 5°37'31" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 09°29'52" EAST 20.12 FEET; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY CURVE, A DISTANCE OF 20.13 FEET; THENCE CONTINUING ON AND ALONG SAID RIGHT-OF-WAY, SOUTH 06°41'06" EAST TANGENT TO SAID CURVE, A DISTANCE OF 28.92 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE CONTINUING ON AND ALONG SAID RIGHT-OF-WAY, SOUTHERLY, SOUTHEASTERLY AND EASTERLY A DISTANCE OF 182.84 FEET ALONG THE CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 87°18'06" TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING ON AND ALONG SAID RIGHT-OF-WAY EASTERLY AND SOUTHEASTERLY A DISTANCE OF 38.12 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 80.00 FEET AND A CENTRAL ANGLE OF 27°07'18" TO A POINT OF CUSP; THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 36°36'32" WEST, A DISTANCE OF 461.99 FEET; THENCE NORTH 00°37'01" EAST, A DISTANCE OF 510.06 FEET TO THE POINT OF BEGINNING



2023/2024 Comprehensive Plan Amendments

Z23-479COMP ADDITIONAL PUBLIC COMMENT

Department of Neighborhood and Planning Services

The following public comments were received after the issuance of the Staff Report on September 20, 2024.

From: [Alena I](#)
To: [Planning & Development Services Comp Plan](#)
Subject: comment on File # Z23-479comp, Indian Trail
Date: Friday, September 27, 2024 12:36:17 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To whom it may concern,

I would like to make sure that while discussing amendment of the land use plan for the North of W. Indian Trail rd location, you consider land preservation points:

the parcels you propose to convert to Residential Moderate and Commercial are on the steep slope. With that, I urge you to get a consult with a geologist on the rational of cutting trees in that area and to what extent. The trees currently support the soil/ rocks and prevent from mudslide and rockslides on the road and adjacent private resident houses.

I am very concerned that with climate change: prolonged summer draught then rain in fall, storm, strong winds plus man maid destruction of the tree root system - create the consequences of unstable grounds.

Even if it is safe to cut those trees down, please consider giving a instruction to the construction /planning company to build with some mature trees still preserved to keep our neighborhood green.

I ask you to not repeat the recent landscape change at the end of W. Indian Trail road - across Sundance shopping center , where a clear cut of mature forest was done. Please take in consideration that it takes a significant part of a human lifetime for a tree to become mature and act as a nature shield for sun, wind, water, draught and oxygen

Much appreciate you input and though for keeping our Spokane green and healthy.

Sincerely,
Alena Izhokhina
3731 W Indian Trail Rd
Spokane , WA
425 419 9570

From: [Leute Norberto](#)
To: [Planning & Development Services Comp Plan](#)
Subject: Hearing and SEPA -- 2024 Comprehensive Plan Amendments
Date: Monday, September 30, 2024 12:09:41 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I can't be there, but looking at the plans, I have a few questions. What type of neighborhood business will go into the commercial property? How will those businesses benefit or enhance the neighborhood? The city complains of a lack of housing. Why put in more business?

Norbert

From: [Allison Mohr](#)
To: [Planning & Development Services Comp Plan](#)
Subject: Z23-479COMP Indian Trail Comprehensive Plan Amendment
Date: Monday, September 30, 2024 12:27:51 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

News of the proposed rezoning of the Excelsior Wellness Land to RMF and CB-55 has caused me to feel like the victim of a bait and switch scam. When we bought in Hillside Park, we bought *because* the surrounding area was R1. We did not want to be in a commercial area of tall buildings. Hillside Park has been here for 24 years. Surrounding areas have been here longer. Now the Spokane City Council wants to stick 55 foot tall buildings in the middle of us. This is not fair to the current residents. Yes I know, there is a shortage of housing, but does the project really have to be four stories high? Could you not stop at two stories? Have some consideration for the people who have been living here for decades in their single family homes with low height restrictions.

The willingness of the Spokane City Council to insert such a structure into an area that has been R1 for so long feels like a complete betrayal of the citizens who have lived here and voted for you. The entire purpose of zoning is to place boundaries between disparate land uses. Neighborhoods do not want commercial tracts drop shipped into their midst. Do better with your planning process.

Allison Mohr
3420 W Excell Ln
Spokane, WA 99208
520-822-4483

From: [Kim Bush](#)
To: [Planning & Development Services Comp Plan](#)
Cc: [Klitzke, Kitty](#); [Zappone, Zack](#)
Subject: File No. Z23-479COMP
Date: Friday, October 4, 2024 10:28:46 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Attention: Kevin Freibott, Senior Planner

Dear Mr. Freibott,

We are in receipt of the Notice of Public Hearing and SEPA Determination dated September 25, 2024. We previously submitted a letter to the City regarding this proposal and our concerns about its approval by the City. We would like to reiterate those concerns for the upcoming meeting of the City of Spokane Plan Commission on October 9, 2024.

Hillside Park Homeowners' Association owns the property contained in Assessor's Parcel Number 26261.3401 (8.42 acres). These community private lands were established as a conservation area for non-development in perpetuity, and are not open for public use. They should not be included in this proposal.

The area where Excelsior is considering a Residential Moderate, multi-story residential area will be squeezed between our property and the Catholic church and school. There is only one way for ingress and egress from this area. We believe that this is a danger to everyone in this area in the event of a fire or other emergency that requires swift evacuation and for emergency vehicles to reach the area. It is our understanding that in the past the City refused a similar plan by Excelsior because of the lack of a secondary ingress/egress.

The traffic on Indian Trail is already very heavy. We believe that granting this proposal for moderate residential use will greatly increase the traffic on Indian Trail and cause further traffic congestion and accidents. Trying to get out of a side street onto Indian Trail is already difficult. The addition of more vehicles from the moderate residential area will only make this more difficult.

We would like to thank the Planning Commission for considering our concerns.

Sincerely,
Michael and Kimberly Bush
3511 W. Excell Lane
Spokane, WA 99208

From: [Jim Davis](#)
To: [Planning & Development Services Comp Plan](#)
Cc: [Klitzke, Kitty](#); [Zappone, Zack](#)
Subject: Hillside Park Board of Trustees Further Response to Indian Trail Comprehensive Plan Amendment Z23-479COMP
Date: Friday, October 4, 2024 2:49:51 PM
Attachments: [Letter to Hillside Park - Draft v.9.12.23-3-1.pdf](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Upon review of the Staff Report on the subject proposed Comprehensive Plan Amendment, (sent via email Sept. 23, 2024) the Hillside Park Board of Trustees finds it necessary to provide further comments regarding the zoning and land use changes being requested by the applicant, Excelsior Wellness.

Prior to reading the Staff Report the Hillside Park Board of Trustees had no idea of the true scope of the proposal being put forth by Excelsior Wellness. At no time in our conversations with Andrew Hill and Ryan Kiely of Excelsior, including their attending a meeting of the Hillside Park Owners Association on October 5th, 2023, was their plan to construct 314 housing units and a Commercial Center, both of which would have a maximum height of 55 feet, ever discussed with us. This lack of truthfulness is very concerning given the fact that their proposal was submitted to The City of Spokane on October 31, 2023, a little more than three weeks later. It is difficult to believe that Excelsior did not know the true scope of their proposed project at that point in their application process.

Additionally, Andrew Hill of Excelsior approached Hillside Park proposing a boundary line adjustment or land exchange prior to that meeting. (Letter from Andrew Hill to William Garry, dated Sept 8, 2023, attached below.) This boundary line adjustment would have resulted in Hillside Park ceding approximately one acre of our common land to Excelsior. Accordingly, it is false to say that they had no plans to purchase, use, or develop Hillside Park Owners Association Property, as was stated in Exhibit J, Master Response MR-1 of the Staff report.

Given the lack of transparency on the part of Excelsior Wellness on these two important items we are concerned that there may well be more developments being planned that we are not aware of.

The current zoning of the Balboa neighborhood surrounding the Excelsior Wellness property is R1, and consists primarily of single family homes. Our community, Hillside Park, has been in existence since 2000 and the reason our residents purchased here was because of the current nature of the surrounding area of single family residences. Allowing a 32 acre development consisting of 300+ multi-family dwelling units and Commercial Business structures with a 55 foot height limit immediately adjacent to our Southern boundary is going to have a negative affect on our quality of life and property values. The proposed project will severely impact the character of our neighborhood due to increased traffic, increased risk of trespass on our common and private lands, destruction of wildlife habitat, and increased noise and light

pollution from 55 foot high buildings whose lighting will shine directly into the Hillside Park homes overlooking the Excelsior development. We are particularly concerned about the increasing trespass along the common boundary we share with Excelsior. The Residential Multifamily portion of Excelsior land will be immediately adjacent to our common land if the zoning change is approved as requested. This common land is essentially our backyard, and there is a misconception by some Excelsior employees that this Hillside Park common land is Excelsior property. At one point one of our Board members was told by an Excelsior employee to leave our common land because that employee believed that our Board member was on Excelsior property. It is likely that events such as this would only increase with the addition of residents in the multifamily development. Construction of a fence in the hilly terrain along that boundary to mitigate events such as this would be very expensive and difficult for our Association. And it would likely not prevent increased trespass given the fact that our undeveloped common lands would seem like a great place for Excelsior residents to go for a walk in the woods even though those woods are private property. Given these detrimental effects, we respectfully request that this project be scaled back to reduce the number of multifamily dwelling units and impose a two story height restriction on all new construction.

Respectfully,

Hillside Park Board of Trustees

<i>Bill Garry</i>	<i>President</i>
<i>Jim Davis</i>	<i>Vice President</i>
<i>Gary Jablonski</i>	<i>Treasurer</i>
<i>Ben Markham</i>	<i>Secretary</i>
<i>LeAnna Chauvin</i>	<i>Member at Large</i>

Jim Davis
(520) 822-4592

This letter was attached to the Comment
Email by Jim Davis, received October 4,
2024.

Andrew Hill, CEO
Excelsior Wellness
3754 W INDIAN TRAIL RD
SPOKANE, WA 99208
andrew.hill@excelsiorwellness.org
Office (509) 559-3101
Direct (509) 953-0769

September 08, 2023

Bill Garry, President
Hillside Park Homeowners Association
3227 W EXCELL LN
SPOKANE, WA, 99208

Dear President Garry and Hillside Park Homeowners,

I hope this letter finds you in good health and high spirits. We are writing to you today on behalf of Excelsior Wellness and in collaboration with the Spokane Tribe, to propose an adjustment to our property boundary line to promote the creation of an archaeological preservation area within our shared vicinity.

Our intention is to establish a dedicated preservation area that will not only safeguard indigenous artifacts but also serve as an educational site to raise awareness and appreciation for the rich history and culture of the Spokane Tribe. We believe that by working together, we can create a meaningful and lasting tribute to the indigenous heritage of our region.

We fully understand that members of the Hillside Park Homeowners Association have unique needs and expectations regarding the use of their property. We deeply respect your desire for privacy and continued access to the land you enjoy. It is our sincere commitment to honor and preserve these essential aspects of your community.

Considering this, we are open to allocating to the Hillside Park Homeowners Association an amount of land that is equal to or even greater than what is required for the archaeological preservation area. Furthermore, we are willing to discuss easement access to your utilities to ensure that your community's daily life remains uninterrupted and convenient.

This letter was attached to the Comment
Email by Jim Davis, recieved October 4,
2024.

This exchange not only establishes a dedicated archaeological preservation area but also permanently establishes a buffer for the association, ensuring your privacy and access are protected for generations to come. Additionally, Excelsior Wellness is committed to maintaining fire mitigation measures on the land, further enhancing the safety and well-being of the entire community.

We firmly believe that our proposed collaboration can result in a win-win situation for all parties involved. Not only will it help preserve our shared natural and cultural heritage, but it will also enhance the overall quality of life for Hillside Park residents.

To initiate this process, we would like to invite representatives from the Hillside Park Homeowners Association to engage in a constructive dialogue with us. We are eager to listen to your concerns, answer your questions, and work together to develop a mutually beneficial plan that respects your community's wishes while achieving our preservation goals.

Please let us know a convenient time for you to meet and discuss this proposal in more detail. We are open to any suggestions or modifications that will accommodate the needs and expectations of your association. Together, we can make a positive impact on our local heritage and create a lasting legacy for future generations.

Thank you for considering our proposal, and we look forward to the opportunity to collaborate with the Hillside Park Homeowners Association for the greater good of our community.

Sincerely,

Andrew Hill, CEO
Excelsior Wellness

Whitmarsh, Brandon

From: M BRANNON <mattbrannon42@msn.com>
Sent: Monday, October 7, 2024 12:21 PM
To: Planning & Development Services Comp Plan
Subject: RE: File No. Z23-479COMP Written Comments Property Devaluation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To Whom it may concern:

Re: file no. Z23-479COMP, Indian Trail Comprehensive Plan Land Use Map Amendment Proposal

I bought my house in the Hillside Park HOA after carefully considering the property value. Property values and the inherent equity we build over time are significant investments for all American property owners.

By taking a portion of the designated Hillside Park HOA lands as outlined in this map below designated by the red arrows, you reduce the property size of our HOA lands. By reducing our property size, you devalue my property, and all owners who ought in this HOA. This is important as we consider our equity today and property values in the future.

This is private property for the use of owners in Hillside Park HOA and we all take this into conversation as we consider the value of our properties.

We strongly request that the Council considers requiring the applicant/agent Dwight Hume either buy this land from our HOA, or leave the currently designated zone as is.

Per your letter dated September 25th 2024, it states clearly in written language that “any person may submit written comments on the proposed action or call for additional information. Comments should be submitted no later than 5:00pm on October 8 2024 if they are intended to be seen by the plan commission prior to the hearing”. This is a written binding statement so I expect this statement concerning property devaluation to be seen and considered as part of your decision making process.



Z23-479COMP

Thank you.

Matt Brannon
(509)844-5314
3415 W Excell Lane
Spokane, WA 99208

Whitmarsh, Brandon

From: Michele Mcclaflin <mitchtaylor@comcast.net>
Sent: Monday, October 7, 2024 3:34 PM
To: Planning & Development Services Comp Plan
Subject: Excelsior - Staff report comment

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello Spokane City,

I am one of the previous people who have commented on the projected potential Excelsior expansion project. I have lived in the Hillside Park PUD for 24 years.

One of the areas of the Staff report asked about the impact on fauna (animals and birds, etc). I have many, many pictures of the various animals that have walked through our backyard. **The ones I have photos of (and I could send you copies) are:**

Quail
Badger
Owls
Marmots
Rabbits
Wild Turkeys
Racoons
Squirrels
Snakes
Many different types of birds

We have also had (but I have no photos of):

Porcupines (had one living beside our house for over a year)
Bobcat (only saw it twice)
Bear (several of the neighbors were together when we saw the bear)
Moose (several neighbors saw the moose between our homes and Assumption's fence line)
Coyote (have seen several times)
Cougar (killed a deer on the lawn of a doctor's house)

I'm not sure if I've actually named ALL of the animals that use the wooded area behind our homes. This huge development that Excelsior is talking about will be removing the natural habitat for all of these animals.

Another point has me questioning the figures that are posted is that there is expected to be 314 housing units. Each unit will most likely house 2 to 4 people. If I assume half of them will have 2 people (that's $2 \times 150 = 300$ people), there is another 114 units left so I'll assume 75 units will have 3 people ($3 \times 75 = 225$), and then another 75 unit will have 4 people ($4 \times 75 = 300$), which leaves another 14 units with maybe just one person. These are obviously just assumptions but that would be approximately 839 people. I know that we have had issues over the past 24 years with Excelsior youth coming through our yards and through our common grounds. They have camped, made fires, and left trash (among other things). If this development is approved and the 314 housing units are approved the surrounding housing occupants will ALL be hugely affected. The number of people who

would potentially hike or walk through our housing area, back yards, and common grounds would increase exponentially. Plus, I'm not saying that just Hillside Park will be affected. This would be a major change to our entire residential environment in the Indian Trail/Hillside Park area.

And on page 16 there is a statement that there would be a REDUCTION of 280 vehicle trips per day. With an additional 314 housing units and probably 800+ people, there seems to be a disconnect somewhere. The vehicles would mostly be crossing Indian Trail and trying to get to Francis - definitely NOT an easy thing to do even now with the current traffic situation. Most every house or apartment in Spokane has one to two vehicles and sometimes more.

I understand that the City of Spokane would appreciate the additional tax base but PLEASE consider the families, young children, and homeowners who have invested their life savings into their homes.

Thank you so much for your consideration.

Kindest regards,
Michele McClafin
3503 W Excell Ln
Spokane, WA 99208

From: [Dragana](#)
To: [Planning & Development Services Comp Plan](#)
Subject: Z23-479COMP
Date: Wednesday, October 9, 2024 3:22:33 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To whom it may concern;

As a long resident of W Excell Lane I wanted to express my concerns for proposed plan.

The area in question is home to a diverse array of wildlife, including deer, quail, squirrels, owls, turkeys etc. (I have seen personally so many animals take shelter in these woods) ,they rely on these habitats for their survival.

The construction of new housing can lead to several detrimental effects on animal life, including:

1. **Habitat Destruction:** The removal of trees, shrubs, and other vegetation can displace animals that depend on these areas for shelter, food, and breeding. Many species may not be able to relocate or adapt quickly enough to survive.
2. **Fragmentation of Ecosystems:** Housing developments can break up existing habitats into smaller, isolated patches. This fragmentation can hinder animal movement and gene flow, making it difficult for populations to thrive and potentially leading to local extinctions.
3. **Increased Human-Wildlife Conflict:** As more homes are built, the likelihood of encounters between wildlife and humans increases. This can lead to dangerous situations for both animals and residents, and often results in animals being displaced or harmed.

Thank you for your attention to this important issue. I hope we can work together to ensure that the needs of both people and animals are considered in the planning and development process.

Dragana
3503 W Excell Lane,
Spokane WA

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 11/11/2024**Committee Agenda type:** Consent**Date Rec'd**

11/13/2024

Clerk's File #

ORD C36614

Cross Ref #**Project #****Council Meeting Date:** 11/25/2024**Submitting Dept**

PLANNING & ECONOMIC

Bid #**Contact Name/Phone**

KAYCEE (509) 625 - 6194

Requisition #**Contact E-Mail**

KDOWNNEY@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

0650 - Z24-105COMP – SOUTH LOGAN TOD PLAN IMPLEMENTATION –

Agenda Wording

A city-sponsored proposal, Z24-105COMP, seeking to amend the Land Use Plan Map and Zoning Map for the 361-acre South Logan Study Area to Implement the South Logan TOD Plan adopted by Council on January 29, 2024 (RES 2024-0015).

Summary (Background)

The proposal concerns 604 parcels in the 361-acre South Logan Study Area, identified in the South Logan Transit-Oriented Development (TOD) Plan and Final Environmental Impact Statement adopted by Council on January 29, 2024 (RES 2024-0015). Proposal Z24-105COMP is a city-sponsored proposal intended to implement the Land Use and Zoning changes envisioned by the South Logan TOD Plan. The proposal would amend the Comprehensive Plan Land Use Plan Map from "Residential Low," "Residential Moderate,"

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.

Amount**Budget Account**

Neutral \$ #

Select \$ #

Select \$ #

Select \$ #

Select \$ #

Select \$ #



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

"Institutional," "General Commercial," "Center and Corridor Transition Area," and "Center and Corridor Core Area" to "Residential Moderate," "Residential High," "Institutional," and "Center and Corridor Core Area" and amend the Zoning Map from "R1," "R2," "Residential Multifamily (RMF)," "Residential High Density, 55-Foot Height Limit (RHD-55)," "Office Retail, 55-Foot Height Limit (OR-55)," "General Commercial, 150-Foot Height Limit (GC-150)," "Context Area 1/2/3/4" (Hamilton Form Based Code), and "Centers And Corridors, District Center (CC1-DC)" to "Residential Multifamily, 40-Foot Height Limit (RMF-40)," "Residential High Density, 55-Foot Height Limit (RHD-55)," "Residential High Density, 75-Foot Height Limit (RHD-75)," "Context Area 1 (Ca1)" (Hamilton Form-Based Code), And "Centers And Corridors, Employment Center (CC1-EC)." This Application is being co

Approvals		Additional Approvals	
<u>Dept Head</u>	GARDNER, SPENCER		
<u>Division Director</u>	GARDNER, SPENCER		
<u>Accounting Manager</u>	ORLOB, KIMBERLY		
<u>Legal</u>	KAPAUN, MEGAN		
<u>For the Mayor</u>	PICCOLO, MIKE		

Distribution List

	Kdowney@spokanecity.org
bwhitmarsh@spokanecity.org	kfreibott@spokanecity.org
eking@spokanecity.org	sgardner@spokanecity.org
smacdonald@spokanecity.org	

Committee Agenda Sheet

Urban Experience Committee

Committee Date	November 11, 2024
Submitting Department	Planning & Economic Development
Contact Name	KayCee Downey
Contact Email & Phone	kdowney@spokanecity.org , (509) 625 - 6194
Council Sponsor(s)	<u>CM Zack Zappone, CM Jonathan Bingle, and CM Kitty Klitzke</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Z24-105COMP – South Logan TOD Plan Implementation – Comprehensive Plan Amendment
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The proposal concerns 604 parcels in the 361-acre South Logan Study Area, identified in the South Logan Transit-Oriented Development (TOD) Plan and Final Environmental Impact Statement adopted by Council on January 29, 2024 (RES 2024-0015).</p> <p>Proposal Z24-105COMP is a city-sponsored proposal intended to implement the Land Use and Zoning changes envisioned by the South Logan TOD Plan. The proposal would amend the Comprehensive Plan Land Use Plan Map from “Residential Low,” “Residential Moderate,” “Institutional,” “General Commercial,” “Center and Corridor Transition Area,” and “Center and Corridor Core Area” to “Residential Moderate,” “Residential High,” “Institutional,” and “Center and Corridor Core Area” and amend the Zoning Map from “R1,” “R2,” “Residential Multifamily (RMF),” “Residential High Density, 55-Foot Height Limit (RHD-55),” “Office Retail, 55-Foot Height Limit (OR-55),” “General Commercial, 150-Foot Height Limit (GC-150),” “Context Area 1/2/3/4” (Hamilton Form Based Code), and “Centers And Corridors, District Center (CC1-DC)” to “Residential Multifamily, 40-Foot Height Limit (RMF-40),” “Residential High Density, 55-Foot Height Limit (RHD-55),” “Residential High Density, 75-Foot Height Limit (RHD-75),” “Context Area 1 (Ca1)” (Hamilton Form-Based Code), And “Centers And Corridors, Employment Center (CC1-EC).”</p> <p>This Application is being considered concurrently with five others through the annual Comprehensive Plan Amendment cycle. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on October 9, 2024, to consider this Application and recommended approval of the proposal.</p>
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: <u>Click or tap here to enter text.</u> Current year cost: Subsequent year(s) cost:	
Narrative: <u>Processing of Comprehensive Plan Amendments utilizes existing staff time and resources. No additional costs are associated with the adoption of this proposal.</u>	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A	

Specify funding source: Select Funding Source*

Is this funding source sustainable for future years, months, etc? [Click or tap here to enter text.](#)

Expense Occurrence One-time Recurring N/A

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impacts (If N/A, please give a brief description as to why)

What impacts would the proposal have on historically excluded communities?

Impacts of the proposal, including impacts on vulnerable communities, were evaluated through the South Logan TOD Final Environmental Impact Statement adopted by Council (RES 2024-0015). The intent of the proposal, in alignment with the South Logan TOD Plan, is to support high quality transit, increase housing capacity and diversity, and promote affordability along the City Line bus rapid transit in the South Logan area, increasing access to existing multimodal transportation options.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The proposal is a land use and zoning map change and does not guarantee future development of the subject properties. The South Logan TOD Plan reviewed and analyzed environmental and social impacts of planned development and development alternatives as part of the process. An analysis of existing conditions established a baseline to inform the project with data on demographics, socioeconomics, housing and market conditions, land use and zoning, and infrastructure needs. The proposal is implementing the adopted Plan with no additional data collection. However, the Planning & Economic Development Department generally follows these proposals to track whether the subject properties develop in the future.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

As stated above, the department generally tracks these proposals to see if they develop. Doing so allows for informed revisions to ensure the efficacy of the program as warranted. Additionally, the Planned Action Ordinance associated with the South Logan TOD Project and based off the proposed land use plan map designations and zones (ORD C36554 approved on July 22, 2024) mandates monitoring with a full review no later than five years from the effective date, ensuring department tracking throughout the South Logan TOD Subarea and relevant policies.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The South Logan TOD Plan (RES 2024-0015), adopted by City Council in January 2024, consisted of a 20-month subarea planning process which established a coordinated framework and community vision for encouraging mixed-use, walkable places in the South Logan Study Area and identified desired land use and zoning designations for the subarea. This proposal is consistent with numerous Comprehensive Plan Policies, which can be found in the staff report, including **LU 1.4 Higher Intensity Residential Areas** and **LU 3.2 Centers and Corridors**, and implements the desired land use and zoning conditions identified by the South Logan TOD Plan. After reviewing the criteria set forth in SMC 17G.020.030, Plan Commission found the proposal consistent with the Comprehensive Plan and all applicable review criteria, voting to recommend City Council approval of the proposal.

Ordinance No. C36614

AN ORDINANCE RELATING TO PROPOSAL FILE Z24-105COMP AMENDING MAP LU 1, LAND USE PLAN MAP, OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL LOW," "RESIDENTIAL MODERATE," "INSTITUTIONAL," "GENERAL COMMERCIAL," "CENTER AND CORRIDOR TRANSITION AREA," AND "CENTER AND CORRIDOR CORE AREA" TO "RESIDENTIAL MODERATE," "RESIDENTIAL HIGH," "INSTITUTIONAL," AND "CENTER AND CORRIDOR CORE AREA" FOR APPROXIMATELY 361 ACRES, CONSISTING OF 604 PARCELS, IN THE SOUTH LOGAN STUDY AREA, AS DEFINED BY THE SOUTH LOGAN TOD PLAN (RES 2024-0015); AND AMENDING THE ZONING MAP FROM "R1," "R2," "RESIDENTIAL MULTIFAMILY (RMF)," "RESIDENTIAL HIGH DENSITY, 55-FOOT HEIGHT LIMIT (RHD-55)," "OFFICE RETAIL, 55-FOOT HEIGHT LIMIT (OR-55)," "GENERAL COMMERCIAL, 150-FOOT HEIGHT LIMIT (GC-150)," "CONTEXT AREA 1/2/3/4" (HAMILTON FORM BASED CODE), AND "CENTERS AND CORRIDORS, DISTRICT CENTER (CC1-DC)" TO "RESIDENTIAL MULTIFAMILY, 40-FOOT HEIGHT LIMIT (RMF-40)," "RESIDENTIAL HIGH DENSITY, 55-FOOT HEIGHT LIMIT (RHD-55)," "RESIDENTIAL HIGH DENSITY, 75-FOOT HEIGHT LIMIT (RHD-75)," "CONTEXT AREA 1 (CA1)" (HAMILTON FORM-BASED CODE), AND "CENTERS AND CORRIDORS, EMPLOYMENT CENTER (CC1-EC)."

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, City Council adopted the Transit Oriented Development ("TOD") Framework Action Plan (RES 2022-0039) in May 2022, identifying strategies best suited to Spokane for supporting TOD along new High-Performance Transit lines, including a focus on South Logan; and

WHEREAS, the City completed a 20-month planning and public engagement process to review existing conditions and regulations, establish a coordinated framework and community vision for encouraging mixed-use, walkable places, and study environmental impacts of planned development in the South Logan Study Area; and

WHEREAS, the City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and Environmental Impact Statement ("EIS")

process, including a community meeting consistent with RCW 43.21C.440; considered all comments received; and, as appropriate, modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (“FEIS”); and

WHEREAS, on January 29, 2024, Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea’s desired future condition; and

WHEREAS, Proposal Z24-105COMP intends to implement the vision adopted in the Final South Logan TOD Plan and FEIS,

WHEREAS, Proposal Z24-105COMP seeks to amend the Land Use Plan Map of the City’s Comprehensive Plan for 361 acres, consisting of 604 parcels, from “Residential Low,” “Residential Moderate,” “Institutional,” “General Commercial,” “Center and Corridor Transition Area,” and “Center and Corridor Core Area” to “Residential Moderate,” “Residential High,” “Institutional,” and “Center and Corridor Core Area;” and

WHEREAS, Proposal Z24-105COMP seeks to amend the zoning map for the subject properties from “R1,” “R2,” “Residential Multifamily (RMF),” “Residential High Density, 55-Foot Height Limit (RHD-55),” “Office Retail, 55-Foot Height Limit (OR-55),” “General Commercial, 150-Foot Height Limit (GC-150),” “Context Area 1/2/3/4” (Hamilton Form Based Code), and “Centers And Corridors, District Center (CC1-DC)” to “Residential Multifamily, 40-Foot Height Limit (RMF-40),” “Residential High Density, 55-Foot Height Limit (RHD-55),” “Residential High Density, 75-Foot Height Limit (RHD-75),” “Context Area 1 (Ca1)” (Hamilton Form-Based Code), And “Centers And Corridors, Employment Center (CC1-EC);” and

WHEREAS, City Council adopted RES 2024-0029 on March 25,2024, including Proposal Z24-105COMP in the 2024 Comprehensive Plan Amendment Work Program; and

WHEREAS, staff requested comments from agencies and departments on May 7, 2024, and a public comment period ran from June 10, 2024 to August 9, 2024; and

WHEREAS, the Spokane Plan Commission held a workshop to study the proposal on June 12, 2024; 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 September 17, 2024; and

WHEREAS, a staff report for Proposal Z24-105COMP reviewing all the criteria relevant to consideration of the proposal was published on September 20, 2024 and sent to all applicants, commenters, and the Plan Commission; and

WHEREAS, notice of the SEPA Checklist and Determination and announcement of the Plan Commission Hearing for the proposal was published in the Spokesman-Review on September 25, 2024, and October 2, 2024; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was mailed to all property owners, occupants, and taxpayers of record, as shown in the most recent Spokane County Assessor's record for all properties within 400 linear feet of any portion of the boundary of the subject properties, pursuant to Spokane Municipal Code 17G.020.070, on September 25, 2024; and

WHEREAS, the Spokane Plan Commission held a public hearing on October 9, 2024, including staff presentation, taking of public testimony, closing of the verbal and written public record, and deliberations; and

WHEREAS, the Spokane Plan Commission found that Proposal Z24-105COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Spokane Plan Commission found that Proposal Z24-105COMP meets the final review criteria for Comprehensive Plan Amendments delineated in Spokane Municipal Code 17G.020.030; and

WHEREAS, the Spokane Plan Commission voted 9 to 0 to recommend approval of Proposal Z24-105COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of the Proposal. Proposal Z24-105COMP is approved.
2. Amendment of the Land Use Map. Comprehensive Plan Map LU 1, Land Use Plan Map, is amended from "Residential Low," "Residential Moderate," "Institutional," "General Commercial," "Center and Corridor Transition Area," and "Center and Corridor Core Area" to "Residential Moderate," "Residential High," "Institutional," and "Center and Corridor Core Area" for the 361-acre South Logan Study Area, as shown in Exhibit B.
3. Amendment of the Zoning Map. The City of Spokane Zoning Map is amended from "R1," "R2," "Residential Multifamily (RMF)," "Residential High Density, 55-Foot Height Limit (RHD-55)," "Office Retail, 55-Foot Height Limit (OR-55)," "General Commercial, 150-Foot Height Limit (GC-150)," "Context Area 1/2/3/4" (Hamilton Form Based Code), and "Centers And Corridors, District Center (CC1-

DC)” to “Residential Multifamily, 40-Foot Height Limit (RMF-40),” “Residential High Density, 55-Foot Height Limit (RHD-55),” “Residential High Density, 75-Foot Height Limit (RHD-75),” “Context Area 1 (Ca1)” (Hamilton Form-Based Code), And “Centers And Corridors, Employment Center (CC1-EC),” as shown in Exhibit C.

PASSED BY THE CITY COUNCIL ON _____, 2024.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



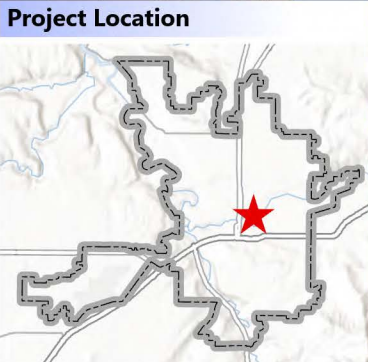
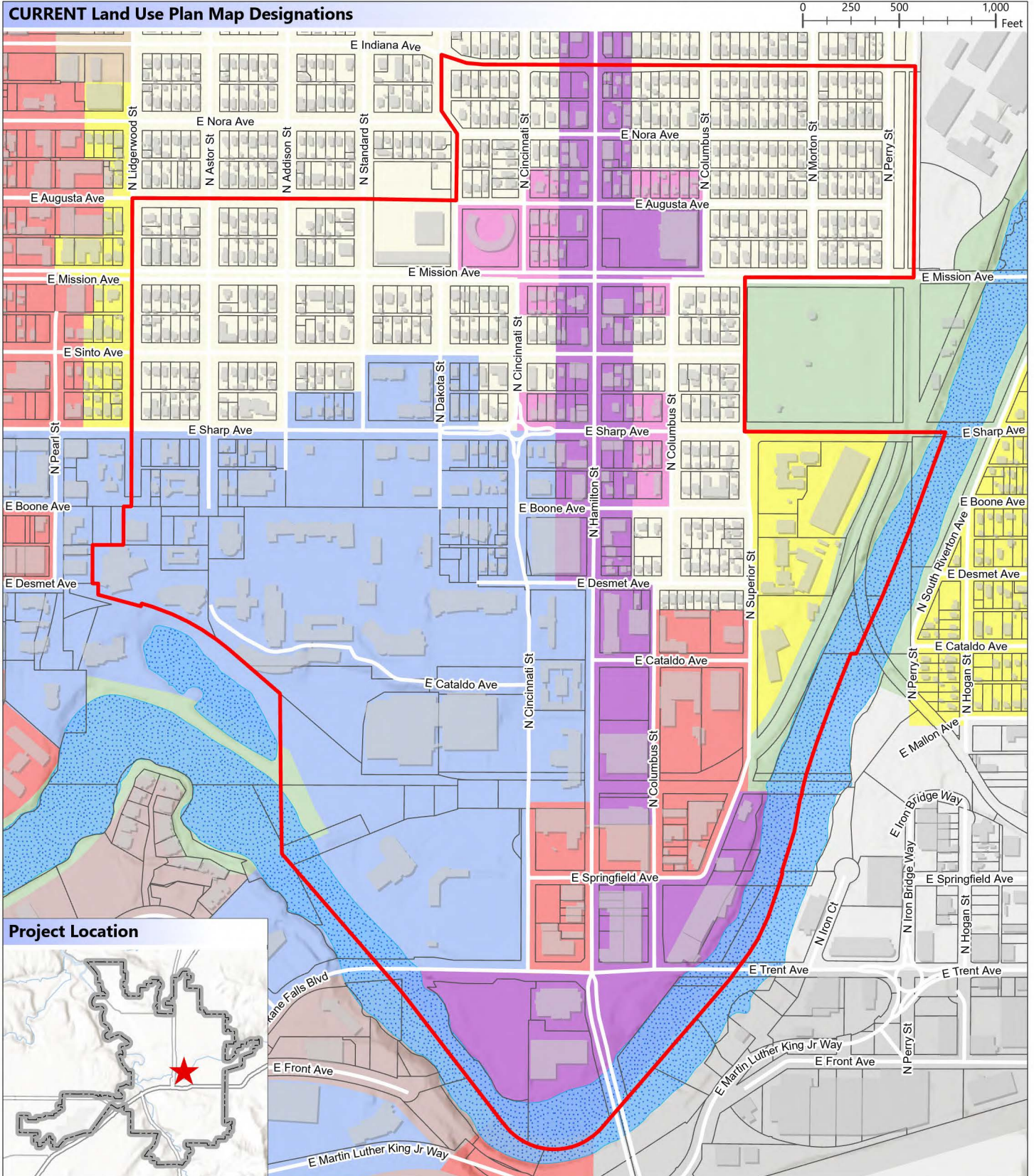
Exhibit B1: Current Land Use Plan Map

Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Drawing Scale: 1:8,500

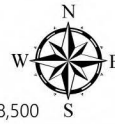


- | | | | | | |
|--------------|-----------|-------------------------|---------------|--------------------|------------------|
| Project Area | Parcel | Conservation Open Space | Office | General Commercial | Heavy Industrial |
| Buildings | Waterbody | Residential Low | CC Core | Downtown | Institutional |
| | | Residential Moderate | CC Transition | Light Industrial | |



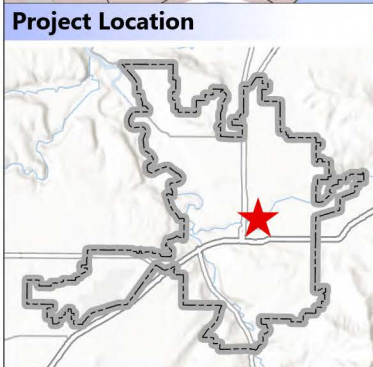
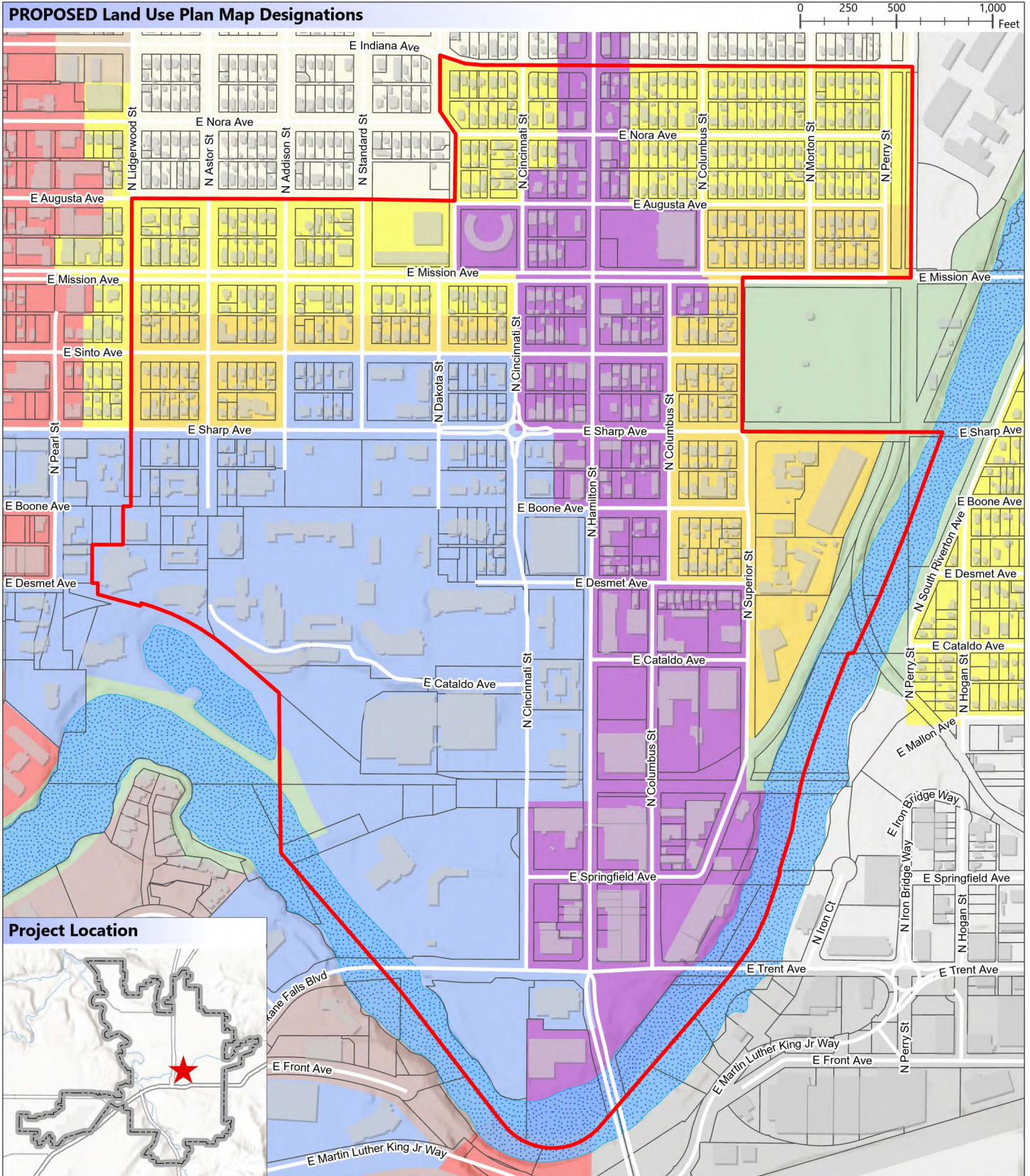
Exhibit B2: Proposed Land Use Plan Map

Department of Planning & Economic Development



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Drawing Scale: 1:8,500



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|--------------|-----------|-------------------------|------------------|------------------|----------------------|
| Project Area | Parcel | CC Core | Downtown | Light Industrial | Residential Low |
| Buildings | Waterbody | General Commercial | Heavy Industrial | Office | Residential Moderate |
| | | Conservation Open Space | Institutional | Residential High | |



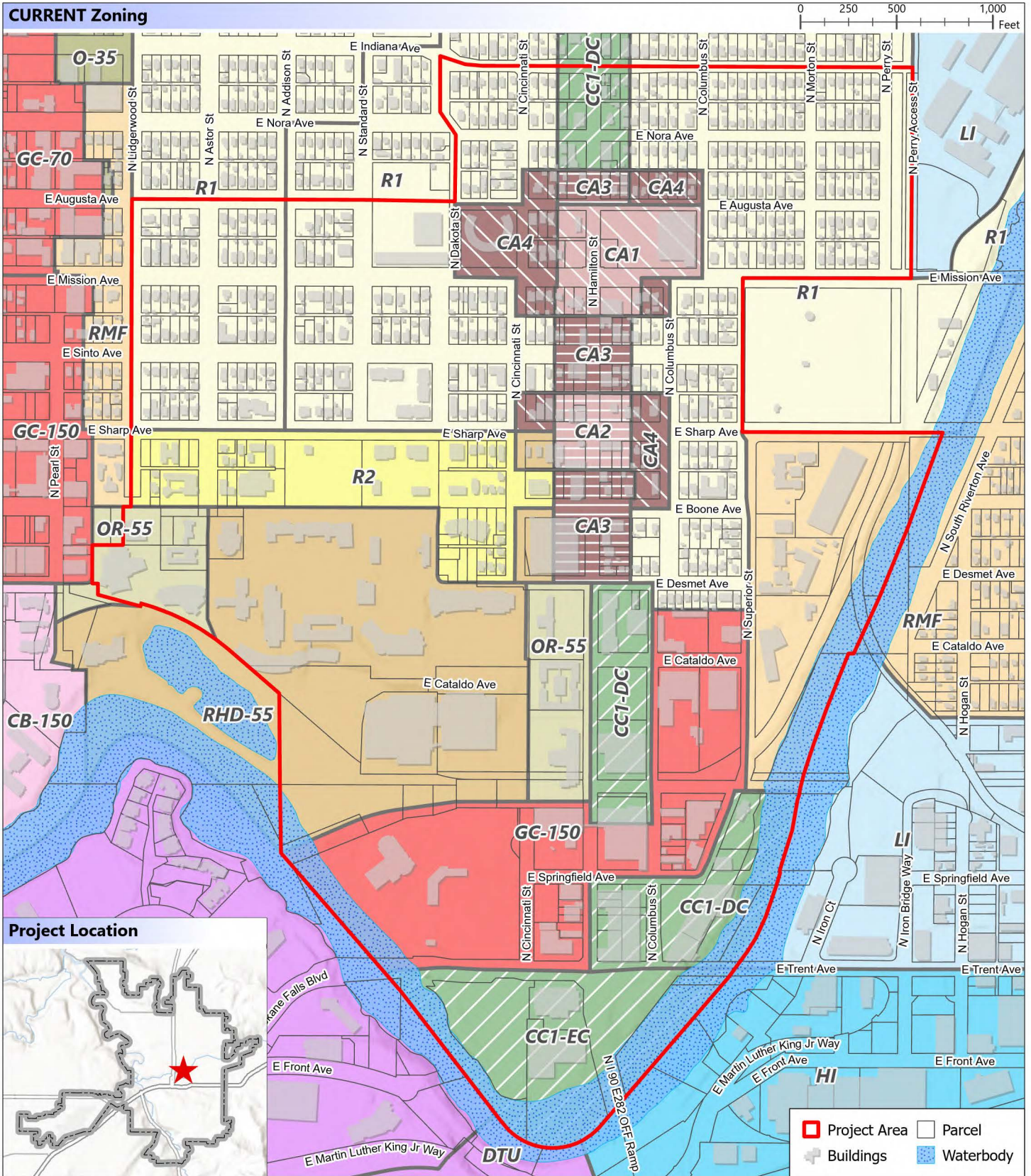
Exhibit C1: Current Zoning

Department of Planning & Economic Development



Drawing Scale: 1:8,500

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- | | | | | | |
|----------------------------|---------------------|--------------------|------------------|--------------------------|---------------|
| Center and Corridor Type 1 | Downtown University | Context Area 3 | Heavy Industrial | Office Retail | Residential 2 |
| Center and Corridor Type 2 | Context Area 1 | Context Area 4 | Light Industrial | Residential High Density | Residential 1 |
| Community Business | Context Area 2 | General Commercial | Office | Residential Multifamily | |



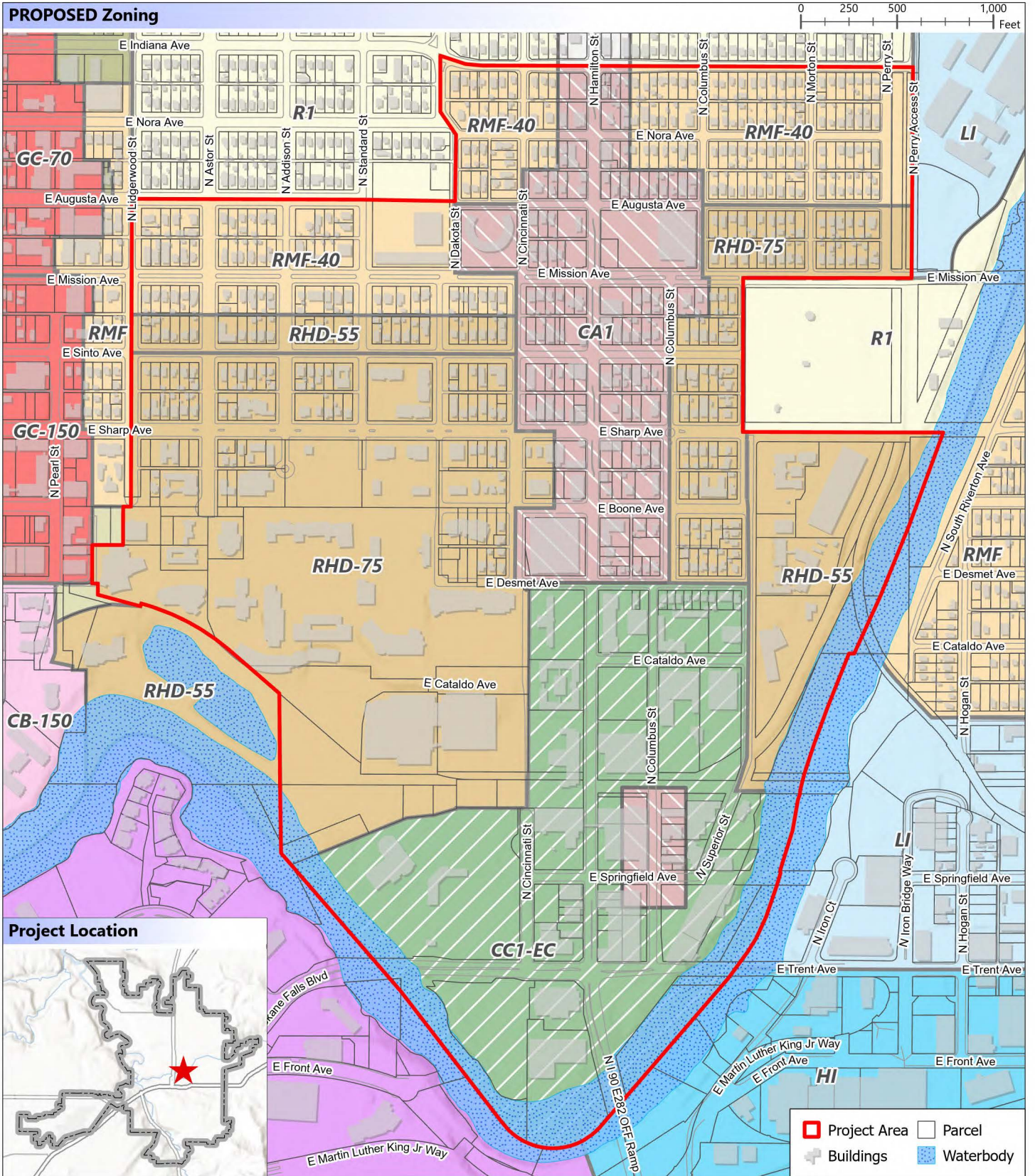
Exhibit C2: Proposed Zoning

Department of Planning & Economic Development



THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Drawing Scale: 1:8,500



- Center and Corridor Type 1
- Center and Corridor Type 2
- Community Business
- Downtown University
- Context Area 1
- General Commercial
- Heavy Industrial
- Light Industrial
- Office
- Office Retail
- Residential 1
- Residential High Density
- Residential Multifamily



**PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND
RECOMMENDATIONS ON COMPREHENSIVE PLAN AMENDMENT
FILE Z24-105COMP (SOUTH LOGAN TOD IMPLEMENTATION)**

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the Comprehensive Plan Amendment proposal seeking to amend the land use plan map designation from “Residential Low,” “Residential Moderate,” “Institutional,” “General Commercial,” “Center and Corridor Transition Area,” and “Center and Corridor Core Area” to “Residential Moderate,” “Residential High,” “Institutional,” and “Center and Corridor Core Area” for the 361 acre South Logan Study Area, as identified by the South Logan TOD Plan. The zoning designation requested is “Residential Multifamily, 40-foot height limit (RMF-40),” “Residential High Density, 55-foot height limit (RHD-55),” “Residential High Density, 75-foot height limit (RHD-75),” “Context Area 1 (CA1)” (Hamilton Form-Based Code), and “Centers and Corridors, Employment Center (CC1-EC).”

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. Under GMA, comprehensive plans generally may be amended no more frequently than once a year, and all amendment proposals must be considered concurrently in order to evaluate for their cumulative effect.
- C. The City of Spokane prepared the Transit-Oriented Development (“TOD”) Framework Action Plan, adopted by resolution in May 2022 under City Council Resolution RES 2022-0039, identifying strategies best suited to Spokane for supporting TOD along new High-Performance Transit lines, including a focus on South Logan.
- D. Following the Framework Action Plan, the City initiated a 20-month planning and public engagement process to review existing conditions and regulations, establish a coordinated framework and community vision for encouraging mixed-use, walkable places, and study environmental impacts of planned development in the South Logan Study Area.
- E. The City provided opportunities for meaningful public involvement and review in the South Logan Transit-Oriented Development (TOD) Plan and Environmental Impact Statement (EIS) process, including a community meeting consistent with RCW 43.21C.440; considered all comments received; and, as appropriate, modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (FEIS).
- F. The *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* were published on November 30, 2023, for final consideration.

- G. On January 29, 2024, Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea’s desired future condition.
- H. The South Logan Study Area, identified in the South Logan TOD Plan, is generally bounded by E Augusta Avenue and E Indiana Avenue to the north, N Perry Street and the Spokane River to the east, the Spokane River to the south, and N Lidgerwood Street to the west. It is comprised of urban development with a mix of residential, commercial, institutional, and public uses, as well as vacant properties.
- I. Comprehensive Plan amendment proposal Z24-105COMP (the “Proposal”) is a city sponsored proposal intended to implement the land use and zoning changes envisioned by the South Logan TOD Plan.
- J. The Proposal seeks to amend the land use plan map designation for the 361-acre South Logan Study Area from “Residential Low”, “Residential Moderate”, “Institutional”, “General Commercial”, “Center and Corridor Transition Area”, and “Center and Corridor Core Area” to “Residential Moderate”, “Residential High”, “Institutional” and “Center and Corridor Core Area” with a corresponding change in zoning from “R1”, “R2”, “RMF”, “Residential High Density, 55-foot height limit (RHD-55)”, “Office Retail, 55-foot height limit (OR-55)”, “General Commercial, 150-foot height limit (GC-150)”, “CA1/CA2/CA3/CA4” (Hamilton Form-Based Code), “Centers and Corridors Type 1, District Center (CC1-DC)”, and “Centers and Corridors Type 1, Employment Center (CC1-EC)” to “Residential Multifamily, 40-foot height limit (RMF-40)”, “Residential High Density, 55-foot height limit (RHD-55)”, “Residential High Density, 75-foot height limit (RHD-75)”, “CA1” (Hamilton Form-Based Code), and “Centers and Corridors Type 1, Employment Center (CC1-EC)”.
- K. On March 25, 2024, the City Council adopted Resolution RES 2024-0029 establishing the 2024 Comprehensive Plan Amendment Work Program and included the Proposal in the Work Program.
- L. On March 28, 2024, staff presented the 2023/2024 Comprehensive Plan Amendment Work Program to the Community Assembly Land Use Subcommittee on, including details regarding the Application, and provided information on the required process, upcoming Plan Commission Workshops, and how to submit comments.
- M. On May 7, 2024, staff requested comments from agencies, departments, and neighborhood councils. The comment period ended on May 21, 2024. By the end of the comment period, comments were received from the Logan Neighborhood Council, the Spokane Tribe of Indians, and the Wastewater Management Department.
- N. On June 10, 2024, Notice of Application was mailed to all properties, owners, and taxpayers within a 400-foot radius of the subject Properties and any adjacent properties with the same ownership. The notice was also published in the Spokesman Review on both June 10, 2024, and June 17, 2024. The Notice of Application initiated a 60-day public comment period from June 10, 2024, to August 9, 2024, during which one comment was received, as included in the staff report.
 - 1. A total of 5 public comments were received by October 8, 2024, at 5pm. Comments received after the issuance of the staff report were provided to Plan Commission directly by City staff.

- O. On June 12, 2024, the Spokane City Plan Commission held a workshop to study the Application.
- P. On September 17, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of intent to adopt before adoption of any proposed changes to the Comprehensive Plan.
- Q. On September 20, 2024, staff published a report addressing SEPA and providing staff’s analysis of the merits of the Proposal, copies of which were circulated as prescribed by SMC 17G.020.060B.8. Staff’s analysis of the Application recommended approval of the Application.
- R. A Notice of Plan Commission Hearing was published on September 25, 2024, in the Official Gazette and on September 25, 2024, and October 2, 2024, in the Spokesman Review.
- S. On September 25, 2024, a Notice of Public Hearing was 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 Properties.
- T. On October 9, 2024, the Plan Commission held a public hearing on the Application, including the taking of verbal testimony, closing the verbal and written record, conducting deliberation on the application, and voting to recommend the City Council Approve this application.
 - 1. One member of the public testified in opposition citing concerns about historic homes, parking around Gonzaga University, and traffic.
- U. 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.
- V. Except as may be otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report prepared for the Application (the “Staff Report”).
- W. The Plan Commission finds that the proposal meets the intent and requirements of the Comprehensive Plan, most specifically Policies LU 1.4, Higher Density Residential Uses, and LU 3.2, Centers and Corridors, and implements the South Logan TOD Plan adopted by City Council.
- X. The Plan Commission finds that the proposal meets the decision criteria established by SMC 17G.020.030, as described in the Staff Report.

CONCLUSIONS:

Based upon the application materials, 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. Z24-105COMP, the Plan Commission makes the following conclusions with respect to the review criteria outlined in SMC 17G.020.030:

- 1. The Application was submitted in a timely manner and added to the 2023/2024 Annual Comprehensive Plan Amendment Work Program, and the final review application was submitted as provided in SMC 17G.020.050(D).

2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
3. The Application is consistent with the goals and purposes of GMA.
4. Any potential infrastructure implications associated with the Application will either be mitigated through projects reflected in the City's relevant six-year capital improvement plans or through enforcement of the City's development regulations at time of development.
5. As outlined in above in the Findings of Fact, the Application is internally consistent as it pertains to the Comprehensive Plan, as described in SMC 17G.020.030.E.
6. The Application is consistent with the Countywide Planning Policies for Spokane County, the comprehensive plans of neighboring jurisdictions, applicable capital facilities plans, the regional transportation plan, and official population growth forecasts.
7. The Application has been considered simultaneously with the other proposals included in the 2024 Annual Comprehensive Plan Amendment Work Program in order to evaluate the cumulative effect of all the proposals.
8. SEPA review was completed for the Application.
9. The Application will 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.
10. The Application proposes a land use designation that is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.).
11. The proposed map amendment and site is suitable for the proposed designation.
12. The map amendment would implement applicable comprehensive plan policies better than the current map designation.

RECOMMENDATIONS:

In the matter of Z24-105COMP, a request by the City of Spokane to change the land use plan designation of 361 acres of land from "Residential Low", "Residential Moderate", "Institutional", "General Commercial", "Center and Corridor Transition Area", and "Center and Corridor Core Area" to "Residential Moderate", "Residential High", "Institutional" and "Center and Corridor Core Area" with a corresponding change in zoning from "R1", "R2", "RMF", "RHD-55", "OR-55", "GC-150", "CA1/CA2/CA3/CA4" (Hamilton Form-Based Code), "CC1-DC", and "CC1-EC" to "RMF-40", "RHD-55", "RHD-75", "CA1" (Hamilton Form-Based Code), and "CC1-EC". Based upon the above listed findings and conclusions, by a vote of **9 to 0**, the Spokane Plan Commission recommends City Council **APPROVE** the requested amendment to the Land Use Plan Map of the City's Comprehensive Plan with corresponding amendment to the City's Zoning Map and authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the application.

Greg Francis
Greg Francis (Oct 22, 2024 15:13 PDT)

Greg Francis, President
Spokane Plan Commission
Date: Oct 22, 2024







PC Findings and Conclusions - Z24-105COMP

Final Audit Report

2024-10-22

Created:	2024-10-22
By:	Angela McCall (amccall@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1VM9BcZyeXQJPeUk-PessO7hesv5gRNx

"PC Findings and Conclusions - Z24-105COMP" History

-  Document created by Angela McCall (amccall@spokanecity.org)
2024-10-22 - 5:24:25 PM GMT
-  Document emailed to gfrancis@spokanecity.org for signature
2024-10-22 - 5:24:53 PM GMT
-  Email viewed by gfrancis@spokanecity.org
2024-10-22 - 10:13:10 PM GMT
-  Signer gfrancis@spokanecity.org entered name at signing as Greg Francis
2024-10-22 - 10:13:48 PM GMT
-  Document e-signed by Greg Francis (gfrancis@spokanecity.org)
Signature Date: 2024-10-22 - 10:13:50 PM GMT - Time Source: server
-  Agreement completed.
2024-10-22 - 10:13:50 PM GMT



2023/2024 Comprehensive Plan Amendments

STAFF REPORT FOR FILE Z24-105COMP (SOUTH LOGAN TOD)

Department of Neighborhood and Planning Services

The following staff report concerns a proposed amendment to the City's current Comprehensive Plan. The proposal is to amend the land use plan map designation and zoning of one or more parcels in the City of Spokane. Amendments to the Comprehensive Plan are enabled by Spokane Municipal Code (SMC) 17G.020 and Revised Code of Washington (RCW) 36.70A.130.

I. PROPERTY SUMMARY

Parcel(s):	Multiple, See Exhibit J
Address(es):	Multiple, See Exhibit J
Property Size:	Approximately 361 acres
Legal Description:	Multiple
General Location:	South Logan Subarea, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, the Spokane River on the south, and N Lidgerwood Street on the west.
Current Use:	Varies, including commercial, residential, institutional, and public uses.

II. APPLICANT SUMMARY

This application is a city-sponsored proposal.

Staff contact	KayCee Downey, Planning Services, kdowney@spokanecity.org
Property Owner:	Multiple

III. PROPOSAL SUMMARY

Current Land Use Designation:	Multiple, See Exhibit B
Proposed Land Use Designation:	Multiple, See Exhibit B
Current Zoning:	Multiple, See Exhibit C
Proposed Zoning:	Multiple, See Exhibit C
SEPA Status:	A Final Environmental Impact Statement (FEIS) was adopted as part of the South Logan TOD planning process on January 29, 2024. ¹ The proposed land use and zoning changes are consistent with the FEIS, with mitigation already identified for the potential

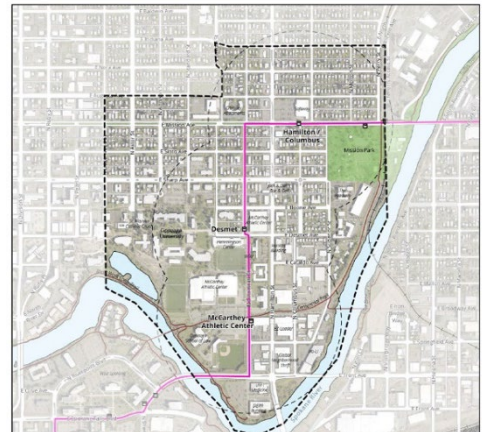
¹ RES 2024-0015

	development. As such, a separate SEPA threshold determination is not required for this proposal.
Plan Commission Hearing Date:	October 9, 2024
Staff Recommendation:	Approve

IV. BACKGROUND INFORMATION

1. **General Proposal Description:** Pursuant to the procedures established by Spokane Municipal Code (SMC) 17G.020, enabled by Revised Code of Washington (RCW) 36.70A.130, the City of Spokane proposes to amend the land use plan map designation (Map LU-1 of the Comprehensive Plan) of numerous properties within the South Logan Subarea from “Residential Low”, “Residential Moderate”, “Institutional”, “General Commercial”, “Center and Corridor Transition Area”, and “Center and Corridor Core Area” to “Residential Moderate”, “Residential High”, “Institutional” and “Center and Corridor Core Area”. The exact mix of proposed land use plan map designations is shown in **Exhibit B**.

The South Logan TOD Project was initiated by the City in early 2022 to support more connectivity and livability in the South Logan Subarea for the community, businesses, and organizations in the Logan Neighborhood. Three City Line stations are located within the subarea, with a mix of uses existing within the area, including residential, commercial, and universities as well as a mix of zones including Center and Corridor and Spokane’s only pilot Form-Based Code. Throughout a 20-month planning process, which included the development and review of four project alternatives, a range of subject matter experts and community members provided input towards the Preferred Alternative, off which the [South Logan TOD Plan](#) and [FEIS](#) were based. The South Logan TOD Plan and FEIS were recommended for approval by the Spokane Plan Commission on December 13, 2023 and were ultimately approved through Resolution by City Council on January 29, 2024. The intent of this proposal is to implement the South Logan TOD Plan².



The South Logan Subarea extends North to Indiana Avenue and South to the river, and includes Mission Park, Gonzaga University, and portions of Mission Avenue and Hamilton Street.

2. **Site Description and Physical Conditions:** The proposal represents the entire South Logan Subarea, an area of approximately 361-acres generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, the Spokane River on the south, and N Lidgerwood Street on the west. The Subarea includes existing residential, commercial, institutional, and public uses, as well as vacant properties.
3. **Property Ownership:** All proposed changes would occur within the South Logan Subarea, which includes approximately 604 parcels owned by numerous individuals and entities. All property owners of record in the Subarea were informed of the proposal during the South Logan TOD Plan planning

² Spokane City Council Resolution 2024-0015

process and via a direct mailing as part of the 2023/2024 Comprehensive Plan Amendment noticing process.

4. **Adjacent Property Improvements and Uses:** The proposals are surrounded by existing development of multiple types, including residential, commercial, institutional, and open space uses. To the east and south of the project area lies the Spokane River, with residential, institutional, commercial, and downtown uses located across the river. To the north exists predominately residential uses with Center and Corridor uses along Hamilton. To the west there is a range of pre-existing residential and commercial uses.
5. **Street Class Designations:** Numerous streets are located within the South Logan Subarea. The southern portion of the of the area includes the ramp for N I 90. N Hamilton Street, E Spokane Falls Boulevard, and E Mission Avenue are all Urban Principal Arterials. Principle arterials are designed to permit relatively unimpeded traffic flow between major traffic generators. Portions of E Sharp Avenue are designated as an Urban Minor Arterial. Minor arterials are designed to provide less mobility than principal arterials and greater access to adjacent properties. The remaining streets are Urban Local Access. The primary function of local access streets is to provide access to adjacent property.
6. **Current Land Use Designation and History:** As shown in **Exhibit B**, the current land use plan map designations include areas of “Residential Low”, “Residential Moderate”, “Institutional”, “General Commercial”, “Center and Corridor Transition Area”, and “Center and Corridor Core Area”.
7. **Proposed Land Use Designation:** As shown in **Exhibit B**, the proposals are to amend the land use plan map designations to “Residential Moderate”, “Residential High”, “Institutional” and “Center and Corridor Core Area”. Of note, the majority of properties within the South Logan Subarea (but not all) would be affected by the proposed land use plan map designation change. A full list of properties *not affected* can be found in **Exhibit K**.
8. **Current Zoning and History:** As shown in **Exhibit C**, the current zoning of the subject properties varies, including areas of “R1”, “R2”, “RMF”, “RHD-55”, “OR-55”, “GC-150”, “CA1/CA2/CA3/CA4” (Hamilton Form-Based Code), “CC1-DC”, and “CC1-EC”.
9. **Proposed Zoning:** As shown in **Exhibit C**, the proposal seeks to amend the zoning to “RMF-40”, “RHD-55”, “RHD-75”, “CA1” (Hamilton Form-Based Code), and “CC1-EC”. Of note, the majority of properties within the South Logan Subarea (but not all) are being affected by the proposed zoning change. A full list of properties not affected can be found in **Exhibit K**.

V. APPLICATION PROCESS AND PUBLIC COMMENT

1. **Key Steps:** The application is being processed according to SMC 17G.060, including the following steps:

Annual Work Program Set³ March 25, 2024

Agency/Department Comment Period Ended May 21, 2024

³ Spokane City Council Resolution 2022-0029

Notice of Application Posted	June 10, 2024
Plan Commission Workshop	June 12, 2024
East Central Neighborhood Council Presentation	July 17, 2024
60-Day Public Comment Period Ended	August 9, 2024
Notice of Public Hearing Posted	September 25, 2024
Plan Commission Hearing Date (Scheduled)	October 9, 2024

Comments Received: A request for comments was issued to City departments, local agencies, and departments, along with pertinent application details, on May 7, 2024. By the close of the agency comment period on May 22, 2024, two comments were received. The Spokane Tribe of Indians Tribal Historic Preservation Office noted that if and when development occurs, any inadvertent discoveries would require collaboration with their office. Of note, any future projects submitted under the recently approved South Logan TOD Planned Action Ordinance, which covers the geographic area proposed for land use plan map designation amendments and corresponding rezones, would be required to have an Inadvertent Discovery Plan in place. The City of Spokane Wastewater Management Department submitted comments requesting analysis of increased wastewater flow generation. That analysis of wastewater and capacity was conducted as part of the Environmental Impact Statement conducted during the South Logan TOD Plan development, details of which have been forwarded to the Wastewater Department.

The Logan Neighborhood Council provided comments that were received on June 2, 2024, with additional comments received June 22, 2024. The Logan Neighborhood Council referenced a letter submitted January 26, 2024 during the South Logan TOD Plan and FEIS resolution process, which at the time raised concerns over the increased intensity recommended by the plan. The new comments, dated June 1, 2024, reiterate the concerns over intensity and make a specific request to alter the proposed zoning around Mission park from Residential High Density (RHD) to Residential Multi-Family (RMF), changing the height modifier from 75-feet to 35-feet.

Following the agency/department comment period, a Notice of Application was issued on June 3, 2024 by mail to all properties and owners within a 400-foot radius of the subject properties. Notice was also posted in the Spokesman Review.

Public comments were submitted by two residents related to the proposal (see **Exhibit I**). Concerns over the height limits, both around Mission Park and in the southern portion of the Study Area were expressed, with a request to reduce the selected Employment Center height maximum and to rezone the properties around Mission Park to RMF-35, rather than the proposed RHD-75. Of note, the southern portion already has the proposed height of 150-feet for a number of parcels, with a slight expansion proposed in alignment with the South Logan TOD Plan. The second commenter raised concerns about the purpose and benefit of the proposed changes. The intent of the proposals can be found in the South Logan TOD Plan (see **Exhibit F**), which found the increased capacity anticipated with the proposed land use and zone changes to have the potential to support greater housing choice which in turn can support income diversity. The Final Environmental Impact Statement can also be referenced for parking and traffic analysis (see **Exhibit G**).

2. **Public Workshop:** A public workshop with the Spokane Plan Commission was held on June 12, 2024, during which the particulars of the proposal were presented to the Plan Commission for their consideration and discussion.

VI. APPLICATION REVIEW AND ANALYSIS

1. **Guiding Principles:** SMC 17G.020.010 provides the following guiding principles for the annual comprehensive plan amendment process:
 - A. Keep the comprehensive plan alive and responsive to the community.
 - B. 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.
 - C. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 - D. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 - E. 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.
 - F. Amendments to the comprehensive plan must result in a net benefit to the general public.
2. **Review Criteria:** SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, by the Plan Commission making a recommendation on a proposal, and by the City Council in making a decision on the proposal. Following each of the considerations is staff's analysis relative to the proposed amendment.
 - 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 reviewed and processed the proposed amendment under the most current regulations contained in the Growth Management Act, the Washington State Environmental Policy Act (SEPA), and the Spokane Municipal Code. Staff is unaware of any recent federal, state, or legislative actions with which the proposals would be in conflict, and no comments were received to this effect from any applicable agencies receiving notice of the proposals.

The proposal satisfies this criterion.

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

Staff Analysis: The Growth Management Act (GMA) details 13 goals to guide the development and adoption of comprehensive plans and development regulations (RCW 36.70A.020, "Planning Goals"), which guided the City's development of its own comprehensive plan and development

regulations. No comments received or other evidence in the record indicates inconsistency between the proposed plan map amendment and the goals and purposes of the GMA. The proposal has been crafted, in part, in consideration of the goals of concentrated urban growth and sprawl reduction. The urban growth planning goal is to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. The proposal properties are already served or are located adjacent to existing water, sewer, and power utilities. Additionally, the proposal is associated with the South Logan TOD Plan, which was adopted to leverage the Spokane Transit Authority City Line, a Bus Rapid Transit line that opened the summer of 2023. The proposed land use plan map designation and zoning changes are anticipated to support the infill and redevelopment opportunities along the transit line, increasing the permitted intensity of residential, employment, and recreational uses where infrastructure and development already exists.

The proposal satisfies this criterion.

- 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 City did not require, nor did any Agency or City Department comment request or require, a traffic impact analysis beyond the analysis found in the adopted FEIS. The subject area is already served by water, sewer, nearby transit service, and adjacent existing City streets. Furthermore, under State and local laws, any subsequent development of the site will be subject to a concurrency determination pursuant to SMC 17D.010.020.

The proposal satisfies this criterion.

- 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: No evidence of a potential funding shortfall from these proposals has been identified. Though the FEIS adopted as part of the South Logan TOD Project identified potential development mitigation required for projects that may occur as part of the land use plan map designation and zone changes, but that mitigation was not related to a funding shortfall. Accordingly, no funding shortfalls have been identified and no modification of the City's capital facilities program is necessary.

The proposal satisfies this criterion.

- E. Internal Consistency:**

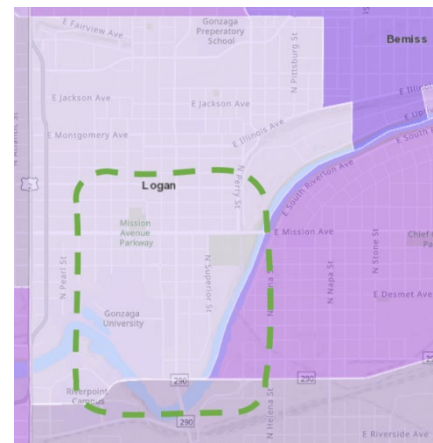
1. *The requirement for internal consistency pertains to the comprehensive plan as it relates to all its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted 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: The proposals are internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

- *Development Regulations.* As a non-project proposal, there are no specific plans for development of these sites. The land use plan map designation and zone changes are intended to allow for future development within the area envisioned in the South Logan TOD study and EIS. Any future development will be required to be consistent with the current development regulations at the time of application submittal. The proposal does not result in any non-conforming uses or development and staff finds no reason to indicate that the proposed changes would result in a property that cannot be reasonably developed in compliance with applicable regulations.
- *Capital Facilities Program.* As described in the staff analysis of Criterion C above, no additional infrastructure or capital expenditures by the City are anticipated for this non-project action, and it is not anticipated that the City's integrated Capital Facilities Program would be affected by the proposals. Any future development would be required to provide infrastructure improvements as deemed necessary.
- *Neighborhood Planning Documents Adopted after 2001.* The Logan Neighborhood began their planning process in March of 2012 with the "Logan Neighborhood Identity Plan," subsequently adopted by City Council⁴ on May 12, 2014. The Identity Plan focuses on discernible neighborhood identity through streetscape elements. The streetscape elements include intersection and controlled crosswalk paving, curb ramps, alternative wide-radius curb ramps, street lighting, street signage, and neighborhood identification signage.

The proposed land use plan map designation and zone changes do not appear to conflict with the Identify Plan. In fact, the proposal includes refining and expanding the Hamilton Form-Based Code zoning, which is a pilot form-based code established alongside the Identify Plan and includes specific streetscape standards. As such, future development in this location would likely be supportive of the features identified in the Identify Plan.



The subject properties are located in the southern portion of the Logan neighborhood council boundaries, with the most southern portion of the Subarea located within the East Central neighborhood council boundaries.

⁴ RES 2014-0053

The East Central Neighborhood did not develop a neighborhood or identify plan, but instead worked on the “Ben Burr Trail Improvement Project”. The proposal would not intersect or conflict with the trailhead project.

- *Miscellaneous Comprehensive Plan Goals and Policies.* Staff has compiled a list of Comprehensive Plan Goals and Policies which bear on the proposal, listed in **Exhibit E** of this report. Further discussion of these policies is provided under section K.2 below.

The proposal satisfies this criterion.

2. *If a proposed amendment is significantly inconsistent with current policy within 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: The proposal is generally consistent with current comprehensive plan policies, as described in further detail in the staff analysis of Criterion K.2 below and other criteria in this report. Additionally, the proposals are consistent with the South Logan TOD Plan, which upon adoption by resolution, was found to meet current comprehensive plan policies. Therefore, no amendment to policy wording is necessary and this criterion does not apply to the subject proposals.

The proposal satisfies this criterion.

- 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: The proposed change in land use designations affects a relatively small area within an existing urbanized area, with no foreseeable implications to regional or inter-jurisdictional policy issues. Analysis during the South Logan TOD Plan and FEIS process found no regional conflicts of the Preferred Alternative, from which the proposed land use plan map designations and corresponding rezones are derived. No comments have been received from any agency, City department, or neighboring jurisdiction which would alter that determination of regional consistency.

The proposal satisfies this criterion.

- 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.*

1. **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.*

2. **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: The City is concurrently reviewing this application along with five other applications for comprehensive plan amendments as part of an annual amendment cycle. All six applications are for land use map amendments with attendant rezones. When considered together, these various applications do not interact, nor do they augment or detract from each other. Thus, the cumulative effects of these various applications are minor.

The proposal satisfies this criterion.

H. State Environmental Protection Act (SEPA): *SEPA Review must be completed on all amendment proposals and is described in Chapter 17E.050.*

1. **Grouping:** *When possible, the SEPA review process should be combined for related land use types or affected geographic sectors 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 to allow adequate time for generating and processing the required environmental impact statement (EIS).*

Staff Analysis: As part of the process for preparing the South Logan TOD study, the City identified that potential significant impacts could occur from development of this area as envisioned by the study (a "determination of significance"). Accordingly, the City prepared a FEIS for the study and the development envisioned by it, consistent with SEPA requirements. This FEIS was adopted by the City under Council Resolution 2024-0014, along with the South Logan TOD study.

Among the various alternatives considered during the SEPA process, the FEIS reviewed and analyzed a "preferred alternative." This preferred alternative was used to develop the specific recommendations of the South Logan TOD Study. The recommendations of that study were used when crafting the suite of land use plan map and zoning changes proposed by this Comprehensive Plan Amendment. Accordingly, the environmental impacts of this proposal have already been analyzed for any potential environmental impact during the FEIS process and holding this proposal for a year to complete that process, as this criterion suggests, would be unnecessary.

This comprehensive plan amendment implements and does not exceed the development potential reviewed in the FEIS, thus no additional SEPA analysis is required. Any Plan Commission or City Council changes to this proposal that exceed the anticipated intensity of the South Logan Subarea as envisioned in the Plan may require additional environmental review(s). However, there is little indication currently that this will happen.

The proposal satisfies this criterion.

- 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: This proposal would alter the land-use designation within the South Logan Subarea, which is already served by public facilities and services described in CFU 2.1. These proposed changes in land use plan map designation affect a relatively small area of the city. As a non-project action, the proposal does not directly alter demand for public facilities and services in the vicinity of the site or on a citywide basis, but future development according to those new land use designations and zones has to be considered as well. The FEIS specifically identified a possible increase in demand for public facilities resulting from potential future development, but the analysis in the FEIS found that capacity is expected to be sufficient for that increase (1.4.11.1 Potential Impacts). Any subsequent development within the Subarea will be subject to a concurrency determination pursuant to SMC 17D.010.020, thereby implementing the policy set forth in CFU 2.2. Future development proposals that exceed those analyzed by the FEIS, if there are any, would be subject to additional analysis and concurrency requirements at the time of building permit proposal.

The proposal satisfies this criterion.

- 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 proposals do not include an expansion to the UGA.

This criterion does not apply.

- K. **Demonstration of Need:**

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.*

Staff Analysis: The proposals do not include a policy adjustment.

This criterion does not apply.

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: Because the proposals seek to designate properties with “Residential Moderate”, “Residential High”, “Institutional” and “Center and Corridor Core Area” land use plan map designations, conformance with Policies LU 1.4 Higher Density Residential Uses and LU 3.2 Centers and Corridors is the primary consideration for this criterion. Though not a policy, Comprehensive Plan Section 3.4, Description of Land Use Designations, also defines the intent of the Institutional land use.

Policy LU 1.4, High Density Residential, calls on the City to “direct new higher density residential uses to Centers and Corridors designated on the Land Use Plan Map”. Increasing the household population in the Center’s immediate vicinity, which can be accomplished by the proposed Residential Moderate and Residential High land uses, naturally provides market demand for goods and services at a level that sustains neighborhood businesses. The southern portion of the South Logan Subarea includes the Trent and Hamilton Employment Center, with the Hamilton Corridor bisecting the area north to south. Therefore, the proposal appears consistent with the location criteria of LU 1.4.

Policy LU 3.2, Centers and Corridors, states to “designate Centers and Corridors on the Land Use Plan Map that encourage a mix of uses and activities around which growth is focused”. The proposal consolidates and extends the Center and Corridor designations that are already in place – the Trent and Hamilton Employment Center and the Hamilton Corridor – supporting the mixed-use development that has already occurred and which is anticipated to occur within the South Logan Subarea. Thus, the proposal appears consistent with the location criteria of LU 3.2.

There is no current policy that directs the placement of the Institutional land use. There is also no zone specific to the designation. However, Section 3.4, Description of Land Use Designations, notes that Institutional uses are “intended to show where institutional uses are located without defining specific boundaries of institutional development.” The proposed Comprehensive Plan designates properties associated with Gonzaga University and the University of Washington School of Medicine as Institutional land uses, providing a consistent and descriptive land use for those properties. As such, the proposal appears to meet the intent of the Institutional land use.

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

Staff Analysis: Properties within the South Logan Subarea are adequately served by all utilities and by principal and minor arterial streets, by multiple bus routes (including the recently opened STA bus rapid transit City Line). There exist no physical features of the sites or the surrounding area that would preclude development on the sites, though all development located near the river must comply with existing City Shoreline permitting requirements. Future development, regardless of whether the comprehensive plan amendment is

approved, would be reviewed to ensure appropriate mitigation, if needed, for the surrounding area.

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

Staff Analysis: See discussion under topic ‘a’ above. Policy LU 1.4 calls for increased residential density in Centers and Corridors. Consistent with this, the proposal would increase the allowed density on the subject parcels. As such, the proposals would help to implement the development strategy laid out in the Comprehensive Plan policies. With the location of the properties near fixed bus routes, including Spokane’s first bus rapid transit line, and established mixed-use areas, the proposal also would implement the comprehensive plan policies of LU 4.1 (Land Use and Transportation), LU 4.2 (Land Uses That Support Travel Options and Active Transportation), and LU 4.6 (Transit-Support Development) more fully than the current mix of land uses and zoning would. A full list of other policies in the comprehensive plan that support the proposals can be found in **Exhibit E**.

The proposals reflect the Preferred Alternative of the South Logan TOD Plan, a subarea plan approved by resolution by City Council on January 29, 2024. The Plan would not be fully implemented without the recommended land use plan map and zone designations within the area.

The Logan Neighborhood Identity Plan emphasis on streetscape is met by consolidating the zone designations within the Hamilton Form-Based Code and expanding the Context Area zone coverage within the South Logan Subarea. Additionally, recent amendments to the Spokane Municipal Code as part of South Logan TOD Implementation reflect transit and pedestrian supportive development regulations for the existing and proposed zones within the South Logan Subarea, which include regulations on how buildings interact with the street.

The potential uses of the various land use plan map change and rezone proposals do not immediately conflict with the comprehensive plan location criteria and any future development, including potential conditional use permit requests, will undergo additional review to ensure compatibility with the area.

The proposal satisfies this criterion.

- 3. Rezones, Land Use Plan 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 as proposed, the zoning designation of the subject properties will change concurrently from Residential 1 (R1), Residential 2 (R2), Residential Multifamily (RMF), Residential High Density with 55-foot height limit (RHD-55), Office Retail with 55-foot height limit (OR-55), General Commercial with 150-foot height limit (GC-150), Context Area 1/2/3/4 (CA1/CA2/CA3/CA4) (Hamilton Form-Based Code), Center and Corridor 1 District Center (CC1-DC), and Center and Corridor 1 Employment Center (CC1-EC) to Residential Multifamily with 40-foot height limit (RMF-40), Residential High Density with 55-foot height limit (RHD-55), Residential High Density with 75-foot height limit (RHD-75), Context Area 1 (CA1) (Hamilton Form-Based Code), and Center and Corridor 1 Employment Center (CC1-EC).as part of the same action, as required by this criterion.

The proposal satisfies this criterion.

VII. CONCLUSION

The proposal has been processed and considered according to the requirements of the Spokane Municipal Code. According to the information provided above and the whole of the administrative record, the proposals appear to meet the criteria for a comprehensive plan amendment as provided in SMC 17G.020.030.

Following the close of public testimony and deliberations regarding conclusions with respect to the review criteria and decision criteria detailed in SMC Chapter 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.

VIII. STAFF RECOMMENDATION

Staff recommends the Plan Commission and City Council **approve** the city-sponsored proposal.

IX. LIST OF EXHIBITS

- A. Aerial Photos
- B. Existing and Proposed Land Use Plan Map
- C. Existing and Proposed Zoning Map
- D. Application Notification Area
- E. List of Relevant Comp Plan Policies
- F. South Logan TOD Plan
- G. Final Environmental Impact Statement
- H. Agency Comments
- I. Public Comments
- J. Project Area Parcels
- K. Parcels Not Changing



Exhibit A: Aerial Photo

Department of Planning & Economic Development

 Proposal Area



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The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Aerial Photo (2022)

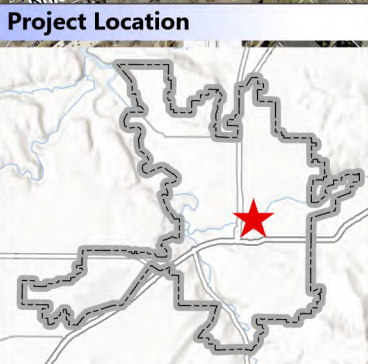
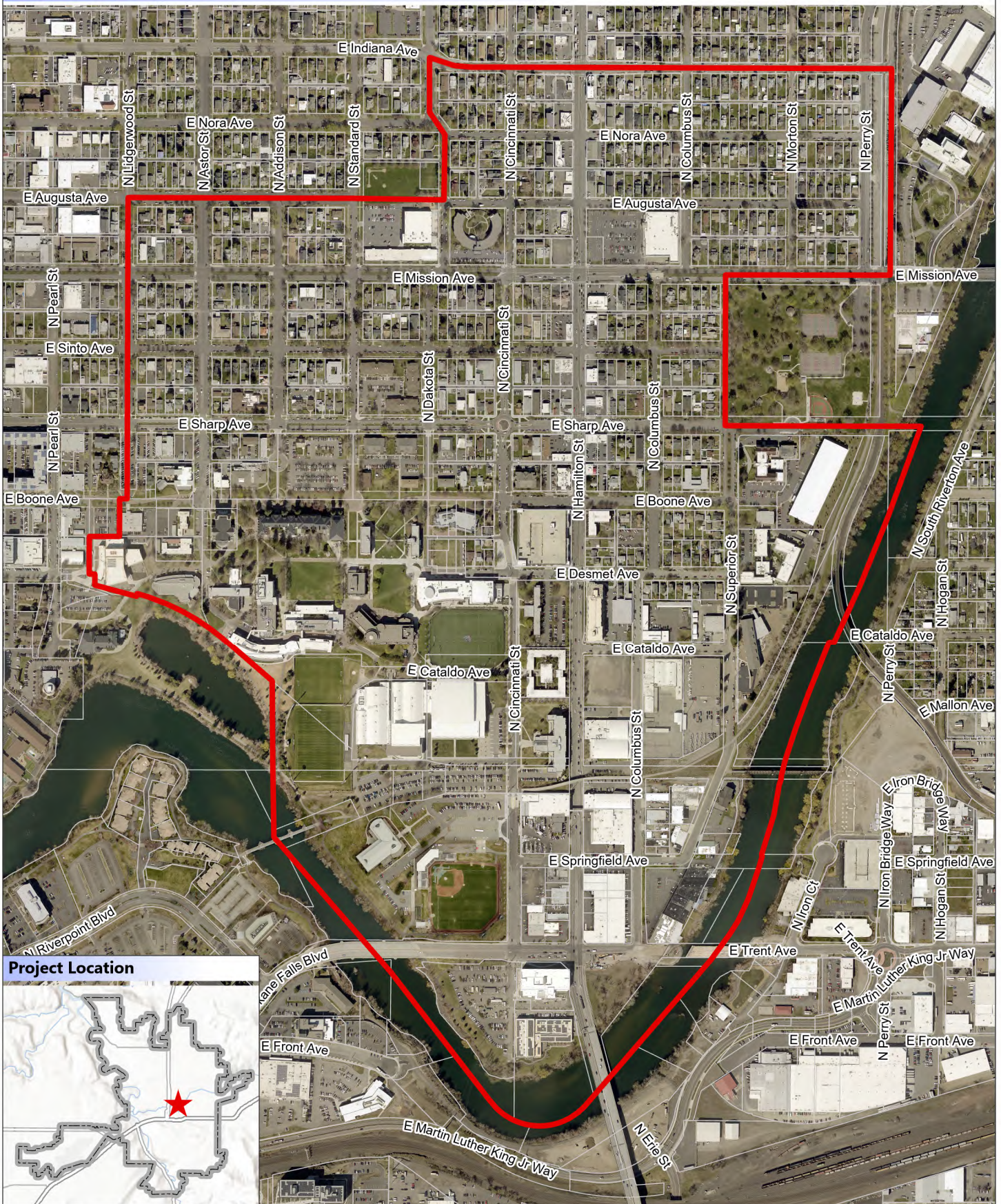




Exhibit B1: Current Land Use Plan Map

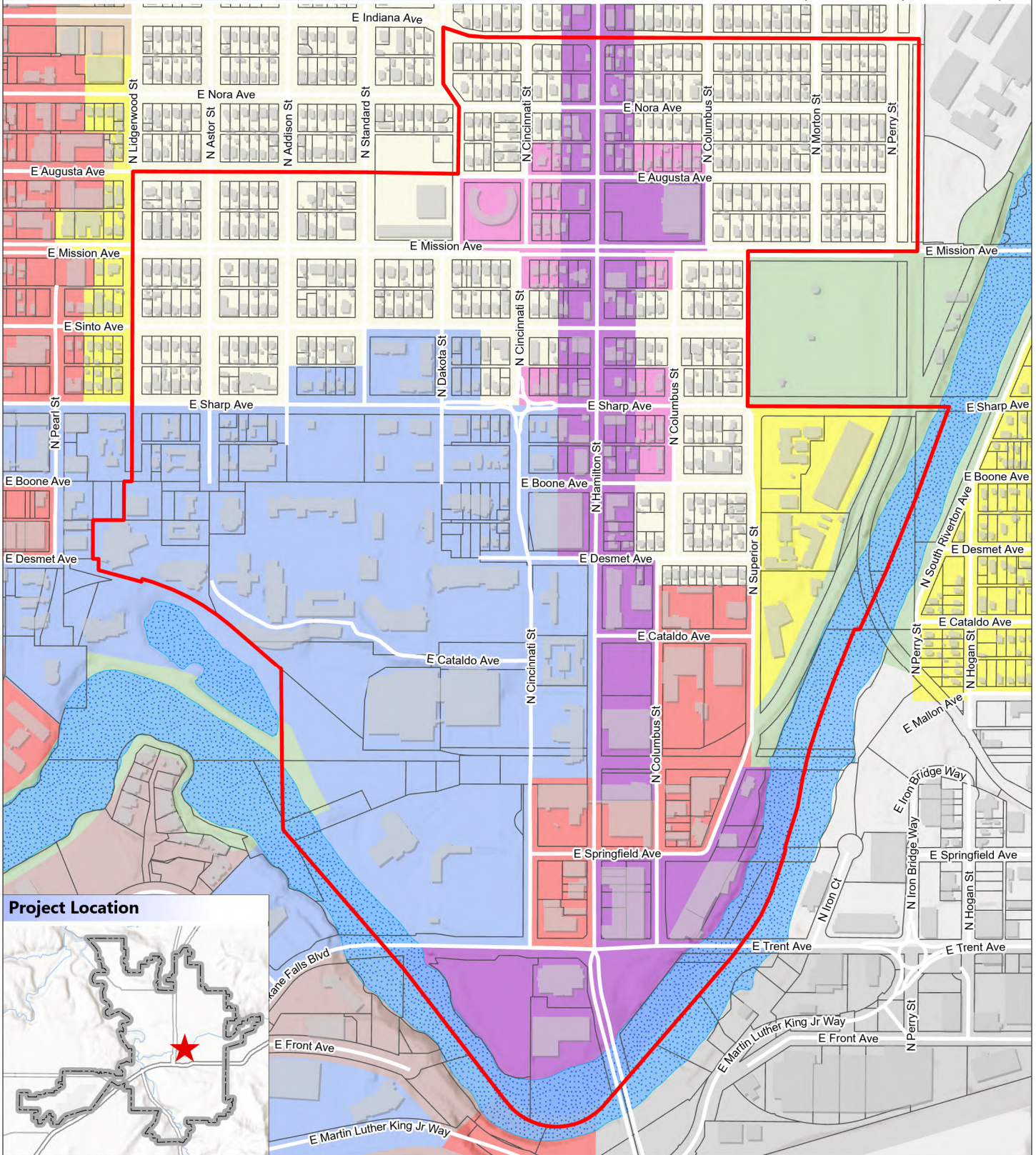
Department of Planning & Economic Development



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Drawing Scale: 1:8,500

CURRENT Land Use Plan Map Designations



Project Location



- | | | | | | |
|--------------|-----------|-------------------------|---------------|--------------------|------------------|
| Project Area | Parcel | Conservation Open Space | Office | General Commercial | Heavy Industrial |
| Buildings | Waterbody | Residential Low | CC Core | Downtown | Institutional |
| | | Residential Moderate | CC Transition | Light Industrial | |



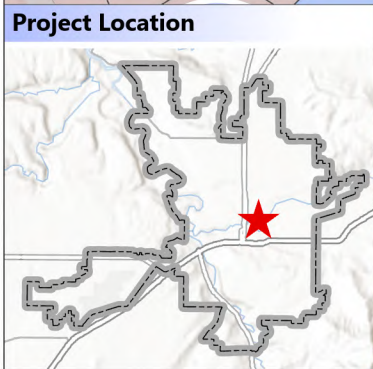
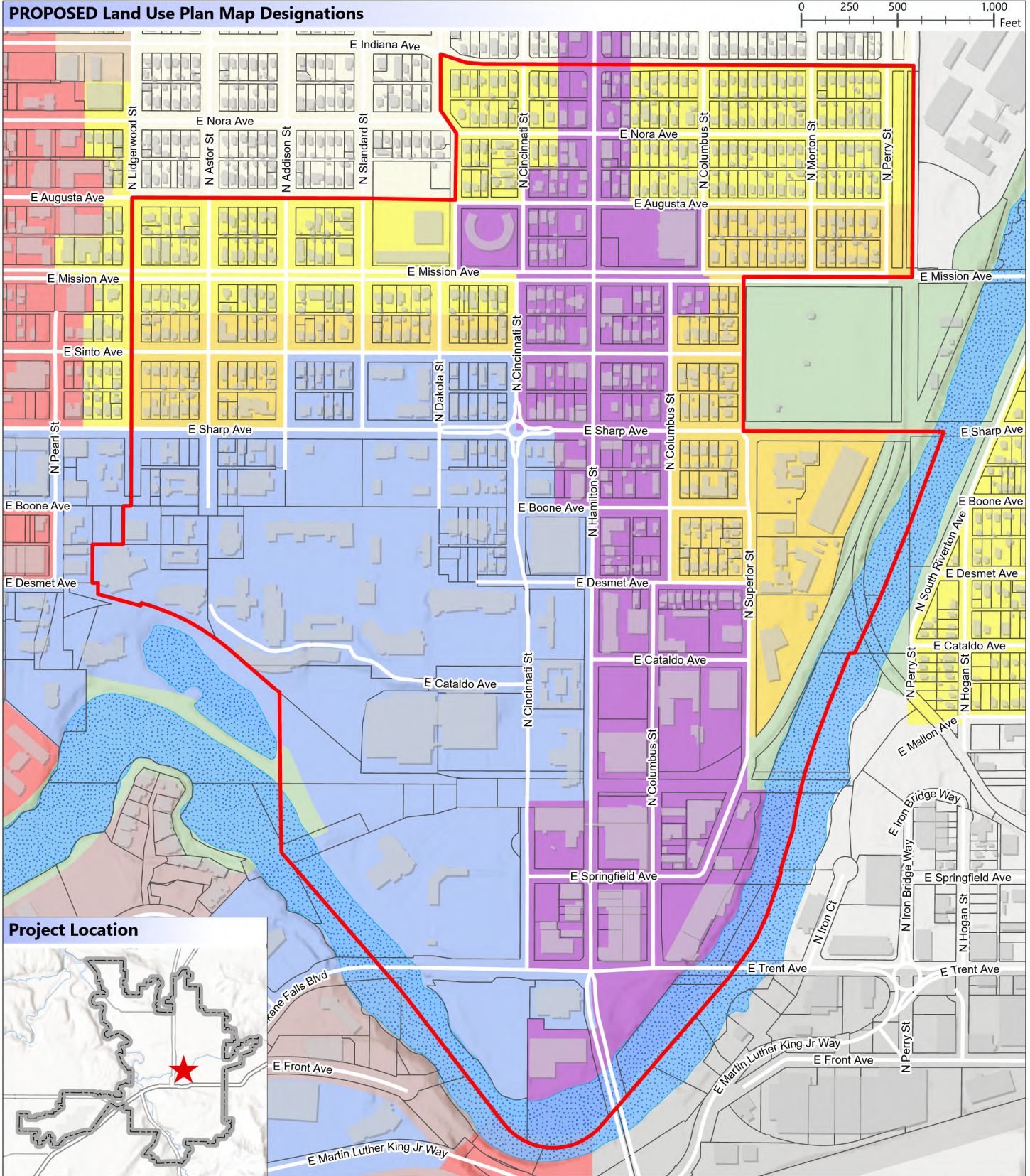
Exhibit B2: Proposed Land Use Plan Map



Department of Planning & Economic Development

Drawing Scale: 1:8,500

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- Project Area
- Parcel
- CC Core
- Downtown
- Light Industrial
- Residential Low
- General Commercial
- Heavy Industrial
- Office
- Residential Moderate
- Conservation Open Space
- Institutional
- Residential High
- Buildings
- Waterbody



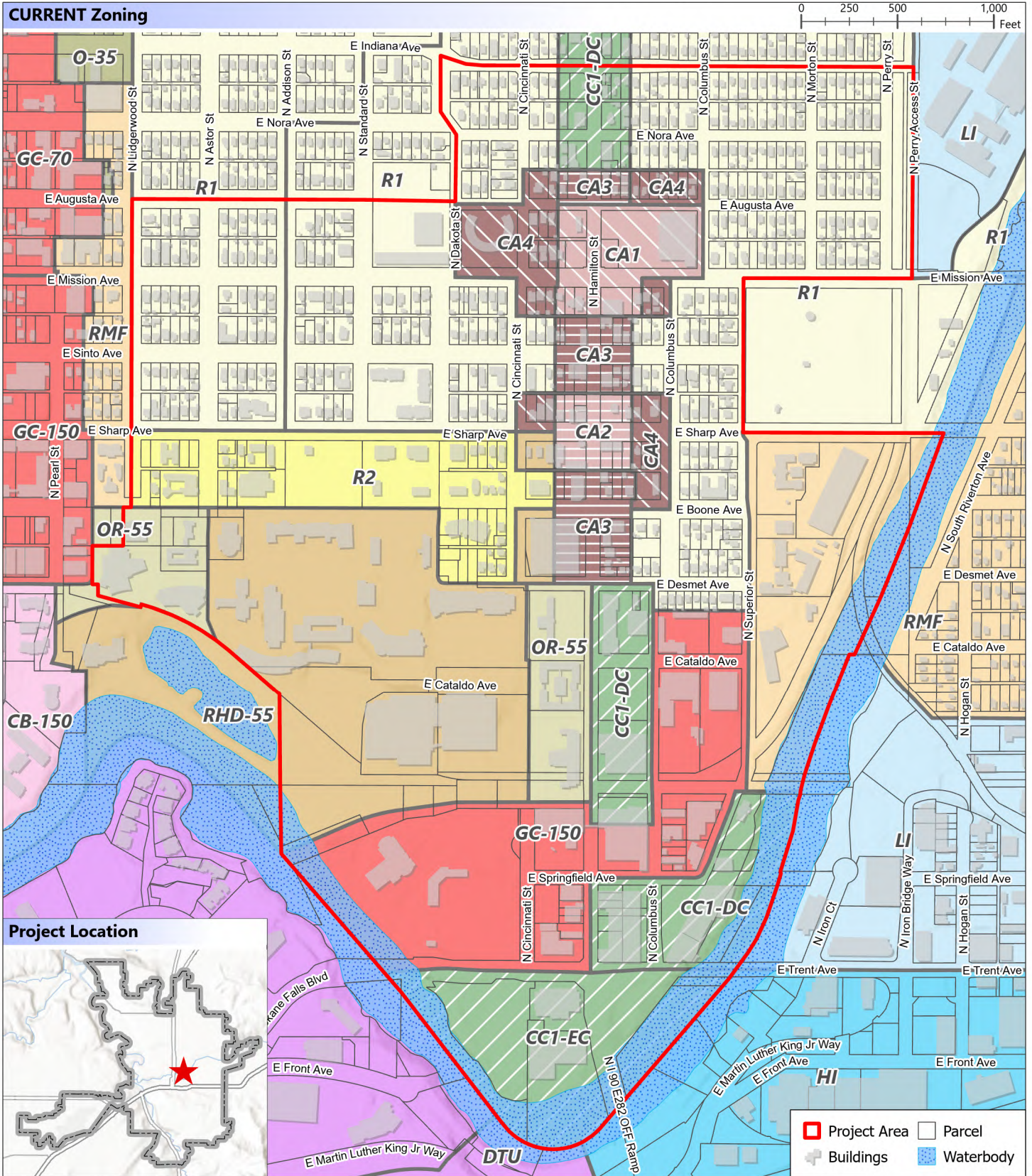
Exhibit C1: Current Zoning

Department of Planning & Economic Development



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Drawing Scale: 1:8,500



- | | | | | | |
|----------------------------|---------------------|--------------------|------------------|--------------------------|---------------|
| Center and Corridor Type 1 | Downtown University | Context Area 3 | Heavy Industrial | Office Retail | Residential 2 |
| Center and Corridor Type 2 | Context Area 1 | Context Area 4 | Light Industrial | Residential High Density | Residential 1 |
| Community Business | Context Area 2 | General Commercial | Office | Residential Multifamily | |



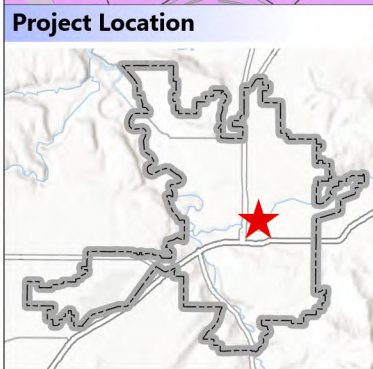
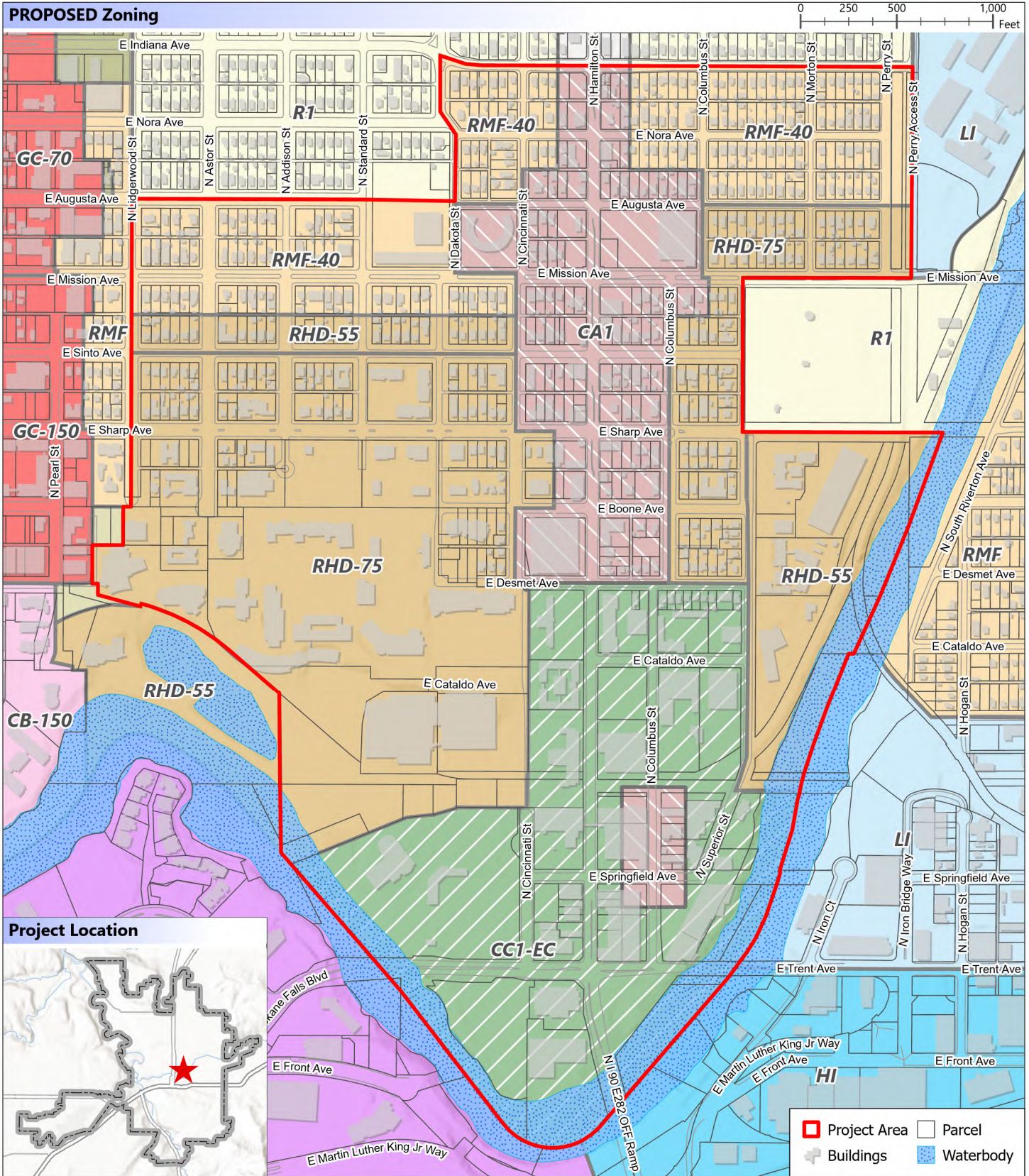
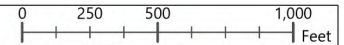
Exhibit C2: Proposed Zoning

Department of Planning & Economic Development



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Drawing Scale: 1:8,500



Legend

- █ Project Area
- Parcel
- Buildings
- Waterbody

- | | | | | |
|----------------------------|---------------------|------------------|--------------------------|---------------|
| Center and Corridor Type 1 | Downtown University | Heavy Industrial | Office Retail | Residential 1 |
| Center and Corridor Type 2 | Context Area 1 | Light Industrial | Residential High Density | |
| Community Business | General Commercial | Office | Residential Multifamily | |

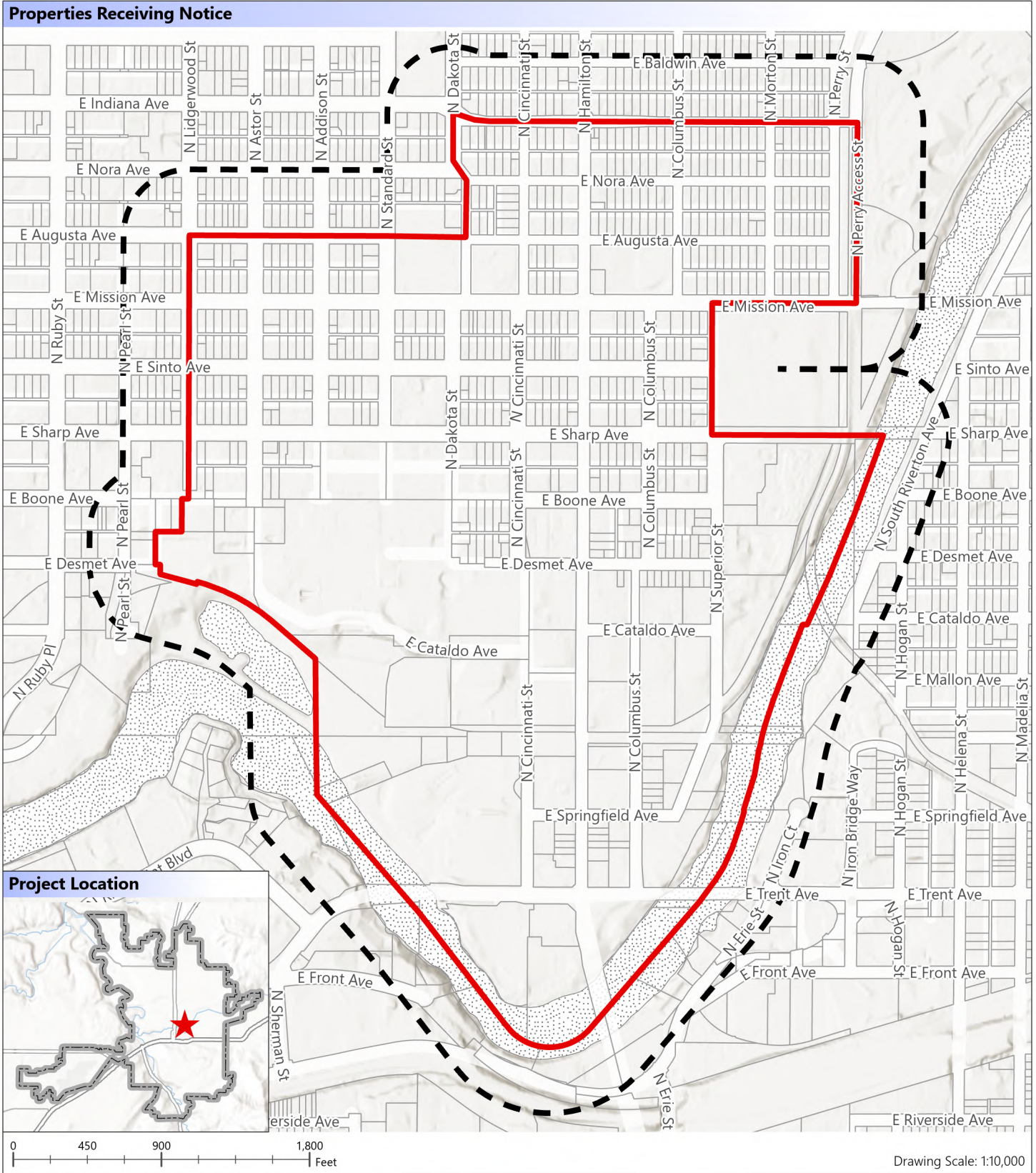


Notification Map - Comprehensive Plan Amendment

Department of Planning & Economic Development



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 400' Notification Area
  Proposal Area
  Parcels

This Proposal Would: Amend the Land Use Plan Map designation and Zoning for a large area in the Logan Neighborhood. All parcels in the black-dashed outline will receive notice of the proposal and the eventual Plan Commission hearing.



The following policies of the Comprehensive Plan relate to application Z24-105COMP. The full text of the Comprehensive Plan can be found at www.shapingspokane.org.

Chapter 3 – Land Use

LU 1.4 Higher Density Residential Uses

Direct new higher density residential uses to Centers and Corridors designated on the Land Use Plan Map.

Discussion: 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 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 areas. 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.

LU 3.1 Coordinated and Efficient Land Use

Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and by focusing growth in areas where adequate services and facilities exist or can be economically extended.

Discussion: Future growth should be directed to locations where adequate services and facilities are available. Otherwise, services and facilities should be extended or upgraded only when it is economically feasible to do so.

The Centers and Corridors designated on the Land Use Plan Map are the areas of the city where incentives and other tools should be used to encourage infill development, redevelopment and new development. Examples of incentives the city could use include assuring public participation, using public facilities and lower development fees to attract investment, assisting with project financing, zoning for mixed-use and higher density development, encouraging rehabilitation, providing in-kind assistance, streamlining the permit process, providing public services, and addressing toxic contamination, among other things.

LU 3.2 Centers and Corridors

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.

Discussion: Suggested Centers are designated where the potential for Center development exists. Final determination is subject to a sub-area planning process

LU 3.5 Mix of Uses in Centers

Achieve a proportion of uses in Centers that will stimulate pedestrian activity and create mutually reinforcing land uses

Discussion: Neighborhood, District, and Employment Centers are designated on the Land Use Plan Map 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. Uses that will accomplish this include public, core commercial/office and residential uses.

All Centers are mixed-use areas. Some existing uses in designated Centers may fit with the Center concept; others may not. Planning for Centers should first identify the uses that do not fit and identify sites for new uses that are missing from the existing land use pattern. Ultimately, the mix of uses in a Center should seek to achieve the following minimum requirements:

TABLE LU 1 – MIX OF USES IN CENTERS		
Land Use	Neighborhood Center	District and Employment Center
Public	10 percent	10 percent
Commercial/Office	20 percent	30 percent
Higher-Density Housing	40 percent	20 percent

Note: All percentage ranges are based on site area, rather than square footage of building area.

This recommended proportion of uses is based on site area and does not preclude additional upper floors with different uses.

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 10 percent public use component is considered a goal and should include land devoted to parks, plazas, open space, and public facilities.

LU 4.1 Land Use and Transportation

Coordinate land use and transportation planning to result in an efficient pattern of development that supports alternative transportation modes consistent with the Transportation Chapter and makes significant progress toward reducing sprawl, traffic congestion, and air pollution.

Discussion: The GMA recognizes the relationship between land use and transportation. It requires a transportation element that implements, and is consistent with, the land use element. The transportation element must forecast future traffic and provide information on the location, timing, and capacity needs of future growth. It must also identify funding to meet the identified needs. If probable funding falls short of needs, the GMA requires the land use element to be reassessed to ensure that needs are met.

LU 4.2 Land Uses That Support Travel Options and Active Transportation

Provide a compatible mix of housing and commercial uses in Neighborhood Centers, District Centers, Employment Centers, and Corridors.

Discussion: This provides opportunities for people to use active forms of transportation to get to work and shopping, enables less reliance on automobiles, reduces commuting times and distances, makes mass transit more viable, and provides greater convenience for area residents while supporting physical activity.

LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

LU 5.5 Compatible Development

Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.

Chapter 6 – Housing

H 1.4 Use of Existing Infrastructure

Direct new residential development into areas where community and human public services and facilities are available.

Discussion: Using existing services and infrastructure often reduces the cost of creating new housing. New construction that takes advantage of existing services and infrastructure conserves

public resources that can then be redirected to other needs such as adding amenities to these projects.

H 1.11 Access to Transportation

Encourage housing that provides easy access to public transit and other efficient modes of transportation.

Discussion: Transportation is the second largest expenditure after housing and can range from 10 to 25 percent of household expenditures. Examining where housing is located and the associated transportation costs may provide a more realistic evaluation of housing affordability in the future.

H 2.4 Linking Housing

With Other Uses Ensure that plans provide increased physical connection between housing, employment, transportation, recreation, daily-needs services, and educational uses.

Discussion: The location of housing in relation to other land uses is a part of what determines the quality of housing. The desirability and viability of housing changes for different segments of the community, based on an area's mix of land uses. As complementary land uses become spread further apart, transportation options decrease while transportation costs increase. These added transportation costs reduce the amount of household income available for housing and other household needs. This affects lower-income households first. In urban areas, basic services, such as grocery stores, public transportation, and public parks, should be available within a mile walk of all housing.

Chapter 7 – Economic Development

ED 2.4 Mixed-Use

Support mixed-use development that brings employment, shopping, and residential activities into shared locations that stimulate opportunities for economic activity.

Chapter 8 – Urban Design and Historic Preservation

DP 1.2 New Development in Established Neighborhoods

Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

Discussion: New development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood.

DP 2.12 Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

Discussion: Infill construction can benefit the community when done in a manner that improves and does not detract from the livability of the neighborhood and the desirable design character of the area.

DP 5.1 Neighborhood Participation

Encourage resident participation in planning and development processes that will shape or re-shape the physical character of their neighborhood.

Discussion: It is in the best interest of the broader community to maximize the desirability and stability of the city's individual neighborhoods. Neighborhood residents are the best equipped to determine what neighborhood design details and elements represent the particular characteristics of their specific area. As an example, residents are able to identify neighborhood features that are valued so they can be protected or enhanced as changes occur. This might include new development subject to review by the Design Review Board or updates to codes and policies that may affect a neighborhood.

Chapter 11 – Neighborhoods

N 2.1 Neighborhood Quality of Life

Ensure that neighborhoods continue to offer residents transportation and living options, safe streets, quality schools, public services, and cultural, social, and recreational opportunities in order to sustain and enhance the vitality, diversity, and quality of life within neighborhoods.

Discussion: Spokane enjoys a rich variety of living opportunities within its individual neighborhoods, each with its unique character. Maintaining and enhancing our neighborhood assets is key to providing stability within neighborhoods and Spokane citizens with a prolonged sense of pride.

N 8.4 Consistency of Plans

Maintain consistency between neighborhood planning documents and the comprehensive plan.

Discussion: Neighborhood planning shall be conducted within the framework of the comprehensive plan, and further, the Growth Management Act requires that these plans be consistent with the comprehensive plan.



2023/2024 Comprehensive Plan Amendments

EXHIBIT F: Z24-105COMP

Department of Neighborhood and Planning Services

The South Logan Transit-Oriented Development (TOD) Plan can be found in full online at:

<https://static.spokanecity.org/documents/projects/south-logan-tod/south-logan-tod-final-plan-adopted-2024-01-29.pdf>



2023/2024 Comprehensive Plan Amendments

EXHIBIT G: Z24-105COMP

Department of Neighborhood and Planning Services

The South Logan Transit-Oriented Development (TOD) Final Environmental Impact Statement (FEIS) can be found in full online at:

<https://static.spokanecity.org/documents/projects/south-logan-tod/south-logan-tod-feis-2023-11-29.pdf>



June 1, 2024

Subject: "South Logan TOD Study
Compressive Plan 2024 update

Logan Neighborhood council is re-affirming lack of support for the "South Logan TOD Study" which was accepted by city council on 1-29-24. The letter sent to council from the neighborhood on January 26th explained our position both in positive and negative terms. See January letter attached for easy reference: Apparently that communication was not effective. This additional letter, just authorized unanimously again in the May 14th Logan meeting, will simplify our requests in specific terms. We are not expecting significant change to previously work.

At a minimum: we are asking for at least a minor modification to the zoning areas directly adjacent to Mission Park. Referring to figure 40 in the published study shows different color coded and labeled zones. Our biggest request is to reduce the intensity in the brown areas directly west and north of Mission park. We request that the RHD75 be changed to RMF35 in the two areas directly adjacent to the park.

Sincerely
Logan Neighborhood Council



January 26, 2024

The Planning Commission surprised the Logan Neighborhood Council in late November with an extreme zoning proposal that *contradicts* many aspects of Spokane's Comprehensive Plan.

We do not see in this plan most of the comments that residents and property owners gave at the in-person workshop. When the plan does discuss residents, it makes incorrect assumptions, especially regarding income and vehicle use.

This plan barely considers the historic character of the neighborhood east of Hamilton. We object to the idea that seven-story buildings can 'fit in' with the two story homes of an existing 1900s residential neighborhood. Destroying the character of the neighborhoods developed by the Jesuits at the turn of the last century is a slight to Spokane's history.

We welcomed the City Line as a way to provide transportation to our existing residents. According to the Population Density layer of the Map Spokane, the study area already has a high density when considering population, not units. We needed additional bus lines to alleviate current problems, not to cause new ones. This plan causes new problems.

We do support development, especially in the southeast area currently zoned for light industrial. We cannot support the intensity this plan calls for. It's in the city's best interest to:

- protect our open green space.
- encourage middle housing options
- protect older affordable housing to combat displacement.

We ask the Spokane City Council to reject this iteration of the South Logan TOD, send it back to the Planning Commission, and insist that Logan Neighborhood residents be involved in turning one of the alternative plans into a workable final plan.

Sincerely,

Executive Council,

Logan Neighborhood Council

Janean Schmidt

Lindsey Shaw

Doug Tompkins

Henry Sasser



Spokane Tribe of Indians
Tribal Historic Preservation Office
P.O. Box 100 Wellpinit WA 99040

May 13, 2023

To: Ryan Benzie, Planner

RE: File Z24 -105Comp (South Logan Implementation)

Mr. Benzie,

Thank you for contacting the Tribe's Historic Preservation Office. We appreciate the opportunity to provide a cultural consult for your project, the intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

In response we concur with recommendations made that the city is requesting "*residential low to general commercial and concurrent change of zoning from R1 to general commercial - 70*" at this time I have no concern on code change, however if any ground disturbing activity there will be more consultation needed to complete this project.

However, if any artifacts or human remains are found upon inadvertent discovery, this office should be immediately notified and the work in the immediate area cease.

Should additional information become available or scope of work change our assessment may be revised.

Our tribe considers this a positive action that will assist us in protecting our shared heritage.

If question arise, contact my office at (509) 258 – 4222.

Sincerely,

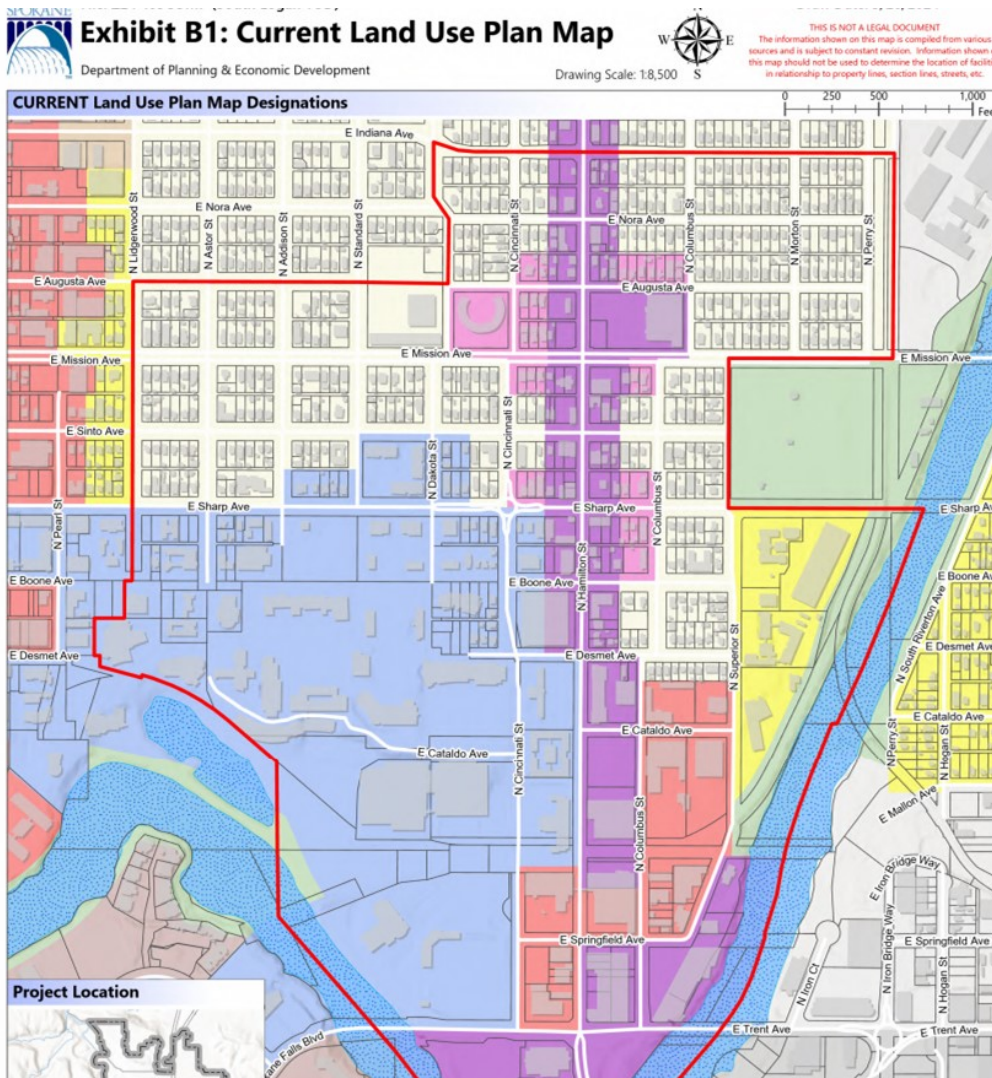
Randy Abrahamson
Tribal Historic Preservation Officer.
Spokane Tribe of Indians

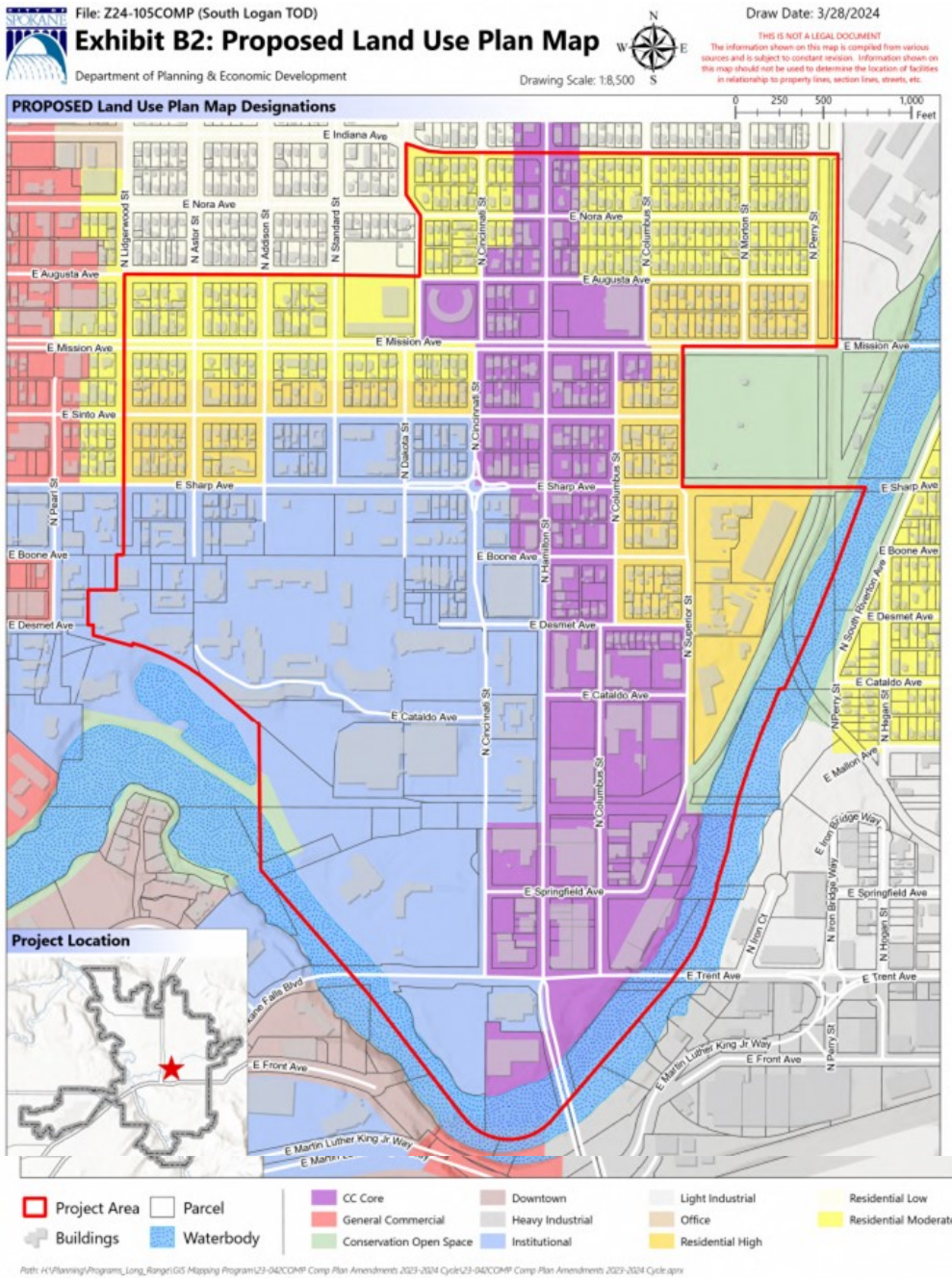
Whitmarsh, Brandon

From: Studer, Duane
Sent: Thursday, May 23, 2024 9:50 AM
To: Planning & Development Services Comp Plan
Cc: Fredrickson, Beryl; Davis, Marcia; Gennett, Raylene; Lund, Malfred; Freibott, Kevin
Subject: FW: Request for Comments for Z24-105COMP (South Logan Implementation) - Comments DUE May 21, 2024

WWM Comments:

- Analysis for increased wastewater flow generation with the zoning changes to multifamily zoning is needed.
 - o Improvements to sewer infrastructure may be needed as a result of rezoning.
- Most of changes are tributary to Springfield lift station, which has history of infiltration taking up available capacity (ongoing efforts to reduce), especially during high river flows.





Thanks,



Duane Studer, P.E. | City of Spokane | Principal Engineer
 909 E. Sprague, Spokane, WA 99202 | Wastewater Management Dept.
 509-625-7902 | cell 509-440-2892 | dstuder@spokanecity.org | spokanecity.org

From: Benzie, Ryan <rbenzie@spokanecity.org>

Sent: Tuesday, May 7, 2024 3:29 PM

To: Abrahamson, Randy <randya@spokanetribe.com>; Development Services Center Addressing <eradsca@spokanecity.org>; Allenton, Steven <sallenton@spokanecity.org>; Anderson, Cindy <CYAN461@ECY.WA.GOV>; Tagnani, Angela <atagnani@spokanecity.org>; Averyt, Chris <cavertyt@spokanecity.org>; Ball, Cameron <CBall@SpokaneCounty.org>; Lori Barlow <lbarlow@spokanevalley.org>; mbasinger <mbasinger@spokanevalley.org>; zbecker <zbecker@cawh.org>; Black, Tirrell <tblack@spokanecity.org>; Brecto, Jason

From: dougells@yahoo.com
To: [Downey, KayCee](#)
Cc: [Freibott, Kevin](#)
Subject: item Z24 - 105 request
Date: Monday, June 3, 2024 9:46:20 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

June 3, 2024

Subject: "South Logan TOD Study
Compressive Plan 2024 update; item Z24 – 105

Dear KayCee Downey

I am opposed to the acceptance of the south Logan TOD study. The total impact on our neighborhood increases the intensity of the population by potentially 244%. Height limits in the south of the area mimic that of down town. This degree of change is not supportive of the state wide push to emphases "middle housing". Instead of accepting the study, as published, in one phase. Please consider modifying it to make the extreme change over multiple years; in at least two phases over a 10 year period. Referring to figure 40 in the published study shows different color coded and labeled zones. I request that in 2024 modification that the most south area labeled as cc150 be reduced to mixed use 75. And the areas directly west and north of mission park be reduced from RHD70 to RMF35. In this way time can moderate the sever impact to the few family's left in the area.

Neighborhood resident and owner
Doug Tompkins

From: [Pat Corbin](#)
To: [Planning & Development Services Comp Plan](#)
Subject: South Logan Proposals
Date: Thursday, August 8, 2024 10:36:44 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

These proposals lead current residents of the proposed zoning changes uncertainty, they fear these changes are proposed to the benefit of the wealthy developers and the wealthy investors to the detriment of the neighborhoods! These folks have absolutely no considerations of these proposals only to enhance themselves not the neighborhoods! These proposals will enable more high rising apartments to benefit tenants who can pay for the high rents! There will be more congestion on the streets as most of these building will not be required to have sufficient parking for all residents! This will make it harder for current research to park or have spots for visitors! It will cause more disruption of the flow of traffic! These new renters will most likely not care about their new neighborhood!and as such unlikely to avail themselves of the transit buses and especially the HOPE to increase the ridership of The City Line buses!

[Sent from Yahoo Mail on Android](#)

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35172.1202	1319 N ADDISON ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1306	1320 N ADDISON ST	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35172.0216	1414 N ADDISON ST	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.0207	1418 N ADDISON ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.2702	1106 N ASTOR ST	Institutional	Institutional	No	RHD-55	RHD-75	Yes
35172.2607	1107 N ASTOR ST	Institutional	Institutional	No	OR-55	RHD-75	Yes
35172.1719	1220 N ASTOR ST	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1208	1312 N ASTOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1107	1317 N ASTOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0306	1420 N ASTOR ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4612	1608 N ASTOR ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4505	1617 N ASTOR ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4502	306 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4503	312 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4504	318 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4506	328 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4601	404 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4602	408 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4603	414 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4604	418 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4605	420 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4606	424 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4701	508 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4702	512 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4703	518 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4704	522 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3612	703 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3613	707 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3606	711 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3615	717 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3506	807 E AUGUSTA AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3806	808 E AUGUSTA AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3805	812 E AUGUSTA AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3507	813 E AUGUSTA AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3508	817 E AUGUSTA AVE	CC Core	CC Core	No	CA3	CA1	Yes
35084.3509	823 E AUGUSTA AVE	CC Core	CC Core	No	CA3	CA1	Yes

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Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35084.3413	909 E AUGUSTA AVE	CC Core	CC Core	No	CA3	CA1	Yes
35084.3414	915 E AUGUSTA AVE	CC Core	CC Core	No	CA3	CA1	Yes
35084.3415	917 E AUGUSTA AVE	CC Transition	Residential Moderate	Yes	CA4	CA1	Yes
35084.3416	923 E AUGUSTA AVE	CC Transition	Residential Moderate	Yes	CA4	CA1	Yes
35084.3417	927 E AUGUSTA AVE	CC Transition	Residential Moderate	Yes	CA4	CA1	Yes
35084.3418	933 E AUGUSTA AVE	CC Transition	Residential Moderate	Yes	CA4	CA1	Yes
35084.3419	937 E AUGUSTA AVE	CC Transition	Residential Moderate	Yes	CA4	CA1	Yes
35084.3420	943 E AUGUSTA AVE	CC Transition	Residential Moderate	Yes	CA4	CA1	Yes
35084.3421	947 E AUGUSTA AVE	CC Transition	Residential Moderate	Yes	CA4	CA1	Yes
35084.3311	1003 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4010	1006 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3312	1007 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4009	1008 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3313	1011 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4008	1012 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3314	1017 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4007	1018 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3315	1023 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4006	1024 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3316	1101 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4005	1104 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3317	1107 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4004	1108 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3318	1111 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4003	1112 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4002	1118 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3322	1119 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4108	1204 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3209	1207 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4107	1208 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3210	1211 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4106	1212 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3211	1217 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4105	1218 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3212	1223 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4104	1224 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes

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Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35084.3213	1227 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3214	1307 E AUGUSTA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.4103	1308 E AUGUSTA AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1812	301 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.2603	302 E BOONE AVE	Institutional	Institutional	No	OR-55	RHD-75	Yes
35172.1811	307 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.2602	314 E BOONE AVE	Institutional	Institutional	No	OR-55	RHD-75	Yes
35172.1815	323 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.2601	330 E BOONE AVE	Institutional	Institutional	No	OR-55	RHD-75	Yes
35172.1707	401 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1712	429 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.1903	502 E BOONE AVE	Institutional	Institutional	No	OR-55	CC1-EC	Yes
35175.2710	502 E BOONE AVE	Institutional	Institutional	No	RHD-55	RHD-75	Yes
35171.2308	702 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2306	708 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2305	714 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2304	718 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2303	724 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2301	730 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2511	801 E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2508	819 E BOONE AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.2509	829 E BOONE AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.1208	901 E BOONE AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.1414	902 E BOONE AVE	CC Core, Residential Low	CC Core	Yes	CA3, R1	CA1	Yes
35171.1209	905 E BOONE AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.1210	909 E BOONE AVE	CC Core, CC Transition	CC Core	Yes	CA3	CA1	Yes
35171.1402	918 E BOONE AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.1211	929 E BOONE AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.1401	930 E BOONE AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.1108	1001 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1301	1002 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1109	1007 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1308	1008 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1306	1014 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1110	1015 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes

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Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35171.1307	1024 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1111	1029 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1302	1030 E BOONE AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1814	E BOONE AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.2608	E BOONE AVE	Institutional	Institutional	No	OR-55	RHD-75	Yes
35172.2711	E BOONE AVE	Institutional	Institutional	No	RHD-55	RHD-75	Yes
35172.2906	202 E CATALDO AVE	Institutional, Conservation OS	Institutional, Conservation OS	No	RHD-55, DTU, CB-150	RHD-55, DTU, CB-150	No
35175.2706	702 E CATALDO AVE	Institutional	Institutional	No	RHD-55	RHD-75	Yes
35171.1502	1015 E CATALDO AVE	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35171.1707	1020 E CATALDO AVE	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35171.1501	1035 E CATALDO AVE	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0307	640 N CINCINNATI ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35171.1914	801 N CINCINNATI ST	Institutional	Institutional	No	RHD-55	RHD-75	Yes
35171.1911	816 N CINCINNATI ST	Institutional	Institutional	No	OR-55	CC1-EC	Yes
35171.2111	1020 N CINCINNATI ST	Institutional	Institutional	No	OR-55	CC1-EC	Yes
35171.2315	1111 N CINCINNATI ST	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2302	1117 N CINCINNATI ST	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2416	1211 N CINCINNATI ST	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2401	1221 N CINCINNATI ST	Institutional	Institutional	No	R2	RHD-75	Yes
35171.0212	1317 N CINCINNATI ST	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35084.3807	1616 N CINCINNATI ST	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3614	1707 N CINCINNATI ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3604	1713 N CINCINNATI ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3603	1717 N CINCINNATI ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3602	1723 N CINCINNATI ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3601	1727 N CINCINNATI ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2714	1815 N CINCINNATI ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.2220	N CINCINNATI ST	Institutional	Institutional	No	RHD-35	CA1	Yes
35174.0329	625 N COLUMBUS ST	CC Core	CC Core	No	CC1-DC	CA1	Yes
35174.0205	706 N COLUMBUS ST	Commercial	CC Core	Yes	GC-150	CA1	Yes
35174.0204	712 N COLUMBUS ST	Commercial	CC Core	Yes	GC-150	CA1	Yes
35174.0203	716 N COLUMBUS ST	Commercial	CC Core	Yes	GC-150	CA1	Yes
35174.0202	720 N COLUMBUS ST	Commercial	CC Core	Yes	GC-150	CA1	Yes
35174.0201	730 N COLUMBUS ST	Commercial	CC Core	Yes	GC-150	CA1	Yes
35171.1704	904 N COLUMBUS ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes

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Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35171.1305	1112 N COLUMBUS ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1112	1222 N COLUMBUS ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0806	1304 N COLUMBUS ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.2309	1104 N DAKOTA ST	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2310	1112 N DAKOTA ST	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2307	1118 N DAKOTA ST	Institutional	Institutional	No	R2	RHD-75	Yes
35171.0206	1320 N DAKOTA ST	Institutional	Institutional	No	R1	RHD-75	Yes
35172.0112	1411 N DAKOTA ST	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35084.2708	1828 N DAKOTA ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.2712	211 E DESMET AVE	Institutional	Institutional	No	OR-55	RHD-75	Yes
35171.2311	709 E DESMET AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2317	711 E DESMET AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2313	715 E DESMET AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2314	723 E DESMET AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.2316	729 E DESMET AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.1408	911 E DESMET AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.1415	917 E DESMET AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.1616	920 E DESMET AVE	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35171.1416	923 E DESMET AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.1405	929 E DESMET AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.1303	1001 E DESMET AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1614	1002 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1613	1006 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1304	1007 E DESMET AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1612	1010 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1309	1011 E DESMET AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1611	1014 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1610	1018 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1609	1020 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1310	1021 E DESMET AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1608	1028 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1311	1029 E DESMET AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1312	1031 E DESMET AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1607	1036 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1606	1040 E DESMET AVE	Residential Low	CC Core	Yes	R1	CC1-EC	Yes
35171.1809	920 N HAMILTON	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35174.0327	617 N HAMILTON ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0336	620 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0314	621 N HAMILTON ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0335	624 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0315	625 N HAMILTON ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0316	629 N HAMILTON ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0320	630 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0319	636 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0317	637 N HAMILTON ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0303	700 N HAMILTON ST	Commercial	CC Core	Yes	GC-150	CC1-EC, CA1	Yes
35174.0306	717 N HAMILTON ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0333	730 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CC1-EC, CA1	Yes
35175.0330	735 N HAMILTON ST	Institutional, Commercial	Institutional, CC Core	Yes	OR-55, RHD-55, GC-150	CC1-EC	Yes
35171.1808	800 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35171.1622	1028 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35171.2219	1101 N HAMILTON ST	CC Core, Institutional	Institutional	Yes	CA3, RHD-35	CA1	Yes
35171.1409	1102 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35171.1410	1108 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35171.1411	1112 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35171.1207	1212 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35171.2501	1217 N HAMILTON ST	CC Core	CC Core	No	CA2	CA1	Yes
35171.1206	1226 N HAMILTON ST	CC Core	CC Core	No	CA2	CA1	Yes
35171.0413	1303 N HAMILTON ST	CC Core	CC Core	No	CA2	CA1	Yes
35171.0412	1311 N HAMILTON ST	CC Core	CC Core	No	CA2	CA1	Yes
35171.0606	1320 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35171.0401	1329 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35171.0506	1414 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35171.0315	1419 N HAMILTON ST	CC Core	CC Core	No	CA1	CA1	No
35084.3910	1604 N HAMILTON ST	CC Core	CC Core	No	CA1	CA1	No
35084.3813	1617 N HAMILTON ST	CC Core	CC Core	No	CA1	CA1	No
35084.3412	1710 N HAMILTON ST	CC Core	CC Core	No	CA3	CA1	Yes
35084.3410	1718 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.3422	1720 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.3501	1725 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2809	1801 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CA1	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35084.2801	1821 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2928	1860 N HAMILTON ST	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2707	710 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2706	712 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2704	718 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2703	724 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2702	728 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2701	734 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2805	802 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2804	810 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2803	814 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2802	818 E INDIANA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2922	904 E INDIANA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2923	906 E INDIANA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2909	910 E INDIANA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2908	914 E INDIANA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2907	918 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2921	924 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2905	928 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2904	934 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2903	938 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2902	944 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2901	950 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3010	1004 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3009	1008 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3022	1012 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3007	1018 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3006	1022 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3005	1104 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3004	1110 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3003	1112 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3002	1116 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3001	1122 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3109	1202 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3108	1208 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3107	1212 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35084.3106	1216 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3105	1224 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3104	1304 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3103	1308 E INDIANA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35174.0801	629 N IRON CT	LI, CC Core	LI, CC Core	No	LI, CC1-DC	LI, CC1-EC	Yes
35172.0415	1414 N LIDGERWOOD ST	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35083.4501	1618 N LIDGERWOOD ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0401	302 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4512	303 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4511	307 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0402	308 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4510	311 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0403	312 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4509	315 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0404	318 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4514	321 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0405	324 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0406	328 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4513	329 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0305	402 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4611	407 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4610	413 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0304	414 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4609	417 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0303	418 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4608	423 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0302	424 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0301	428 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4607	429 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4710	503 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0206	504 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0215	508 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4709	509 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4708	511 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4707	517 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0203	518 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35172.0202	524 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35083.4706	525 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0201	528 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0105	604 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0104	610 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35085.0012	611 E MISSION AVE	Residential Low	Residential Low, Residential Moderate	Yes	R1	R1, RMF-40	Yes
35172.0103	618 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0102	624 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.0101	630 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.0107	702 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3701	707 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0105	708 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.0106	708 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.0104	714 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.0103	718 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.0102	724 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.0114	728 E MISSION AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35171.0307	802 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3808	803 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3809	807 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0306	808 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3810	811 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0305	814 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3811	817 E MISSION AVE	CC Core	CC Core	No	CA1	CA1	No
35171.0304	818 E MISSION AVE	CC Core	CC Core	No	CA1	CA1	No
35171.0303	824 E MISSION AVE	CC Core	CC Core	No	CA1	CA1	No
35084.3812	825 E MISSION AVE	CC Core	CC Core	No	CA1	CA1	No
35171.0514	914 E MISSION AVE	CC Core	CC Core	No	CA1	CA1	No
35171.0503	918 E MISSION AVE	CC Core, CC Transition	CC Core	Yes	CA1	CA1	No
35171.0502	924 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0512	930 E MISSION AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35084.3918	933 E MISSION AVE	CC Core	CC Core	No	CA1	CA1	No
35084.4011	1003 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0712	1004 E MISSION AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0704	1010 E MISSION AVE	Residential Low	CC Core	Yes	R1	CA1	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35084.4012	1013 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4019	1017 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0703	1018 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0702	1024 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0701	1028 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4020	1035 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4021	1103 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4015	1107 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4016	1111 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4017	1117 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4018	1123 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4109	1203 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4110	1207 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4111	1211 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4112	1217 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4113	1223 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4114	1307 E MISSION AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.4001	1617 N MORTON ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35084.3320	1705 N MORTON ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3208	1714 N MORTON ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3321	1715 N MORTON ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3020	1811 N MORTON ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3110	1822 N MORTON ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2709	703 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3610	704 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3611	708 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3608	712 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2710	717 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2711	721 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2712	727 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2713	731 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2715	735 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2806	803 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3505	804 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3504	808 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2807	811 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes

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Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35084.3503	812 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2808	817 E NORA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.3502	820 E NORA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2911	901 E NORA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2912	911 E NORA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.3408	914 E NORA AVE	CC Core	CC Core	No	CC1-DC	CA1	Yes
35084.2913	917 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3407	918 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2914	921 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3406	922 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2915	927 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3405	928 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3404	934 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2916	935 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2917	937 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3403	938 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3402	942 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.2918	945 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3401	950 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3310	1002 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3011	1003 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3012	1007 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3309	1008 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3013	1011 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3308	1012 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3014	1015 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3307	1018 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3306	1022 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3015	1023 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3016	1101 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3305	1104 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3017	1107 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3304	1108 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3018	1111 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3303	1114 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3019	1117 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35084.3302	1118 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3021	1121 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3301	1124 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3111	1203 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3207	1204 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3112	1207 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3206	1208 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3117	1213 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3218	1214 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3118	1215 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3217	1216 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3114	1219 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3204	1224 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3119	1225 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3120	1227 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3203	1228 E NORA AVE	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3202	1725 N PERRY ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35172.1113	301 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1801	302 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1112	309 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1111	311 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1110	317 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1813	318 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1805	324 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1109	325 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1806	328 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1108	329 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1212	401 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1718	402 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1213	407 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1716	414 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1717	418 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1701	428 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35172.1214	429 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1313	503 E SHARP AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35172.1622	508 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35172.1310	517 E SHARP AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35172.1311	521 E SHARP AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35172.1312	527 E SHARP AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35172.1401	601 E SHARP AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35175.1522	630 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.0207	703 E SHARP AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35171.2405	704 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.0208	707 E SHARP AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35171.0209	711 E SHARP AVE	Institutional, Residential Low	Institutional	Yes	R1	RHD-75	Yes
35171.2404	714 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.0210	717 E SHARP AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35171.2403	718 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.0211	723 E SHARP AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35171.2402	724 E SHARP AVE	Institutional	Institutional	No	R2	RHD-75	Yes
35171.0213	727 E SHARP AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35171.2601	802 E SHARP AVE	Institutional	Institutional	No	RHD-55	RHD-75	Yes
35171.0407	803 E SHARP AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0408	807 E SHARP AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0409	815 E SHARP AVE	CC Transition, CC Core	CC Core	Yes	CA4	CA1	Yes
35171.0410	819 E SHARP AVE	CC Core	CC Core	No	CA2	CA1	Yes
35171.0411	821 E SHARP AVE	CC Core	CC Core	No	CA2	CA1	Yes
35171.0607	901 E SHARP AVE	CC Core	CC Core	No	CA2	CA1	Yes
35171.1205	908 E SHARP AVE	CC Core	CC Core	No	CA2	CA1	Yes
35171.0608	911 E SHARP AVE	CC Core, CC Transition	CC Core	Yes	CA2	CA1	Yes
35171.1204	914 E SHARP AVE	CC Core, CC Transition	CC Core	Yes	CA2	CA1	Yes
35171.0609	917 E SHARP AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.1203	918 E SHARP AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.1202	924 E SHARP AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0610	929 E SHARP AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.1201	930 E SHARP AVE	CC Transition	CC Core	Yes	CA4	CA1	Yes
35171.0807	1007 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1105	1008 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1104	1012 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0808	1013 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0809	1017 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35171.1103	1018 E SHARP AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0416	303 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1114	304 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1102	308 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0411	309 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.0410	311 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1103	312 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1104	314 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0409	315 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1105	318 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0408	325 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1106	328 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0407	329 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1211	404 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0307	405 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1206	408 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0308	411 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1205	412 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0309	417 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1204	418 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0310	421 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1203	424 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.0311	427 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1201	428 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35172.1305	502 E SINTO AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35172.0209	503 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.0217	507 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1304	510 E SINTO AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35172.0211	511 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1303	514 E SINTO AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35172.0212	517 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.1302	518 E SINTO AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35172.0213	525 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.0107	603 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.0108	607 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.0109	611 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35172.0110	615 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35172.0111	623 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35171.0205	702 E SINTO AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35171.0108	703 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35171.0204	708 E SINTO AVE	Institutional	Institutional	No	R1	RHD-75	Yes
35171.0109	709 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35171.0110	711 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35171.0203	714 E SINTO AVE	Institutional, Residential Low	Institutional	Yes	R1	RHD-75	Yes
35171.0111	717 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35171.0202	720 E SINTO AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35171.0112	723 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35171.0113	727 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35171.0201	728 E SINTO AVE	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35171.0308	803 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0414	804 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0309	807 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0310	813 E SINTO AVE	Residential Low, CC Core	CC Core	Yes	R1	CA1	Yes
35171.0404	814 E SINTO AVE	Residential Low, CC Core	CC Core	Yes	R1	CA1	Yes
35171.0312	817 E SINTO AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.0403	818 E SINTO AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.0311	819 E SINTO AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.0316	823 E SINTO AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.0402	824 E SINTO AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.0507	907 E SINTO AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.0605	908 E SINTO AVE	CC Core	CC Core	No	CA3	CA1	Yes
35171.0508	911 E SINTO AVE	CC Core, Residential Low	CC Core	Yes	CA3	CA1	Yes
35171.0604	912 E SINTO AVE	CC Core, Residential Low	CC Core	Yes	CA3	CA1	Yes
35171.0603	916 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0509	917 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0602	922 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0510	923 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35171.0601	928 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0513	929 E SINTO AVE	Residential Low	CC Core	Yes	R1	CA1	Yes
35171.0812	1002 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0813	1004 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0713	1005 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0707	1009 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0708	1011 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0804	1014 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0709	1017 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0803	1018 E SINTO AVE	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35162.2002	1111 N SOUTH RIVERTON AVE	Conservation OS	Conservation OS	No	RMF	RHD-55	Yes
35175.0410	703 E SPOKANE FALLS BLVD	Institutional	Institutiona	Yes	GC-150, DTU	CC1-EC, DTU	Yes
35174.0510	840 E SPOKANE FALLS BLVD	CC Core	Institutional	Yes	CC1-EC	CC1-EC	No
35174.0511	850 E SPOKANE FALLS BLVD	CC Core, None	CC Core, None	No	CC1-EC	CC1-EC	No
35174.0512	902 E SPOKANE FALLS BLVD	CC Core, HI	CC Core, HI	No	CC1-EC	CC1-EC	No
35174.0318	902 E SPRINGFIELD AVE	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0218	1019 E SPRINGFIELD AVE	Commercial	CC Core	Yes	GC-150	CA1	Yes
35172.1301	1321 N STANDARD ST	Residential Low	Institutional	Yes	R1	RHD-75	Yes
35172.0106	1414 N STANDARD ST	Residential Low	Residential High	Yes	R1	RHD-55	Yes
35083.4705	1619 N STANDARD ST	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35174.0027	704 N SUPERIOR ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0223	704 N SUPERIOR ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0207	711 N SUPERIOR ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0219	722 N SUPERIOR ST	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0208	731 N SUPERIOR ST	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0209	751 N SUPERIOR ST	Commercial	CC Core	Yes	GC-150	CC1-EC, CA1	Yes
35171.0030	1016 N SUPERIOR ST	Residential Moderate, Conservation OS	Residential High	Yes	RMF	RHD-55	Yes
35171.0013	1100 N SUPERIOR ST	Residential Moderate, Conservation OS	Residential High	Yes	RMF	RHD-55	Yes
35171.1313	1111 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0016	1114 N SUPERIOR ST	Residential Moderate, Conservation OS	Residential High	Yes	RMF	RHD-55	Yes
35171.0017	1114 N SUPERIOR ST	Residential Moderate	Residential High	Yes	RMF	RHD-55	Yes
35171.1315	1117 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1314	1121 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35171.0015	1216 N SUPERIOR ST	Residential Moderate	Residential High	Yes	RMF	RHD-55	Yes
35171.1102	1221 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.1101	1227 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0012	1280 N SUPERIOR ST	Conservation OS	Conservation OS	No	RMF	RHD-55	Yes
35171.0811	1305 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0810	1311 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0802	1319 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0801	1327 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0711	1403 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35171.0710	1413 N SUPERIOR ST	Residential Low	Residential High	Yes	R1	RHD-75	Yes
35174.0596	820 E TRENT	CC Core	Institutional	Yes	CC1-EC	CC1-EC	No
35173.0116	500 E TRENT AVE	Downtown, CC Core	Downtown, Institutional	Yes	DTU, CC1-EC	DTU, CC1-EC	No
35174.0334	801 E TRENT AVE	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35174.0325	905 E TRENT AVE	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0326	909 E TRENT AVE	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0028	1007 E TRENT AVE	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0224	1007 E TRENT AVE	CC Core	CC Core	No	CC1-DC	CC1-EC, CA1	Yes
35084.2705	Unassigned Address	Residential Low	Residential Moderate	Yes	R1	RMF-40	Yes
35084.3220	Unassigned Address	Residential Low	Residential Low, Residential Moderate, Residential High	Yes	R1	R1, RMF-40, RHD-75	Yes
35171.0021	Unassigned Address	Conservation OS	Conservation OS	No	RMF	RHD-55	Yes
35171.0022	Unassigned Address	Conservation OS, LI	Conservation OS, LI	No	LI, RMF	LI, RMF, RHD-55	Yes
35171.0025	Unassigned Address	Conservation OS	Conservation OS	No	RMF	RHD-55	Yes
35171.0029	Unassigned Address	Conservation OS	Conservation OS	No	RMF	RHD-55	Yes
35171.0036	Unassigned Address	LI, Conservation OS	LI, Conservation OS	No	LI, RMF	LI, RHD-55	Yes
35171.0037	Unassigned Address	Conservation OS	Conservation OS	No	RMF	RHD-55	Yes
35171.0039	Unassigned Address	Conservation OS	Conservation OS	No	RMF	RHD-55	Yes
35171.1703	Unassigned Address	Commercial	CC Core	Yes	GC-150	CC1-EC	Yes
35171.1913	Unassigned Address	Institutional	Institutional	No	RHD-55	RHD-75	Yes
35171.1915	Unassigned Address	Institutional	Institutional	No	RHD-55, OR-55	CC1-EC	Yes
35172.1708	Unassigned Address	Institutional	Institutional	No	R2	RHD-75	Yes
35173.0001	Unassigned Address	Institutional, Conservation OS	Institutional, Conservation OS	No	RHD-55, GC-150	RHD-55, RHD-75	Yes
35174.0004	Unassigned Address	CC Core, LI	CC Core, LI	No	CC1-DC, LI	CC1-EC, LI	Yes

Exhibit J: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION			ZONING MAP DESIGNATION		
		Current	Proposed	Would It Change?	Current	Proposed	Would It Change?
35174.0217	Unassigned Address	Commercial	CC Core	Yes	GC-150	CA1	Yes
35174.0328	Unassigned Address	CC Core	CC Core	No	CC1-DC	CC1-EC	Yes
35174.0332	Unassigned Address	CC Core	CC Core	No	CC1-DC	CC1-EC, CA1	Yes
35174.0401	Unassigned Address	Institutional	Institutional	No	RHD-55, GC-150	RHD-75	Yes
35174.0402	Unassigned Address	Institutional	Institutional	No	RHD-55, GC-150	RHD-75	Yes
35174.0417	Unassigned Address	Institutional	Institutional	No	GC-150	CC1-EC	Yes
35174.0509	Unassigned Address	CC Core, HI	CC Core, HI	No	CC1-EC	CC1-EC	No
35175.0406	Unassigned Address	Institutional	Institutional	No	RHD-55, GC-150	RHD-75	Yes
35175.2708	Unassigned Address	Institutional	Institutional	No	RHD-55	RHD-75	Yes

Exhibit K: List of All Parcels in the Project Area

Parcel	Site Address	LAND USE PLAN MAP DESIGNATION		ZONING MAP DESIGNATION	
		Current	Proposed	Current	Proposed
35172.2906	202 E CATALDO AVE	Institutional, Conservation OS	Institutional, Conservation OS	RHD-55, DTU, CB-150	RHD-55, DTU, CB-150
35171.0315	1419 N HAMILTON ST	CC Core	CC Core	CA1	CA1
35084.3910	1604 N HAMILTON ST	CC Core	CC Core	CA1	CA1
35084.3813	1617 N HAMILTON ST	CC Core	CC Core	CA1	CA1
35084.3811	817 E MISSION AVE	CC Core	CC Core	CA1	CA1
35171.0304	818 E MISSION AVE	CC Core	CC Core	CA1	CA1
35171.0303	824 E MISSION AVE	CC Core	CC Core	CA1	CA1
35084.3812	825 E MISSION AVE	CC Core	CC Core	CA1	CA1
35171.0514	914 E MISSION AVE	CC Core	CC Core	CA1	CA1
35084.3918	933 E MISSION AVE	CC Core	CC Core	CA1	CA1
35174.0511	850 E SPOKANE FALLS BLVD	CC Core, None	CC Core, None	CC1-EC	CC1-EC
35174.0512	902 E SPOKANE FALLS BLVD	CC Core, HI	CC Core, HI	CC1-EC	CC1-EC
35174.0509	Unassigned Address	CC Core, HI	CC Core, HI	CC1-EC	CC1-EC

The parcels listed above would not change their current Land Use Plan Map and Zoning designation under Proposal Z24-105COMP. They are listed here because they are inside the study area for the South Logan TOD study and its resulting recommendations. However, their designations would remain unchanged by this proposal.



2023/2024 Comprehensive Plan Amendments

Z24-105COMP ADDITIONAL PUBLIC COMMENT

Department of Neighborhood and Planning Services

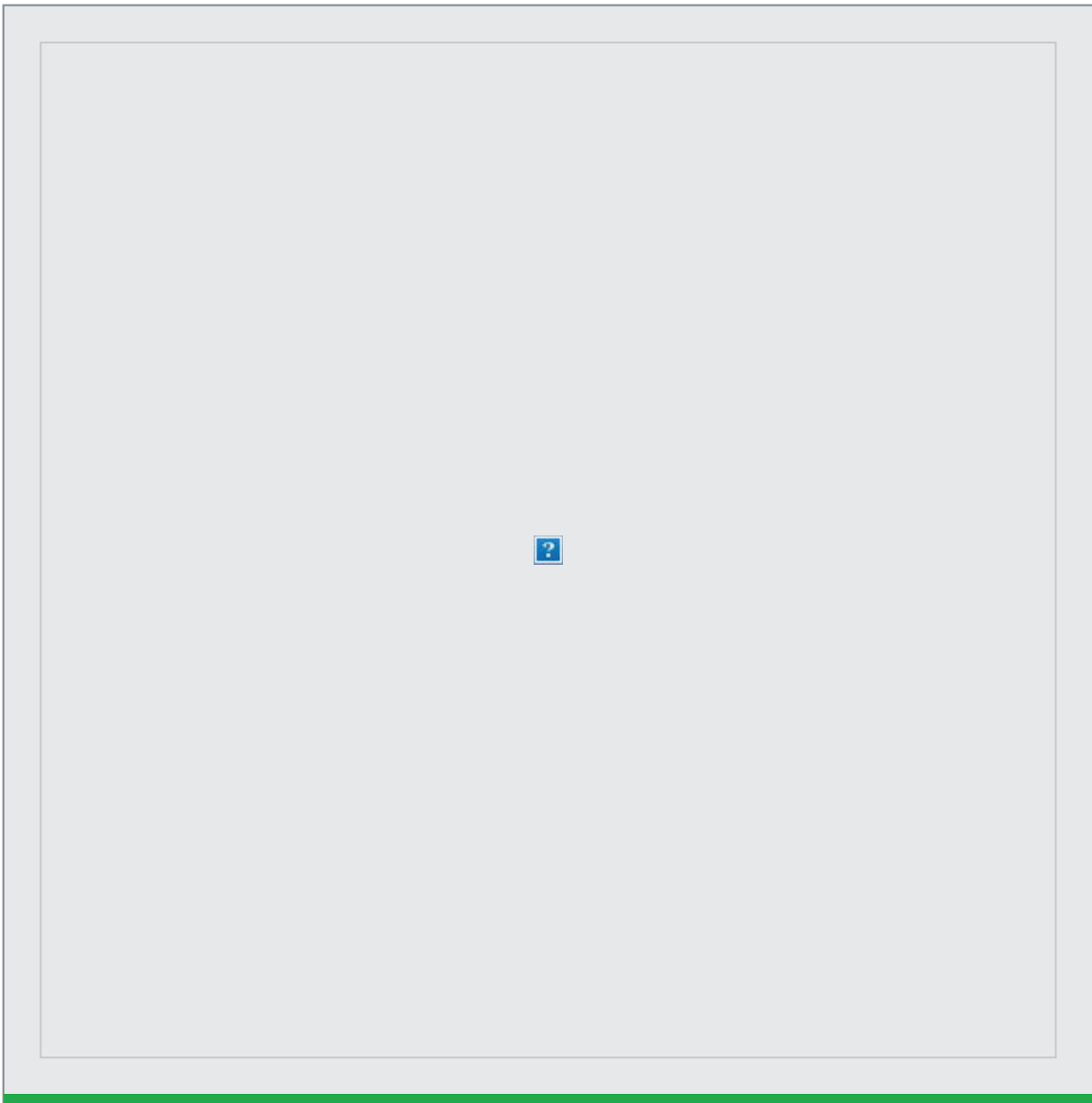
The following public comments were received after the issuance of the Staff Report on September 20, 2024.

From: [Justin Haller](#)
To: [Planning & Development Services South Logan TOD Project](#)
Subject: Re: South Logan TOD Update
Date: Friday, September 20, 2024 3:27:21 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Will the public hearing be like every other public hearing in the fact that you just tell us what you're going to do instead of actually asking for input? Just like the Monroe Street project and every other project were you just warn us that you're going to spend \$200 million dollars shutting down one lane of division for sta buses?

On Friday, September 20, 2024 at 08:05:06 AM PDT, City of Spokane Planning <southlogantod@spokanecity.org> wrote:



September 20, 2024

Dear Community Member,

Phase 1 of South Logan TOD Implementation involving area-specific and citywide amendments to the Spokane Municipal Code were [approved by City Council on August 12, 2024](#), and have now gone into effect.

The second phase of South Logan TOD Implementation involves land use and zone changes within the South Logan Subarea. Included in the 2023/2024 Comprehensive Plan Amendments, the proposal (Z24-105COMP) reflects the Preferred Alternative in the [South Logan TOD Plan](#).

[More information about the proposed Comprehensive Plan Amendment can be found on the project webpage.](#)

Phase 2 Public Hearing

The Spokane Plan Commission will hold a public hearing on the 2023/2024 Comprehensive Plan Amendments on Wednesday, Oct. 9.

Members of the public who wish to speak at the hearing may sign up using the directions and link in the Plan Commission agenda packet, which will be available on the [Plan Commission webpage](#) under the Agendas dropdown. Agendas are posted a week before the scheduled hearing. The public hearing will start at 4 p.m. in City Council Chambers at City Hall.

Next Steps

Written testimony can be sent via email in advance of the Plan Commission hearing to compplan@spokanecity.org. Verbal testimony will be heard at the meeting on Wednesday, Oct. 9.

You are receiving this email because you signed up via the [South Logan TOD webpage](#) or have been identified as an individual or stakeholder in the discussion, or expressed interest in receiving planning project updates from the City of Spokane. Please feel free to share this email with others who are interested in receiving [email updates](#) like this one about this project. To unsubscribe, please email southloganTOD@spokanecity.org.

City of Spokane, Washington | 808 W Spokane Falls Blvd | Spokane, WA 99201 US

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Constant Contact



From: johnbryant777@gmail.com
To: [Downey, KayCee](#)
Cc: "[Cindy Bryant](#)"
Subject: Illegal Camping & Centennial Trail Obstruction @ Iron Bridge/Superior Ave/Centennial Trail - Please clear the encampment & please approve the parking lot fence for Riverwalk Property Parking
Date: Friday, September 27, 2024 11:46:13 AM
Attachments: [Screenshot_20240925-114631.PNG](#)
[IMG_8123.PNG](#)
Importance: High

[CAUTION - EXTERNAL EMAIL - Verify Sender]

KayCee,

Please add this e-mail to the Spokane Planning Department Public Record for the October 9th meeting. Thank you – John Bryant, Owner, No-Li Brewhouse

Thursday, Sept. 27th
Crime Check, 311,

We have a new transient encampment on the Centennial Trail & Iron Bridge at Superior Ave.

The encampment is where City of Spokane Police cleared out convicted felons (last week) by the bank of the Spokane River and on the Centennial Path/Trail.

It is approx. three white males, one white female, pit bull type dog and large amounts of tents, tarps, shopping carts, garbage and more. It is growing in size swiftly.

Please:

Today: Please remove this encampment and walk the Spokane Riverbank and the under-sides of Trent Ave. & Iron Bridge.

Reasoning:

Gonzaga University Women's Cross Country Team now actively utilizes the Centennial Trail and our S. Logan Neighborhood area (Columbus/Springfield/Superior Ave.) for morning running training. We have JOYA, youth gymnastics facility and two churches, with youth programs, in this direct area.

Nightly/Daily:

We are fending off violent re-offenders that are causing harassment, threatened violence, vandalism, theft and lack of public safety.

Growing Concern of Public Safety:

We are now seeing additional ways that transient people are victimizing our staff, neighbors, citizens, building structures and business.

1. **Spokane River is now a transportation avenue for criminal activity.**
 - o Convicted felons are stealing stand-up paddle boards and boats and

traversing the river to riverside encampments.

2. Spokane Public Buses are an active transportation avenue for criminals to exit the scene of the crime and move swiftly to other parts of the city.

- Fact-based with I-Phone tracking from theft at Riverwalk Building.
- We tracked the felon from Riverwalk Property, Gonzaga Campus, Downtown City Bus Station and then to Shadle Park HS area.

3. Trent Ave. Bridge interior decking now used to for creating places to actively do drugs, fires, encampments, etc.

- Transient people are gaining access to the under-sides and within bridge deck areas. They are utilizing wood and various objects to create platforms.
- Bridge cement infrastructure is penetrated with metal objects and hammocks are placed.
- NEW Trent Ave. Bridge is now a hot-spot for criminal activity.
- Public safety under bridges, within bridge deck infrastructure areas, are a potential structural integrity issue with bridges; encampments, drug use and fires up & within the under-side of the bridge deck.

Request:

Please advise me of what else we can do beyond hiring Metro Security, key pads on bathrooms doors, increased lighting around the Riverwalk Building, more cameras inside and outside the building and requests for the approval and right to place a fence around the front Riverwalk Property parking lot.

Sincerely,

John Bryant
Owner
No-Li Brewhouse

From: johnbryant777@gmail.com <johnbryant777@gmail.com>

Sent: Wednesday, September 25, 2024 12:12 PM

Subject: Illegal Flame Underneath and Within the Infrastructure of Trent Ave. Bridge: Photos of new illegal encampment and new method of illegal camping at Trent Ave. Bridge & Riverwalk Property w/ Drug Use

Crime Check & 311,

This is next level illegal camping, vandalism and burning within a public space and

transportation infrastructure.

Two to three white males, 20 to 30 year old age, with accumulating camping materials, tents, tarps, sleeping bags, active flames, fire making materials and growing levels of garbage.

- See attached photos taken this morning.

The transient individuals have damaged the underside of the Trent Ave. Bridge. They have placed hammocks, created crawl and living-spaces and are up & within the underside of the bridge deck. They have flames of items being burned.

-
Specific Location:

West side of the Trent Ave. Bridge. The vandalism and living spaces are underneath the bridge and up and within the bridge deck; within the bridge infrastructure.

Question:

Is it safe for fires to be lit and burned within the underside of the bridge?
Would this compromise the safety and integrity of the bridge to vehicles?

We had an attempted break-in last night. It appears these people have spray painted the historic Riverwalk Building, tried to break through new fencing into our business and are actively lighting flames.

We appreciate your support today.

John Bryant
Owner
No-Li Brewhouse

From: johnbryant777@gmail.com <johnbryant777@gmail.com>

Sent: Wednesday, September 25, 2024 10:57 AM

Subject: RE: Active Drug Use and Illegal Camping under West Side of Trent Ave. Bridge by Riverwalk Property

Crime Check, 311,

This person is choosing to be in a hammock, creating their own living environment, that has been illegally placed, vandalized the new Trent Ave. Bridge. It is also next to the relatively new spray painting on the historic brick Riverwalk Building, and within feet of where we are continuously broke into and vandalized, as well as theft we consistently experience.

This person is actively doing drugs as we type back and forth.

On Sep 25, 2024, at 10:45 AM, <johnbryant777@gmail.com>
<johnbryant777@gmail.com> wrote:

Crime, Check & 311,

It is 10:30 a.m. on Wednesday, Sept. 25th.

I am watching a white male about 30 years old in an orange hammock, placed up and underneath the west side of the Trent Ave. Bridge, adjacent to the west of Riverwalk Property, actively burning some type of drug.

PLEASE:

Please remove the illegally placed hammock and remove the active drugs being used in a public space this morning.

This is the same side of Riverwalk Property that we continuously have break-ins, theft, vandalism and harassment. We have two churches in the Riverwalk Building with youth programs.

We appreciate your efforts.

John Bryant
Owner
No-Li Brewhouse
C/ (970) 980-4540



Whitmarsh, Brandon

From: dougells@yahoo.com
Sent: Thursday, October 3, 2024 12:47 PM
To: Planning & Development Services Comp Plan
Subject: comp plan issue

[CAUTION - EXTERNAL EMAIL - Verify Sender]

October 3, 2024

Subject: Compressive Plan 2024; item *Z24-105COMP South Logan Study Area

Reference: South Logan TOD final environmental impact study

Section: 1.4.9 pages 14, 15, 16.

“With Mission Park (13 acres) being the only publicly developed park space, the study area currently falls short of the city-wide level of service for total park acreage and would only get worse under the Preferred (TOD) Alternative. Potential Impacts With a projected population increase of 6,735 by 2047 under the Preferred Alternative, (south Logan TOD) the study area will have a deficit of over 53 acres of total parkland.”

Dear Kevin Freibott

I am opposed to acceptance of the subject compressive plan 2024 item Z24-105COMP without modification as proposed below.

Because of a Lack of “level of service”; I request that future project construction approval require EXTRA open space provisions to offset this shortcoming. Especially large projects with a high population per area should be required to provide fetcher’s to help offset this.

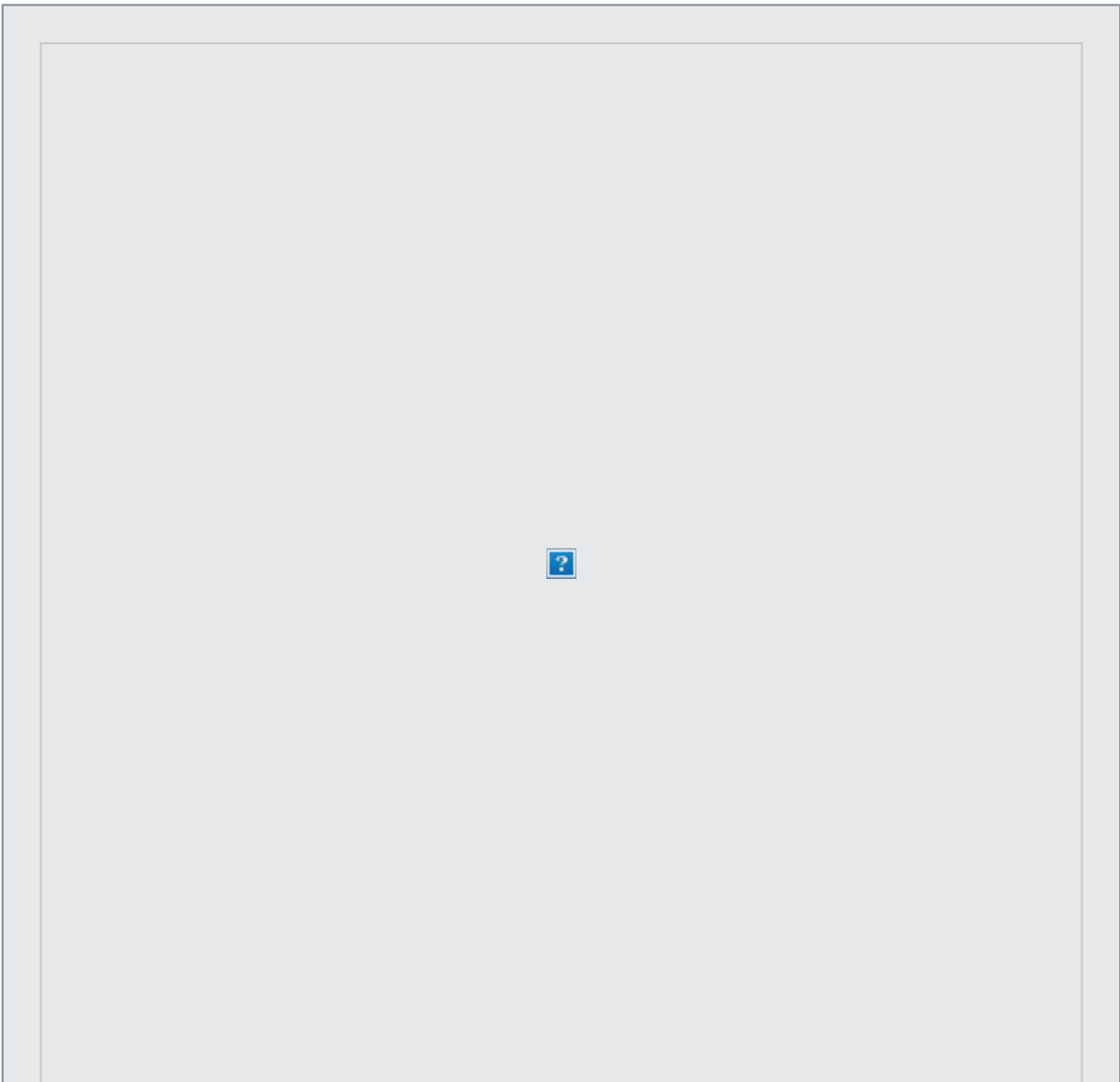
Neighborhood resident and owner
Doug Tompkins

From: [James Bond](#)
To: [Planning & Development Services South Logan TOD Project](#)
Subject: Re: South Logan TOD Update
Date: Saturday, October 12, 2024 11:51:51 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Is there anything being done about cars speeding on Hamilton? How many people need to die on Hamilton??

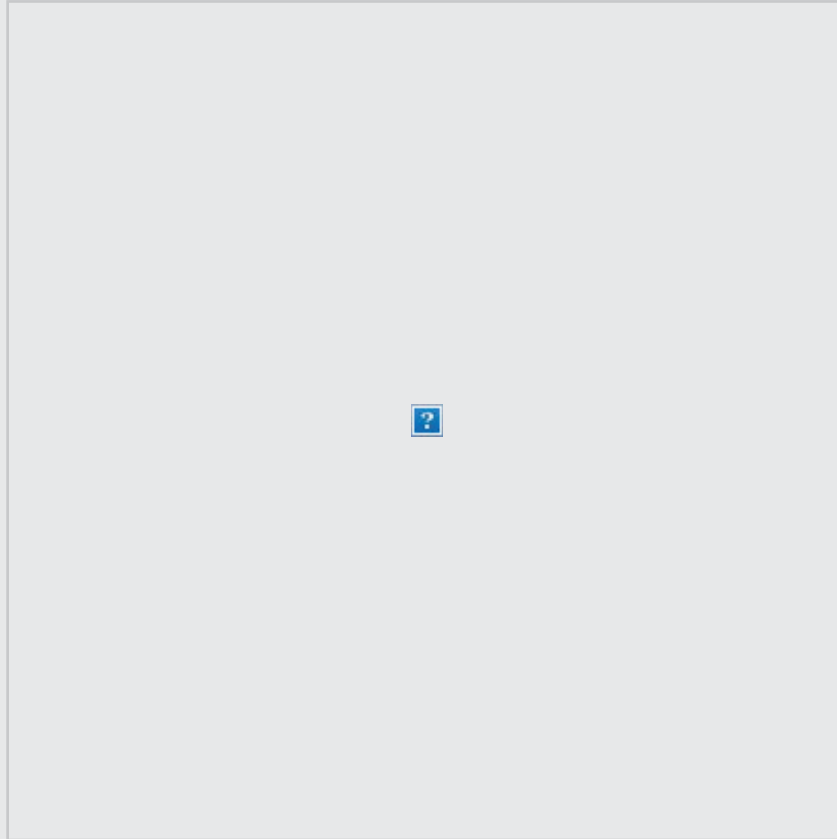
On Friday, October 11, 2024, 09:03:00 AM PDT, City of Spokane Planning <southlogantod@spokanecity.org> wrote:



October 11, 2024

Dear Community Member,

At their October 9 public hearing, the Spokane Plan Commission unanimously voted to **recommend approval** of the South Logan TOD Comprehensive Plan Amendment (Z24-105COMP). You can watch the hearing recording below.



[More information about the proposed Comprehensive Plan Amendment can be found on the project webpage.](#)

Next Steps

The 2023/2024 Comprehensive Plan Amendments – including the South Logan TOD proposal – are scheduled to be presented before Spokane City Council on Thursday, Nov. 7. Study sessions are an informal gathering of City Council to discuss topics of interest. No formal action is taken during these meetings.

[Watch the Study Session at 11 a.m. on CityCable5.](#)



The Comprehensive Plan Amendments are tentatively scheduled for a public hearing before City Council on Monday, Nov. 25. Written testimony can be sent via email in advance of the City Council hearing to compplan@spokanecity.org. Verbal testimony will be accepted at the time of the hearing.

You are receiving this email because you signed up via the [South Logan TOD webpage](#) or have been identified as an individual or stakeholder in the discussion, or expressed interest in receiving planning project updates from the City of Spokane. Please feel free to share this email with others who are interested in receiving [email updates](#) like this one about this project. To unsubscribe, please email southloganTOD@spokanecity.org.

City of Spokane, Washington | 808 W Spokane Falls Blvd | Spokane, WA 99201 US

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Constant Contact



**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 11/11/2024**Committee Agenda type:** Consent**Date Rec'd**

11/13/2024

Clerk's File #

ORD C36615

Cross Ref #**Project #****Council Meeting Date:** 11/25/2024**Submitting Dept**

DEVELOPMENT SERVICES CENTER

Bid #**Contact Name/Phone**

DONNA DEBIT 6637

Requisition #**Contact E-Mail**

DDEBIT@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

JBINGLE ZZAPPONE KKLITZKE

Agenda Item Name

DSC - 4700 727 W FRANCIS REZONE – OFFICE (O) TO OFFICE RETAIL (OR)

Agenda Wording

On September 5, 2024, the City's Hearing Examiner approved file no. Z24-320REZN to rezone the site located at 727 W Francis Avenue, parcel no. 36312.0101 from Office (O) to Office Retail (OR). The land use designation is to remain 'Office'.

Summary (Background)

On September 5, 2024 the City's Hearing Examiner approved file no. Z24-320REZN to rezone the site located at 727 W Francis Avenue, parcel no. 36312.0101 from Office (O) to Office Retail (OR). The land use designation is to remain 'Office'.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost

\$

Current Year Cost

\$

Subsequent Year(s) Cost

\$

Narrative**Amount****Budget Account**

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

PALMQUIST, TAMI

Division Director

MACDONALD, STEVEN

Accounting Manager

ORLOB, KIMBERLY

Legal

KAPAUN, MEGAN

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

ddebit@spokanecity.org

tpalmquist@spokanecity.org

akiehn@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	
Submitting Department	DSC
Contact Name	Donna deBit
Contact Email & Phone	ddebit@spokanecity.org – 509.625.6637
Council Sponsor(s)	<u>CM Klitzke, Zappone, Bingle</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	727 W Francis Rezone – Office (O) to Office Retail (OR)
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<i>On September 5, 2024 the City's Hearing Examiner approved file no. Z24-320REZN to rezone the site located at 727 W Francis Avenue, parcel no. 36312.0101 from Office (O) to Office Retail (OR). The land use designation is to remain 'Office'.</i>
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Subsequent year(s) cost:	
Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why) <i>N/A, this is a procedural change to the city's zoning map.</i>	
What impacts would the proposal have on historically excluded communities? <u>N/A</u>	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

N/A

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The proposed action would be consistent with the goals and policies of the Comprehensive Plan as noted in the Hearing Examiner's decision dated 9/5/24. In addition, this action is allowed per the Spokane Municipal code (SMC) 17G.061.310 Land Use Application Procedures Decision Criteria; 17G.061.101-1 Land Use Application Tables.

ORDINANCE NO. C36615

An Ordinance changing the zone from Office (O) to Office Retail (OR) for property located at 727 W Francis Avenue in the City and County of Spokane, State of Washington, by amending the Official Zoning Map.

WHEREAS, the Hearing Examiner held a public hearing on this matter on September 5th, 2024 on the request of the owner of certain property zoned Office, and generally located to the south of the Francis Ave. and Post St. intersection in the City and County of Spokane, State of Washington, and on September 5th, 2024 recommended approval of said zone change for said property subject to conditions; and

WHEREAS, this designation is not a major action significantly affecting the quality of the environment; and

WHEREAS, the City Council, upon public hearing, adopts the Findings, Conclusions, and Decision of the Hearing Examiner, dated September 5th, 2024 and further determines that this rezone furthers the accomplishment of the Land Use Element of the Comprehensive Plan, encourages orderly development of a type and at a time that enhances the neighborhood, and does not produce adverse effects on the local environment; NOW, THEREFORE - - -

The City of Spokane does ordain that the Director of Planning Services be directed to change the Official Zoning Map adopted by Spokane Municipal Code Section 17A.040.020, so as to designate the properties described as:

WALL STREET ADDITION LOTS 1-2, BLOCK 1

in the County of Spokane, State of Washington, with an Office Retail Zone.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date

Effective Date

CITY OF SPOKANE HEARING EXAMINER

Re: Application by Land Use Solutions and Entitlement for a zone change from Office (O-35) to Office Retail (OR-35)) FINDINGS, CONCLUSIONS, AND DECISION) FILE NO. Z24-320REZN)

SUMMARY OF PROPOSAL AND DECISION

Proposal: The Applicant, Land Use Solutions and Entitlement, is requesting a zone change from Office (O-35) to Office Retail (OR-35). This rezone would allow a future retail use. This application is being processed as Type III application.

Decision: The rezone application is APPROVED, subject to conditions.

**FINDINGS OF FACT
BACKGROUND INFORMATION**

Applicant: Land Use Solutions and Entitlement
c/o Dwight Hume
9101 N. Mt. View Lane
Spokane, WA 99218

Owner: Dave Black Properties, LLC
801 W Riverside Avenue, Suite 300
Spokane, WA 99201

Property Location: The subject property is located at 727 W Francis Avenue (Parcel No. 36312.0101).

Zoning: The parcel is zoned Office (O-35).

Comprehensive Plan (CP) Map Designation: Office.

Site Description: The subject property is located on the south side of Francis Ave., between N. Post St. and N. Wall St. The existing building on site has operated as an office building since 1991. There is existing accessory parking on site that serves the building.

Surrounding Conditions and Uses: Office (O-35) zoning surrounds the site in all directions. There is single-family zoning to the south, two lots down. Land Use to the north is General Commercial, to the east, west, and south is Office,

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (SMC) 17G.061.310 Land Use Application Procedures Decision Criteria; 17G.061.101-1 Land Use Application Tables.

Notice of Community Meeting: Mailed: May 30, 2024
Posted: May 30, 2024

Notice of Application/Public Hearing: Mailed: August 5, 2024
Posted: August 5, 2024

Community Meeting: June 13, 2024

Site Visit: September 5, 2024

Public Hearing Date: September 5, 2024

State Environmental Policy Act (SEPA): A Determination of Nonsignificance (DNS) was issued by the City of Spokane on August 19, 2024. See Exhibit 4. Any appeal of the DNS was due on September 2, 2024. No appeal was filed.

Testimony:

Donna deBit, Senior Planner
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Dwight Hume
Land Use Solutions and Entitlement
9101 N. Mt. View Lane
Spokane, WA 99218

Exhibits:

Staff Report, dated 8/27/24, including the following exhibits:

1. Application Materials, including:
General Application, pp.1-2
Rezone Application Supplement, pp. 3-4
Notification Map Application, p. 5-7
2. Notice of Application & Public Hearing Materials, including:
Notice of Application & Public Hearing Instructions, pp. 1-2
Notice of Application and Public Hearing, pp. 3-4
Title Company Certification and Applicant Certification, p. 5
Address List and Notification Map, pp. 6-9
3. Request for Agency Comments, including comments from:
Spokane Fire Department
Avista Corporation
Washington State Department of Ecology
City of Spokane Engineering
Spokane Tribe of Indians
4. August 19, 2024, DNS for Z24-320RZN and SEPA Checklist
5. Community Meeting materials, including:
Community Meeting Instructions, pp. 1-2
Notice of Community Meeting for June 13, 2024, pp. 3-4
Community Meeting Minutes, p. 5
Attendee List, p. 6
6. Noticing Affidavits
7. Staff Presentation
8. Applicant Presentation

FINDINGS AND CONCLUSIONS

Rezoning applications are Type III applications that must satisfy the criteria set forth in SMC Section 17G.061.310. See SMC 17G.061.310(C)(1)-(5); see also Table 17G.061.010-1 (stating that zone reclassifications are Type III decisions). The Hearing Examiner has reviewed the proposed rezoning and the evidence of record with regard to the application and makes the following findings and conclusions:

1. *The proposal is allowed under the provisions of the land use codes. SMC 17G.061.310(C)(1).*

A request for a zone reclassification is allowed and is processed as a Type III decision. See SMC Table 17G.061.010-1. The Applicant seeks to change the zoning of its property from O-35 to OR-35. The land proposed for reclassification is designated as Office. See Staff Report, p. 1. Additionally, SMC 17G.020.020A states "A proposal for a site-specific rezoning that would implement the comprehensive plan and land use plan map (and therefore does not require [comprehensive] plan modification) is quasi-judicial and may be considered at any time." See *id.* As the subject property is currently designated Office, no CP amendment is required.

SMC 17C.120.030(B) describes the OR zone intent is "to be a higher intensity office zone that allows for larger scale offices and supporting retail and service uses. The size of retail uses is limited to reduce detrimental impacts on nearby residential uses and to assure that the commercial uses are supporting rather than primary uses." See *id.*

While the code (SMC 17C.120.030B) specifically mentions areas such as Downtown and the North Bank as areas where Office Retail is located, it also addresses that the Office Retail zone applies to sites that are already developed with more intense retail and service uses. See Staff Report, p. 3. Francis Avenue is located north of the site and is designated as a state highway. *Id.* The sites along the portion of Francis Avenue that runs east of Ash Street, are all zoned a commercial category and are currently a variety of office and retail uses. *Id.* The code does not prohibit the OR zone from being established in other locations that are not zoned Downtown, and there are other examples of that along Francis Avenue. *Id.*

The Hearing Examiner concludes that the proposal is allowed under the provisions of the land use code and is consistent with the Office designation of the site, negating any need for a CP amendment. As a result, this proposal to rezone the site from O to OR is allowed under the land use codes. This criterion is satisfied.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. SMC 17G.061.310(C)(2).*

Of critical importance to this request, is the fact that this parcel is designated Office in the CP. See Staff Report, p. 1. Beyond the proposed land use designation, Staff have identified several CP Goals and Policies that support this application. See Staff Report, pp. 3-4. For example, Goal LU 3, Efficient Land Use, promotes the efficient use of land through concentrating residential density in proximity to retail businesses, public services, places of work, and transportation systems. See CP, p. 3-18. Policy LU 1.5 states that office uses are encouraged along the south side of Francis Avenue between Cannon Street and Market Street. See CP, pp. 3-10 and 3-11. Policy ED 3.1 encourages economic growth by supporting the formation, retention, expansion, and recruitment of businesses. See CP, p. 7-9. Additionally, ED 3.2, 3.5, and 3.6 encourage economic diversity, support of locally owned businesses, and expanded opportunities. See CP, pp. 7-9 and 7-10.

The comprehensive plan's land use designation for this property is "Office". Both Office and Office Retail are zones that implement this land use designation. Staff finds the rezone is consistent with the comprehensive plan designation for this property.

The Hearing Examiner concludes that the proposed rezone is consistent with the designation, goals, objectives, and policies of the CP. Therefore, this criterion for approval of the rezone is satisfied.

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC. SMC 17G.061.310(C)(3).*

The application was circulated on June 28, 2024, among all City departments and outside agencies with jurisdiction. See Staff Report p 4. Staff received five comments, two from City of Spokane Departments and three from outside agencies. The comments did not indicate that concurrency could not be met. See *id.*

The Hearing Examiner concludes that the project satisfies the concurrency requirements of the SMC. Therefore, this criterion for approval of the rezone is satisfied.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. SMC 17G.061.310(C)(4).*

This is a non-project application; therefore, no development proposals or site plans are prepared at this time, and any detailed analysis of the suitability of the property will have to wait until a specific development proposal is submitted to the city's Development Services Center. See Staff Report, p. 4. In the application materials, if the rezone is approved, the applicant does indicate the desired use at the site is a coffee house. The retail use would operate within the existing footprint of the building. Even so, given the relatively small size of the parcel and existing structure, the extent and intensity of development and use of the property will be limited by these factors. As such, any proposed use allowable by the ability to perform retail uses will be limited and therefore suitable for the location and proximity of residential properties.

The Hearing Examiner concludes that there is nothing about the size, shape, topography, or location that makes the site unsuitable for future uses allowed in the OR zone. Therefore, this criterion for a rezone is satisfied.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.061.310(C)(5).*

An Environmental Checklist was reviewed and routed by the City of Spokane as a non-project SEPA action. See Exhibit 4. A DNS was issued after using the optional DNS process in Section 197-11-355 Washington Administrative Code (WAC) on August 19, 2024. *Id.* In the future, if the owner proposes development that exceeds the SEPA thresholds (per Section 17E.050.070 Flexible Thresholds for Categorical Exemptions) then that development will be required to complete SEPA specific to that development. See Staff Report, p. 4.

Any development on the parcels referenced above would be required to be reviewed by the Spokane Development Services Department to ensure they are meeting all required development standards. *Id.* These standards include, but are not limited to, land use standards (landscaping, screening, and design), engineering standards, utility standards, and building standards. *Id.* In the OR zone, retail uses are limited in size (3,000 square feet of floor area) to reduce detrimental impacts on nearby residential uses and to assure that the commercial uses are supporting rather than primary uses. *Id.*

For the foregoing reasons, the Hearing Examiner concludes that the project will not have significant impacts on the environment or surrounding properties that cannot be adequately addressed through mitigation. Therefore, this criterion for approval of the rezone is satisfied.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed Rezone subject to the following conditions:

1. This application is for a rezone to change the parcel identified in the application from Office (O-35) to Office Retail (OR).
2. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
3. If any artifacts or human remains are found upon excavation, The Spokane Tribe of Indians and the City of Spokane shall be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.
4. If development occurs, the project will be developed in substantial conformance with SMC 17C.120.500, Land Use Standards, Commercial Zones, Commercial Design Standards, to maintain compatibility with, and limit the negative impacts on surrounding areas.

SIGNED this 5th day of September 2024.



Karl J. Granrath
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL






Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.061.340 and 17G.050.

Decisions of the Hearing Examiner regarding rezones are final. They may be appealed to the City Council. All appeals must be filed with the Planning Department within fourteen (14) calendar days of the date of the decision. The date of the decision is the 5th day of September 2024. **THE DATE OF THE LAST DAY TO APPEAL IS THE 26th DAY OF SEPTEMBER 2024, AT 5:00 P.M.**

In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing a verbatim transcript and otherwise preparing a full record for the City Council.

Existing City Zoning

Description

-  Office
-  Office Retail
-  Residential 1
-  Proposal Site
-  Parcel

Parcel Rezone Proposal
727 W Francis Ave
Parcel # 36312.0101

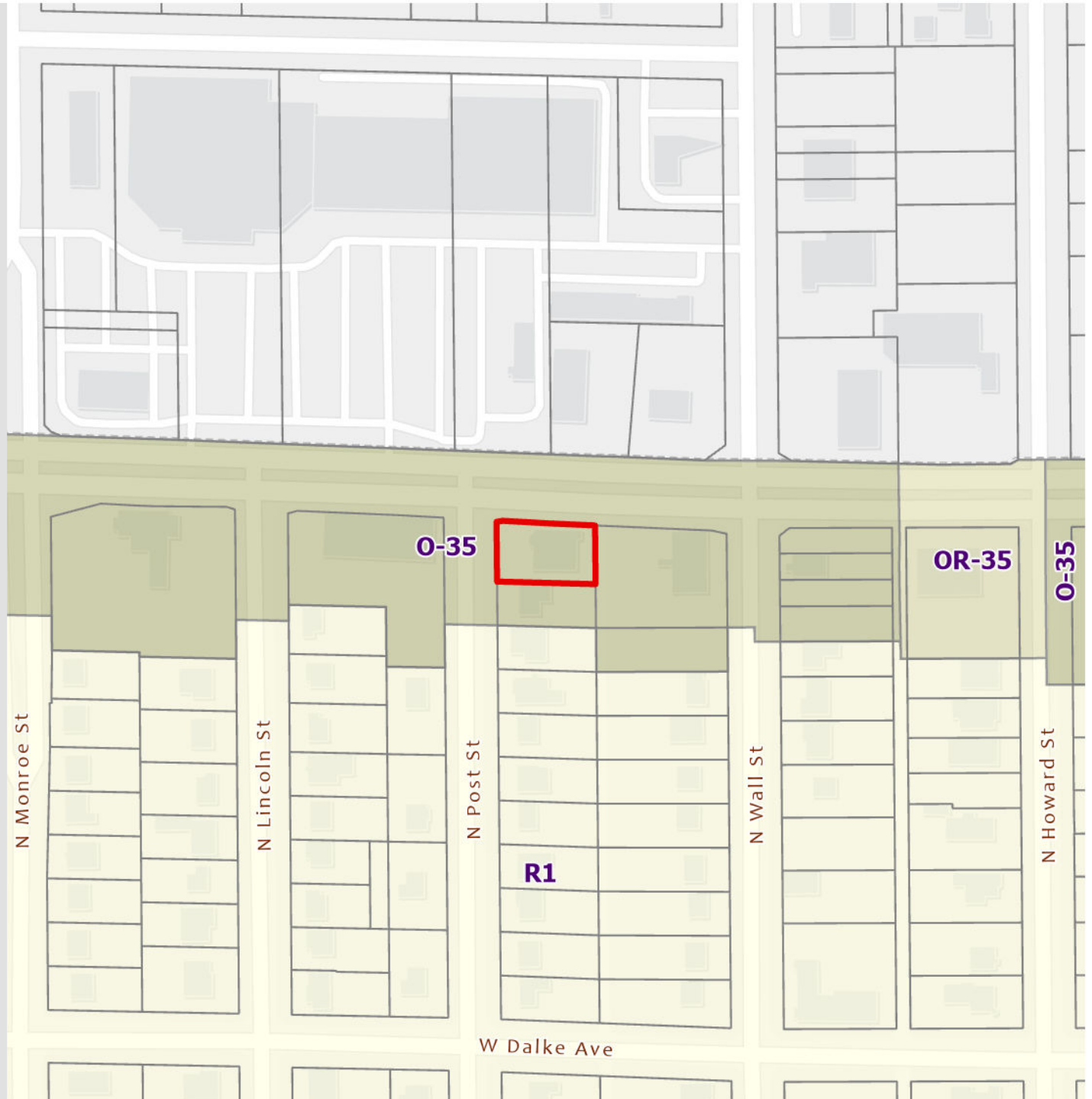


Scale: 1:2,000







10/8/2024

THIS IS NOT A LEGAL DOCUMENT:
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



Proposed City Zoning

-  Office
-  Office Retail
-  Proposal Site
-  Parcel

Parcel Rezone Proposal
727 W Francis Ave
Parcel # 36312.0101

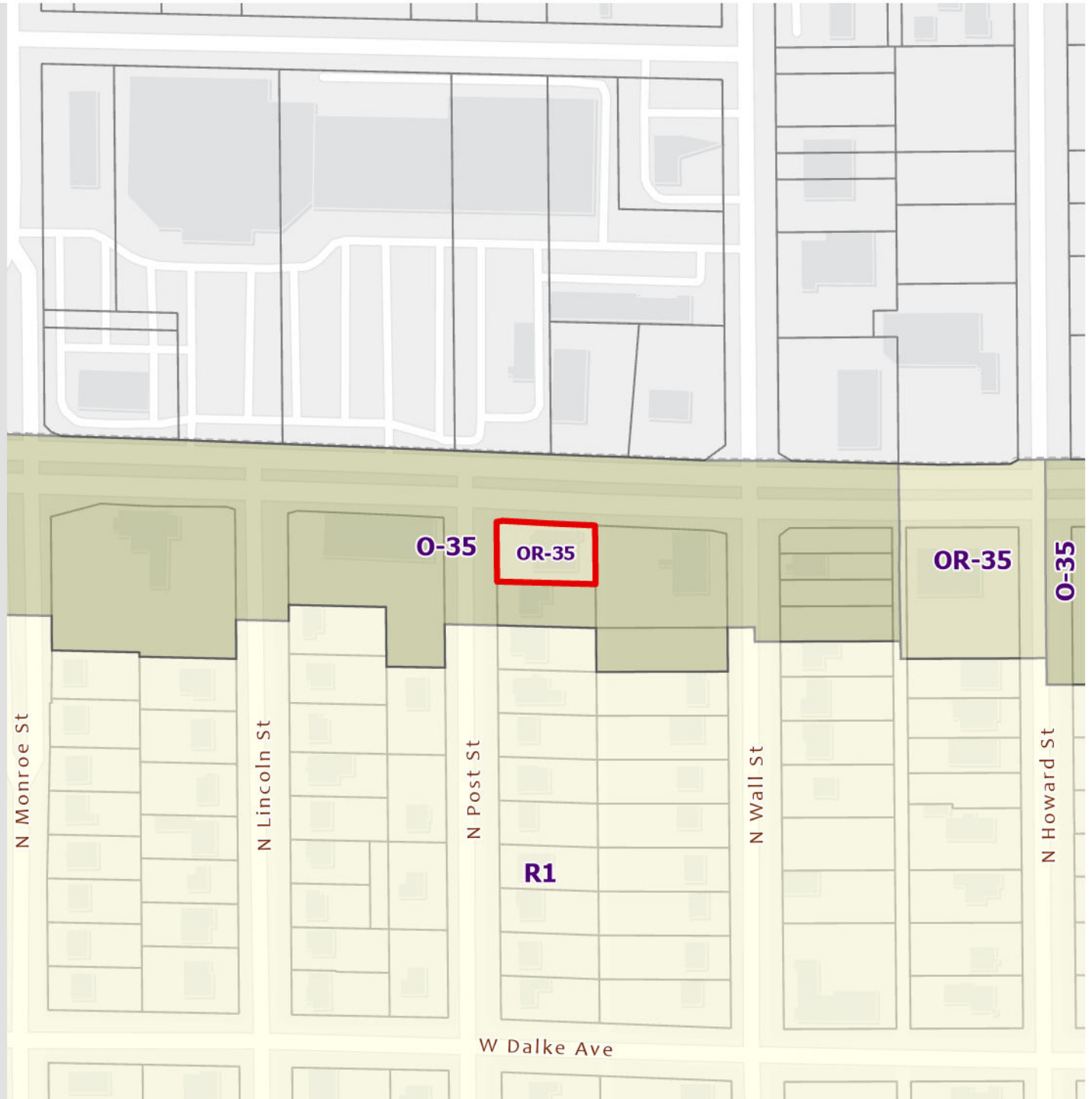


Scale: 1:2,000



10/8/2024

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Agenda Sheet for City Council:

Committee: Finance & Administration **Date:** 09/23/2024

Committee Agenda type: Consent

Date Rec'd 10/29/2024

Clerk's File # FIN 2024-0001

Cross Ref #

Project #

Council Meeting Date: 11/11/2024

Submitting Dept	FINANCE, TREASURY & ADMIN	Bid #	
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Contact Name/Phone	JESSICA 954-9217	Requisition #	
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Contact E-Mail	JSTRATTON@SPOKANECITY.ORG		
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Agenda Item Type	Report Item		
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Council Sponsor(s)	MCATHCART BWILKERSON ZZAPPONE		
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Agenda Item Name	0410 - SET BUDGET HEARINGS		
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Agenda Wording

Setting the hearings for review of the 2025-2026 Proposed Biennium Budget beginning Monday, November 11 and continuing to November 18 and November 25, 2024.

Summary (Background)

As part of the budget process, the City Council will hold public hearings on the 2025-2026 Proposed Biennium Budget for the City of Spokane. Public testimony is welcome on all sections of the budget at each hearing. The hearings will be held on November 11, November 18, and November 25, 2024. The City Council may continue the hearing day-to-day up to the 30th day prior to the beginning of the next fiscal year.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost	\$
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Current Year Cost	\$
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Subsequent Year(s) Cost	\$
-------------------------	----

Narrative

Amount	Budget Account
Select \$	#
Select \$	#
Select \$	#
Select \$	#
\$	#
\$	#

Committee Agenda Sheet

Finance & Administration Committee

Committee Date	September 23, 2024
Submitting Department	Finance
Contact Name	Jessica Stratton
Contact Email & Phone	jstratton@spokanecity.org 509-954-9217
Council Sponsor(s)	Cathcart, Wilkerson, Zappone
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested: min
Agenda Item Name	Set Budget Hearings
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>Setting the hearings for review of the 2025-2026 Proposed Biennium Budget beginning Monday, November 18, 2024 and November 25, 2024.</p> <p>*use the Fiscal Impact box below for relevant financial information</p> <p>As part of the budget process, the City Council will hold public hearings on the 2025-2026 Proposed Biennium Budget for the City of Spokane. Public testimony is welcome on all sections of the budget at each hearing. The hearings will be held on November 18, 2024 and November 25, 2024. The City Council may continue the hearing day-to-day up to the 30th day prior to the beginning on the next fiscal year.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: Click or tap here to enter text.</p> <p>Current year cost:</p> <p>Subsequent year(s) cost:</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p>Operations Impacts (If N/A, please give a brief description as to why)</p> <ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? – N/A • How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? – N/A • How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution? – N/A 	

- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? – N/A

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not. – N/A