


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

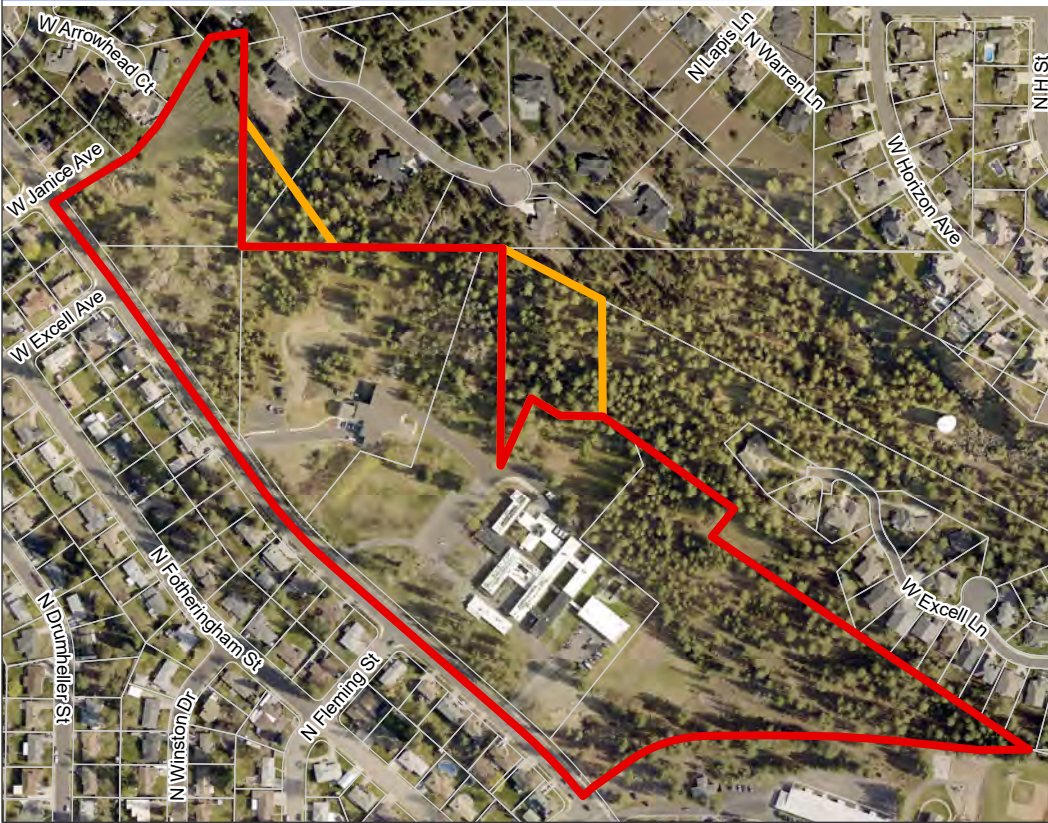
Department of Planning & Economic Development





Draw Date: 3/27/2024

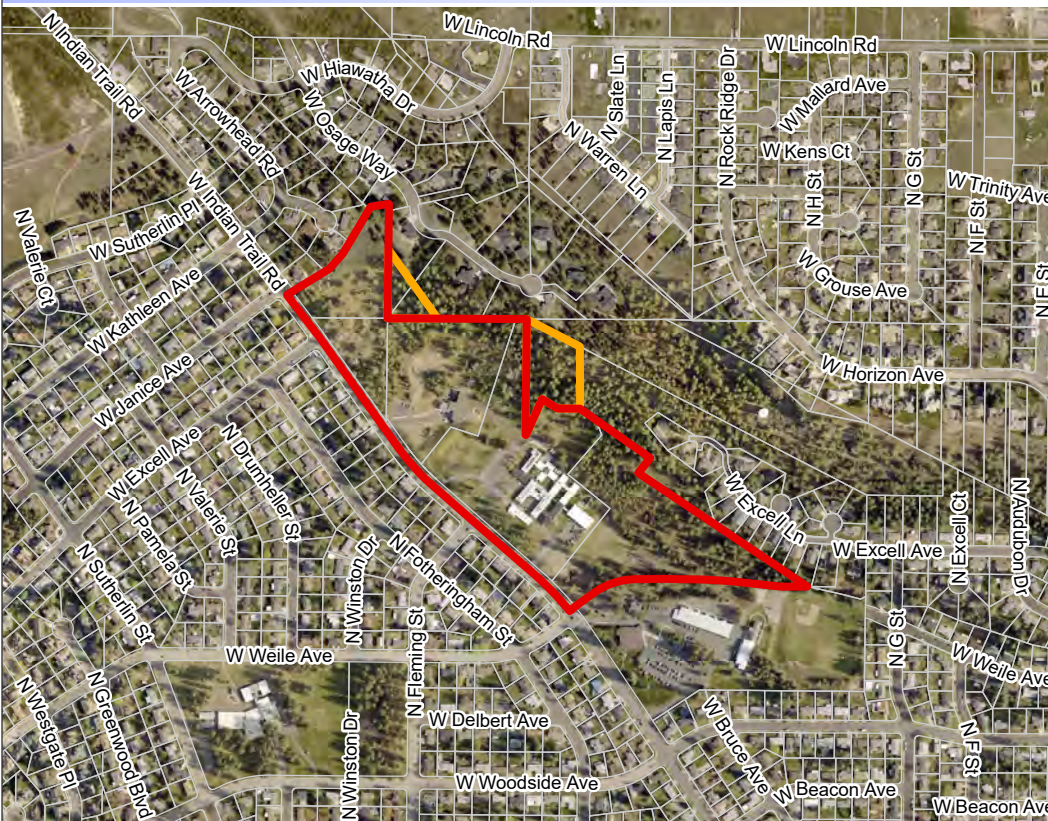
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Detailed Aerial Photo (2022)



-  Z23-479COMP
-  City-Added Areas

Wide Area Aerial Photo (2022)



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)

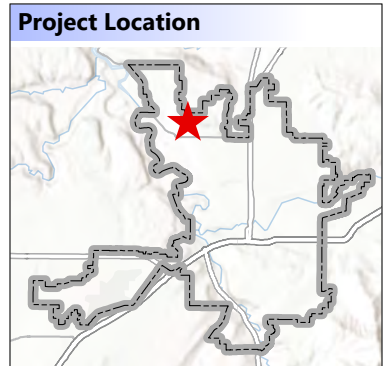


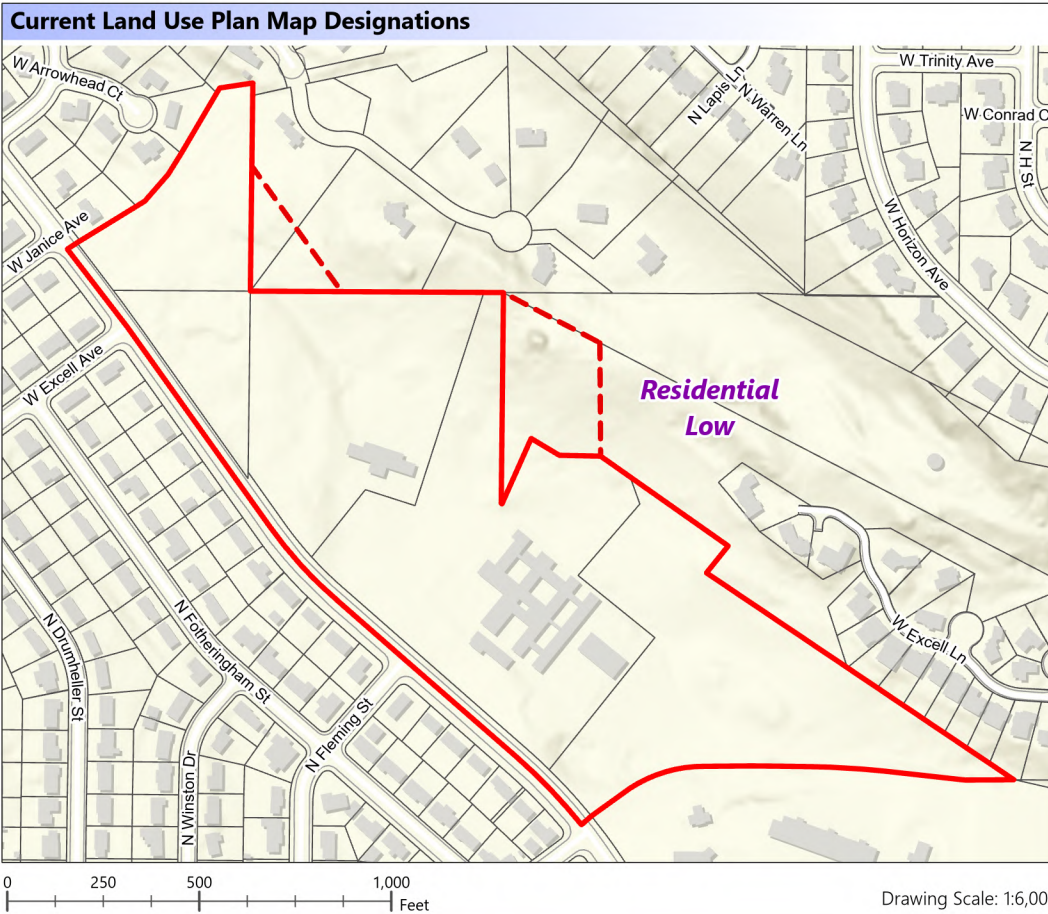


Exhibit B: Land Use Plan Map Changes

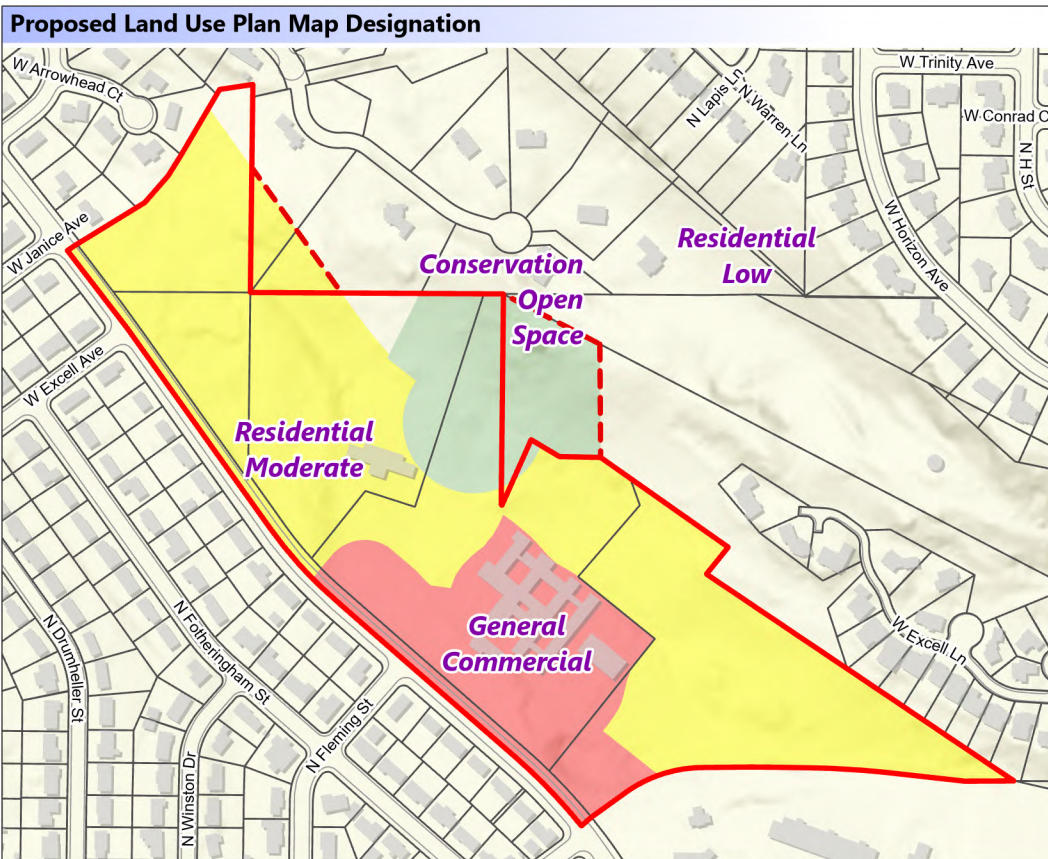
Department of Planning & Economic Development



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
 - 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)

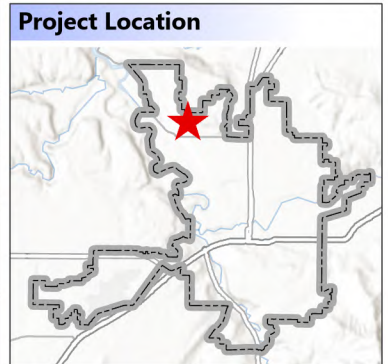
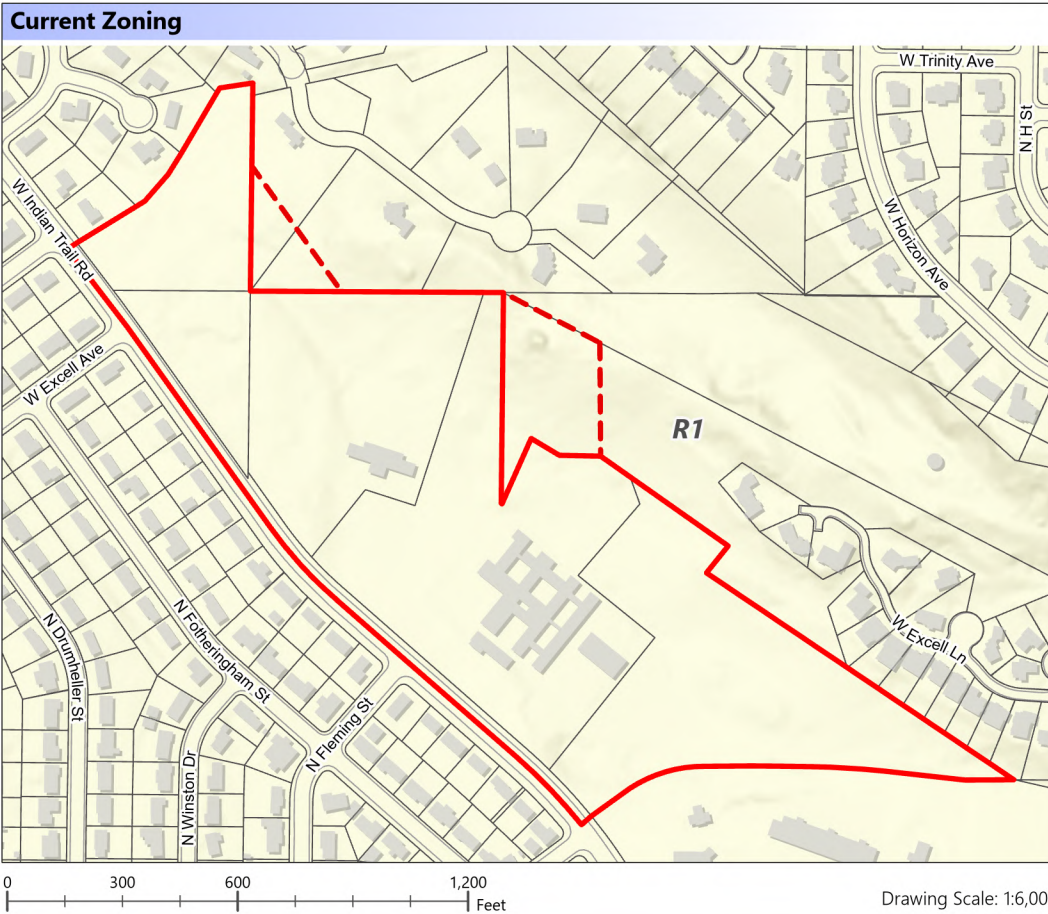




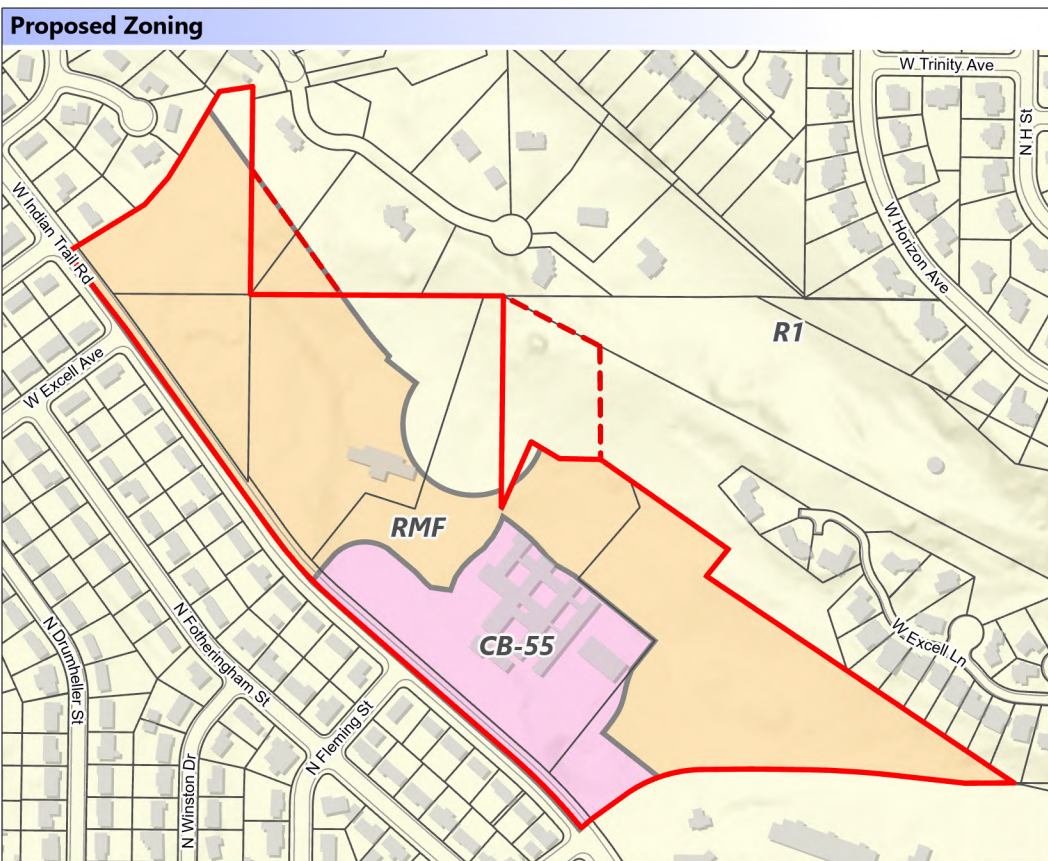
Exhibit C: Zoning Changes

Department of Planning & Economic Development

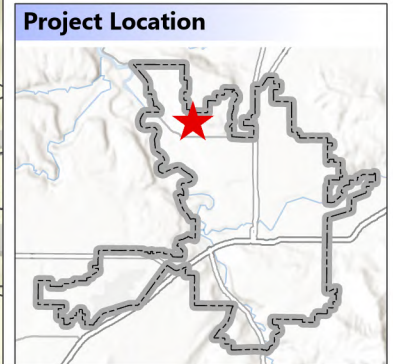
THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



- Project Area
 - Buildings
 - Parcel
 - Curb Line
- Zoning**
- Community Business
 - Residential Multifamily
 - Residential 1



- Agent:** Land Use Solutions & Entitlement
- Parcels:** 26261.3401
26262.0010
26262.0018
26262.0054
26262.0055
26262.2620
26262.2621
26265.0048
- Size:** 35.1 acres
(Size is Approximate)



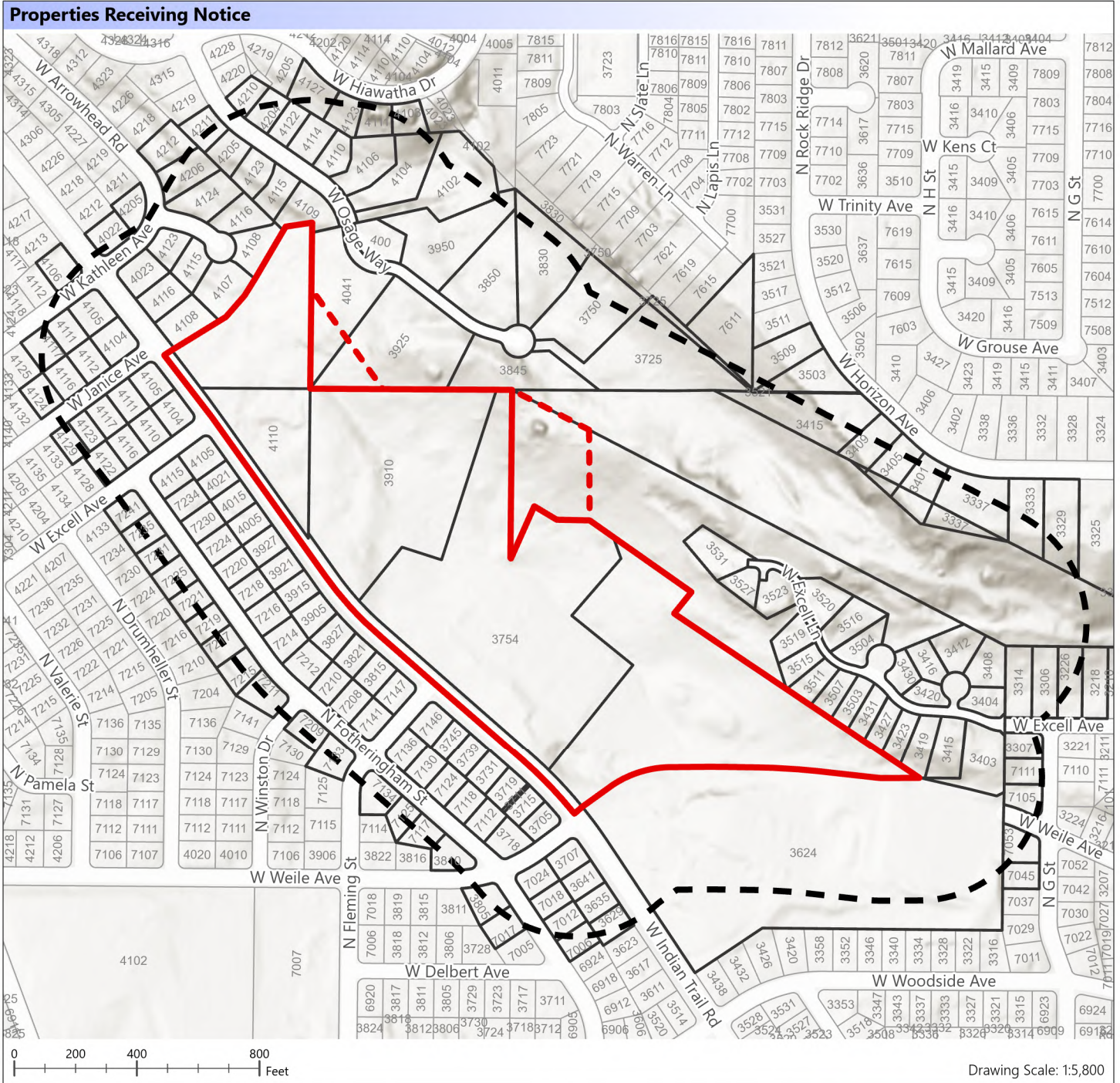


Notification Map - Comprehensive Plan Amendment

Department of Planning & Economic Development

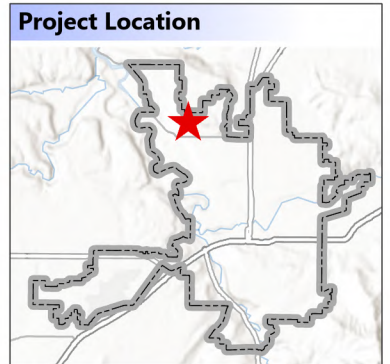


THIS IS NOT A LEGAL DOCUMENT
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.



Applicant: Land Use Solutions & Entitlement
Parcels: 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.

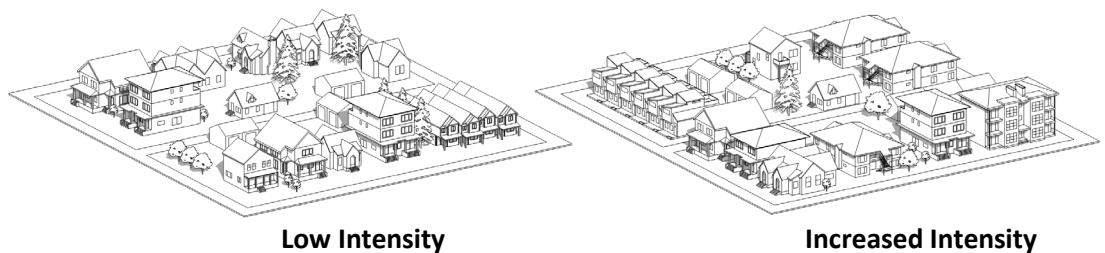
LU 1.3 Lower Intensity Residential Areas

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

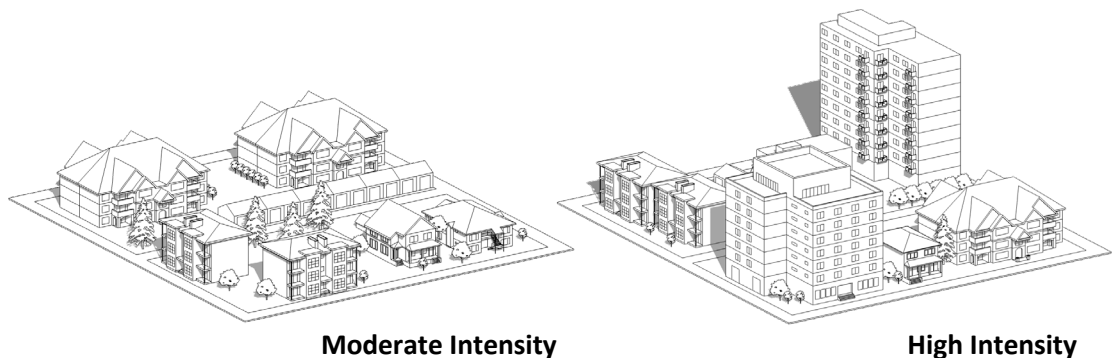
Direct new higher intensity residential uses to areas in and around Centers and Corridors designated on the Land Use Plan Map and to areas where existing development intensity is already consistent with development of this type..

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

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:
Map Amendment and Zone Change

SUBMITTED BY:

Land Use Solutions & Entitlement by Dwight Hume

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, Excelsior Youth Center, owner of the above-described property do hereby authorize Dwight Hume to represent us and our interests in all matters regarding this application.


Andrew Hill, CEO, Excelsior Wellness DBA Excelsior Youth Center

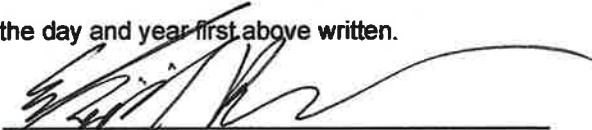
ACKNOWLEDGMENT:

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

On this 31 day of October, 2023, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Andrew Hill, 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 Washington



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?

Yes 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.

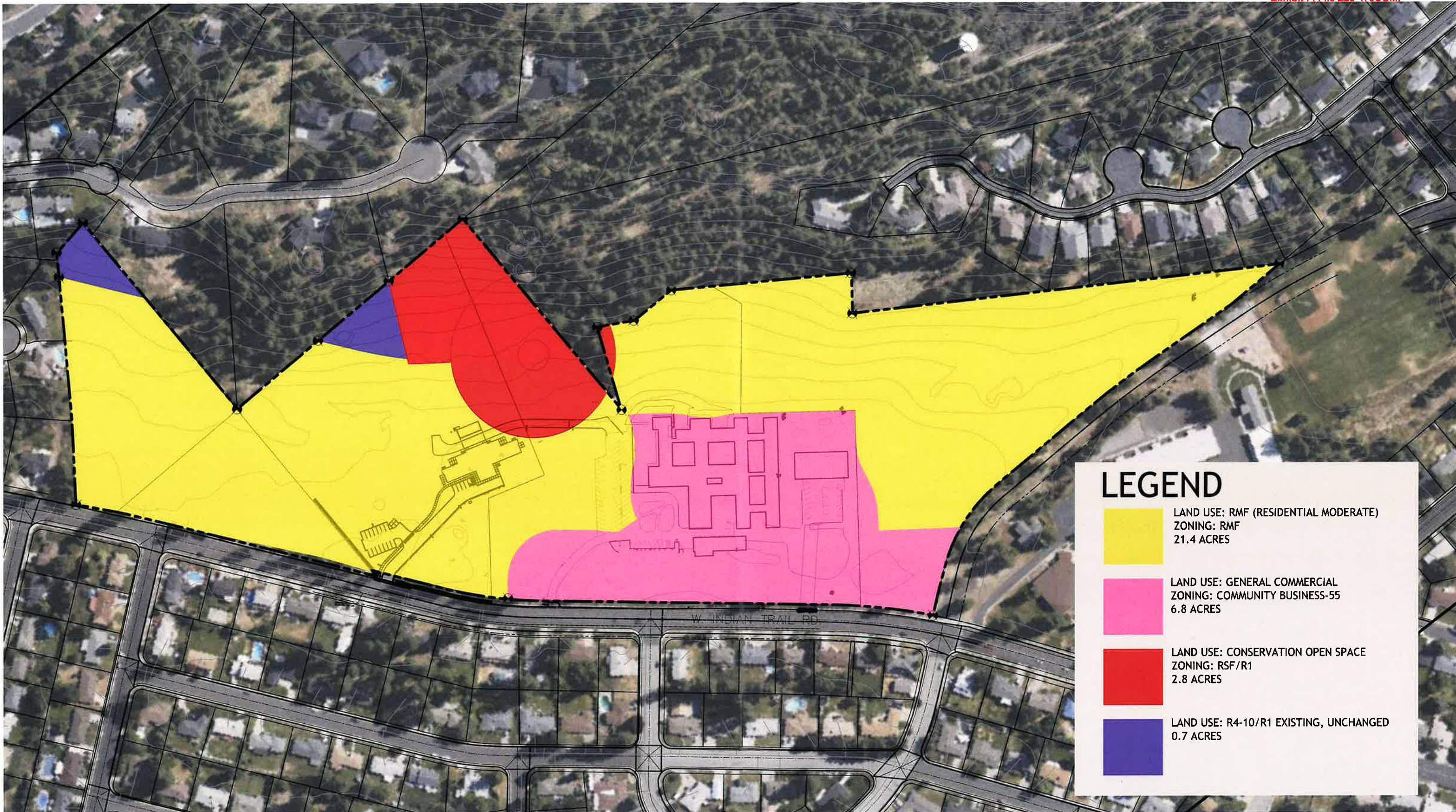
All property is listed above.

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

1 | **EXCELSIOR WELLNESS COMPREHENSIVE PLAN AMENDMENT REVIEW**

SCALE: 1" = 200'-0" @ 11X17" (FULL SIZE) | 1" = 400'-0" @ 5.5"x8.5" (HALF SIZE)

Bernardo Wills



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

Notice: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, is confidential, and may be privileged. If you are not the intended recipient, please know that any retention, dissemination, distribution, or copying of this communication is prohibited. Please reply to the sender that you have received this message in error, then delete it. Thank you for helping to maintain privacy.

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,

Davida Condrón

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

Notice: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, is confidential, and may be privileged. If you are not the intended recipient, please know that any retention, dissemination, distribution, or copying of this communication is prohibited. Please reply to the sender that you have received this message in error, then delete it. Thank you for helping to maintain privacy.

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.

**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 cropsWet 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: 

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.

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.
- 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:** 

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](#); [katele68@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.

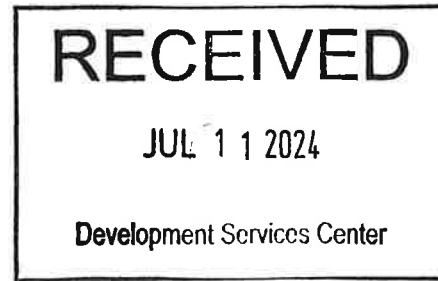
Please take appropriate measures and remove our private lands from this "Comprehensive Development Plan".

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.mcgroynes@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

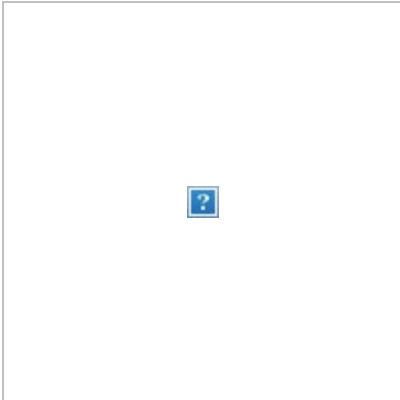
[CAUTION - EXTERNAL EMAIL - Verify Sender]

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

Find us on  and 
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]

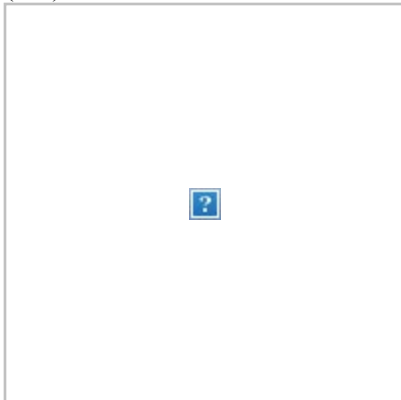
Good afternoon, Kevin

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

Find us on and
www.FredsAppliances.com

Disclaimer

This message contains confidential information and is intended only for the individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

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
ID
pronouns: She/Her/Hers
telephone: 509-624-2378
email: sellis@voaspokane.org
525 W 2nd Ave, Spokane, WA, 99201, USA



www.voaspokane.org [Get Help](#) [Get Involved](#) [Give a Gift](#)

CONFIDENTIALITY NOTICE: This email message (including any attachments) may contain information that is confidential, privileged, or otherwise protected by law, to include personal health information (PHI) and other HIPAA protected information, and is intended only for the use of the individual(s) or entities to whom it is addressed. If you have received this message in error, please contact the sender immediately by reply to this email and destroy the original and all copies of the email, including any attachments. Improper disclosure of such information received in error may be subject to civil or criminal penalties. If you are not authorized to view this information, any disclosure, copying, forwarding, or distribution is strictly prohibited by law.

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 residents 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 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 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

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