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November 15, 2018

SENT VIA EMAIL TO:
Lbarlow@spokanevalley.org

Lori Barlow
Spokane Valley Community and Public Works Department
10210 E. Sprague Avenue
Spokane Valley, WA 99206

RE: Scoping Comments or the Painted Hills Planned Residential Development Project

Dear Ms. Barlow:

This letter is submitted on behalf of Carmel of the Holy Trinity (“Carmel”) by its legal representative, University Legal Assistance, regarding scoping comments for the proposed Painted Hills Planned Residential Development (“RSD”).

The Carmel is an adjoining landowner to the proposed development. The Carmel is a small community of contemplative, cloistered nuns. Members of the community at Carmel live inside its walls, only leaving the enclosure for necessities such as medical care. The Carmel and its members live by a monastic rule that prescribes silence and privacy. The Carmel selected their location in Spokane Valley because of its rural setting and the privacy afforded by the site. In the past, they have been harassed by neighbors who were able to see over their fence from a second-story balcony, so the Carmel’s concern for a new development is that it would threaten the privacy, silence, and the very nature of the Carmel.

Because of the Carmel’s special need for peace and quiet, the Carmel is especially concerned with the influx of noise, traffic, and other disturbances that are likely to arise both during construction of the project and upon its completion. We ask that the City of Spokane Valley take these concerns into account when contemplating the impact of the RSD upon the surrounding community, including the cloistered nuns living at the Carmel.

In addition to those concerns, the Carmel and Black Realty, the proponent of the project, reached an agreement regarding certain conditions regarding construction of the RSD that would protect the interests of the Carmel should the RSD project move forward. These jointly agreed to conditions are

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Lori Barlow
November 15, 2018
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attached hereto, and we request that these conditions be included as identified mitigation measures to be included in the Environmental Impact Statement.¹

Sincerely,

UNIVERSITY LEGAL ASSISTANCE



William B. Lyman
Law Clerk



Rick Eichstaedt
Attorney for Carmel of the Holy Trinity

Enclosures

WBL/rke/vly

¹ Please note that there is a typographical error in condition number 1; the end of the first sentence describing “the 87-foot buffer described in #7 below,” should read as “the 87-foot buffer described in #8 below.”

The specific requested conditions agreed to by the developer for approval are as follows:

1. During initial development of the RSD site, the owner shall plant, at his/her own expense, western red cedars or other mutually agreed upon evergreen trees of sufficient size, number, and spacing (as mutually agreed) to provide a visual and sound buffer on the southern and eastern sides of the Carmel's wall and on the western edge of the 87-foot buffer described in #7 below. Number and spacing of trees shall consider the goal of providing visual and sound buffering while allowing the growth of trees to full maturity (for example, a western red cedar requires an area of approximately 12-20 feet in diameter). All trees will be located on the RSD property. Consideration shall be given to preservation of existing vegetation. Trees shall be watered, maintained, and replaced as needed to provide a vegetated screen between the project and the Carmel. No vegetation shall be permitted to touch or hang over the Carmel's wall, except for the hedges mentioned in # 3 below.
2. Public use of the vegetated buffer will be restricted and may not contain trails or other public amenities.
3. Fences shall not touch or be connected to the Carmel wall. In order to limit public use of the space along the Carmel wall without using fences, hedges shall be maintained in lieu of fences to join the property owner's fence to the Carmel wall at the extremities of the buffer zones (perpendicular to the Carmel wall on the northern end of its eastern wall (near the proposed cottages), on the eastern end of its southern wall (near the single family units), and toward the western end of its southern wall (western end of the multi-family units)). These hedges will be chosen so as to be of a nature to inhibit passage as well as to prohibit the facility to climb over the wall.
4. Single family and cottage homes along the southern and eastern side of the Carmel's wall shall be limited to single story.
5. Single family and cottage homes will be subject to no less than the back property boundary set back, as prescribed by the requirements of the Spokane Valley Code 19.40.020.
6. The trail between cottage homes and the eastern Carmel wall will be limited to tenant-use only and not be open for public use.
7. Windows on multi-family buildings will be configured away from viewing into the Carmel. No windows or balconies will be on the north facing sides of the multi-family buildings.
8. The initial 87 feet along the Carmel's southern wall on the site of the proposed multi-story buildings shall be restricted to the following activities: parking, garage placement, landscaping.
9. All the identified conditions shall be memorialized as CC&Rs for the applicable properties and shall apply to subsequent owners of the property.



CENTER FOR JUSTICE

EMPOWERING PEOPLE & COMMUNITIES

9/5/2015

Michael C. Dempsey
Hearing Examiner
1026 W. Broadway
Spokane, WA 99260-0245

Dean Grafos, Mayor
City of Spokane Valley
11707 E. Sprague Ave., Ste. 106
Spokane Valley, WA 99206

RE: Proposed Conditions of Approval for the Painted Hills Planned Residential Development

Dear Sirs:

This letter is submitted on behalf of the Carmel of the Holy Trinity ("Carmel") and Black Realty, Inc., on the proposed Painted Hills Planned Residential Development ("RSD").

As you know, Black Realty, Inc., is the applicant for approval of the Painted Hills project.

The Carmel is an adjoining landowner to the proposal. The Carmel is a community of contemplative, cloistered nuns. Members of the community live within a strict enclosure, which they can leave only for necessities such as medical care. They strive to be self-sufficient by raising as much of their food as possible. The Carmel and its members live by a monastic rule that prescribes silence and privacy. The Carmel selected the location in Spokane Valley because of its relatively rural setting and the privacy afforded by the site. Inconsiderate development of the former Painted Hills golf course would threaten the privacy, silence, and the very nature of the Carmel.

In the spirit of cooperation and of being a positive and considerate neighbor, Bryan Walker from Black Realty, Inc., approached the Carmel in order to understand and attempt to address any concerns that development of the site may present. The parties mutually agreed that the measures described below will help to reduce the impact of site development on the Carmel. Accordingly, the parties request that the City of Spokane Valley include these measures as conditions of approval for the project.

If these conditions are adopted as follows, the Carmel will not object to the approval of the project. The Carmel commends the efforts of Mr. Walker in working to develop the project in a way that strives to reduce the impact to the Carmel.

The specific requested conditions agreed to by the developer for approval are as follows:

1. During initial development of the RSD site, the owner shall plant, at his/her own expense, western red cedars or other mutually agreed upon evergreen trees of sufficient size, number, and spacing (as mutually agreed) to provide a visual and sound buffer on the southern and eastern sides of the Carmel's wall and on the western edge of the 87 foot buffer described in #7 below. Number and spacing of trees shall consider the goal of providing visual and sound buffering while allowing the growth of trees to full maturity (for example, a western red cedar requires an area of approximately 12-20 feet in diameter). All trees will be located on the RSD property. Consideration shall be given to preservation of existing vegetation. Trees shall be watered, maintained, and replaced as needed to provide a vegetated screen between the project and the Carmel. No vegetation shall be permitted to touch or hang over the Carmel's wall, except for the hedges mentioned in # 3 below.
2. Public use of the vegetated buffer will be restricted and may not contain trails or other public amenities.
3. Fences shall not touch or be connected to the Carmel wall. In order to limit public use of the space along the Carmel wall without using fences, hedges shall be maintained in lieu of fences to join the property owner's fence to the Carmel wall at the extremities of the buffer zones (perpendicular to the Carmel wall on the northern end of its eastern wall (near the proposed cottages), on the eastern end of its southern wall (near the single family units), and toward the western end of its southern wall (western end of the multi-family units)). These hedges will be chosen so as to be of a nature to inhibit passage as well as to prohibit the facility to climb over the wall.
4. Single family and cottage homes along the southern and eastern side of the Carmel's wall shall be limited to single story.
5. Single family and cottage homes will be subject to no less than the back property boundary set back, as prescribed by the requirements of the Spokane Valley Code 19.40.020.
6. The trail between cottage homes and the eastern Carmel wall will be limited to tenant-use only and not be open for public use.
7. Windows on multi-family buildings will be configured away from viewing into the Carmel. No windows or balconies will be on the north facing sides of the multi-family buildings.
8. The initial 87 feet along the Carmel's southern wall on the site of the proposed multi-story buildings shall be restricted to the following activities: parking, garage placement, landscaping.
9. All the identified conditions shall be memorialized as CC&Rs for the applicable properties and shall apply to subsequent owners of the property.

Sincerely,

CENTER FOR JUSTICE

A handwritten signature in black ink, appearing to read 'Rick Eichstaedt', with a stylized flourish at the end.

Rick Eichstaedt
Attorney for the Carmel of the Holy Trinity

BLACK REALTY, INC.

A handwritten signature in black ink, appearing to read 'Bryan Walker', with a stylized flourish at the end.

Bryan Walker
Broker

Cc: Spokane Valley City Council
Spokane County Commissioners
Spokane Valley City Attorney
Spokane Valley Community Development
Spokane County Building and Planning