



HEARING EXAMINER
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GREG SMITH

January 17, 2012

Jeff Warner
ALSC Architects
203 North Washington Street
Spokane, WA 99201-0234

Re: Hospice House North Conditional Use Permit
Hearing Examiner File No. Z2009-53-CUP3

Dear Mr. Warner:

I have reviewed the emails sent between you and Tami Palmquist from the City's Planning Department regarding a proposed amendment to the conditional use permit for the Hospice House North. From reading those emails I understand that it is the applicant's desire to increase the building footprint from 16,000 square feet to 17,200 square feet. I also understand that the facility will still have the same number of beds (20). From those emails I also understand that the level of intensity of use will remain substantially the same and that the building will comply with all development standards such as: landscaping, setbacks, parking and other standards.

Condition #1 of my approval for that conditional use permit states that; ". . . Any proposed changes to the proposal are to be submitted to Planning Services for review. If Planning Services finds those proposed changes to be substantial, they will be forwarded to the Hearing Examiner for review and approval." Ms. Palmquist forwarded the requested changes to this office, but in her email to me, stated that she did not believe that the increase to 17,200 square feet is substantial. I agree with her analysis and as long as your proposal still complies with all other conditions of approval and all development standards then I will by this letter allow the increase in square footage of the building from 16,000 square feet to 17,200 square feet.

If you have any questions, please contact this office.

Sincerely,

Greg Smith
City of Spokane Hearing Examiner

c: Tami Palmquist, Current Planning
Dwight Hume, 9101 N Mountain View Lane, Spokane, WA 99218
Jim Falkner, Catholic Cemeteries of Spokane, PO Box 18006, Spokane, WA 99228
Land Use decision recipients

CITY OF SPOKANE HEARING EXAMINER

Re: Conditional Use Permit Application by) FINDINGS, CONCLUSIONS,
the Hospice of Spokane for property) AND DECISION
located on the northwest corner of)
Rhoades Avenue and Atlantic Street)
) FILE NO. Z2009-53-CUP3

SUMMARY OF PROPOSAL AND DECISION

Proposal: A Conditional Use Permit application by Hospice of Spokane to allow the construction of a 12 bed hospice facility with the option of enlarging it to 20 beds in the future. The property is located at the northwest corner of Rhoades Avenue and Atlantic Street.

Decision: Approval, subject to conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Hospice of Spokane
c/o Gina Drummond
P.O. Box 2215
Spokane, WA 99210

Represented by: Dwight J. Hume
9101 North Mt. View Lane
Spokane, WA 99218

Property Owner: Catholic Cemeteries of Spokane
c/o Jim Falkner
P.O. Box 18006
Spokane, WA 99228

Property Address: Not available.

Property Location: The property is located on the northwest corner of Rhoades Avenue and Atlantic Street in the City of Spokane Washington.

Legal Description: The legal description for the property both before and after an approved boundary line adjustment is filed with the County Auditor's Office can be found in the record as Exhibit #2G.

Zoning: The property is zoned RSF (Residential Single family).

Comprehensive Plan Map Designation: The property is designated as Residential 4-10 in the City's 2001 Comprehensive Plan.

Site Description: The site is roughly rectangular in shape and contains approximately 2.25 acres in area. It is a corner of the existing Holy Cross Cemetery which surrounds it on the north and west sides. The site is reasonably flat and contains Ponderosa Pines, weeds and grasses.

Surrounding Conditions: The subject site is located one block west of Division Street. Properties to the east, therefore, are zoned for general commercial development and are developed with commercial uses. To the north and west is Holy Cross Cemetery and properties to the south, which are in Spokane County, are zoned and developed with residential uses. Immediately south of the site across Rhoades Avenue there is an apartment building.

Project Description: The applicant seeks approval of a conditional use permit in order to construct a 16,000 square foot single story hospice house with a 20 bed maximum. The initial development will be a structure sized at 13,000 square feet which will have 12 beds. Two future additions, each totaling 1,200 square feet are to be added which will bring capacity up to 20 beds. The site plan for the facility is in the record as Exhibit #2D and shows access points, gardens, landscaping and a landscaped berm. In addition, the building is to be constructed 4 feet below the grade of Rhoades Avenue to allow for better privacy for the residents. Street improvements to Rhoades Avenue are also part of the project.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code Sections 17C.110, Table 17C.110-1, 17C.110.500, 17C.320.080, 17G.060 and 17G.060.170.

Hearing Date: April 8, 2010

Notices: Mailed: December 8, 2009, February 8 and March 23, 2010
Posted: December 8, 2009, February 11 and March 22, 2010

Site Visit: None made.

SEPA: A Determination of Nonsignificance was issued by the City on March 8, 2010.

Testimony:

Nikole Coleman
City of Spokane Planning Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

Dwight Hume
9101 North Mountain View Lane
Spokane, WA 99218

Exhibits:

1. Planning Services Staff Reports
 - 1A Staff report received 03-26-10
 - 1B Revised staff report dated 04-02-10
 - 1C Revised staff report dated 04-07-10

2. Application, including:
 - 2A General application
 - 2B Conditional use application
 - 2C Notification Map application
 - 2D Site Plan
 - 2E Authorization of Purchaser
 - 2F Project Information Summary
 - 2G Approved BLA
 - 2H Conditional use permit counter complete checklist
3. Pre-development conference notes
4. Fire Department comments
5. Engineering Services comments
6. Water Department letter
7. Spokane Regional Clean Air Agency comments
8. Department of Ecology comments
9. Spokane Tribe of Indians comments
10. Northwest Pipeline comments
11. Notice map
12. Title company certification and parcel listing
13. Notices
14. Affidavit of mailing December 8, 2009, February 8 and March 23, 2010
15. Affidavit of posting December 8, 2009, February 11 and March 22, 2010
16. SEPA Determination of Nonsignificance
17. Environmental Checklist
18. Community Meeting sign in sheet
19. Community Meeting minutes
20. Hearing File Preparation Checklist
21. Letter dated 11-24-09 to Dwight Hume from Kathleen Weinand
re: community meeting instructions
22. Letter dated 12-22-09 to Kathleen Weinand from Dwight Hume
re: letter of transmittal
23. Letter dated 12-28-09 to Interested Parties from Nikole Coleman
re: requesting comments
24. Letter dated 01-21-10 to Dwight Hume from Nikole Coleman
re: notice of application instructions
25. Letter dated 02-22-10 to Nikole Coleman from Denise Pilgrim
re: concerns regarding the proposal
26. Letter dated 01-21-10 to Dwight Hume from Nikole Coleman
re: notice of public hearing instructions
27. Undated communication between Dwight Hume and Kathleen Weinand
re: project description
28. Undated letter to Planning Services from Pamela Meyer
re: supporting the project

FINDINGS AND CONCLUSIONS

To be approved, the proposed conditional use permit must comply with the criteria set forth in Spokane Municipal Code Section 17G.060.170. The Hearing Examiner has reviewed the proposed conditional use permit and the evidence of record with regard to this section and makes the following findings and conclusions:

1. The proposal is allowed under the provisions of the land use code.

Institutional uses are listed as permitted in the RSF zone by a conditional use permit from the Hearing Examiner in accordance with SMC Table 17C.110-1. Institutional uses include community service uses. Community services are uses of a public, non-profit or charitable nature generally providing a local service to people of the community. The Hearing Examiner finds that the hospice facility proposed here qualifies as a community service use and therefore can be allowed with the approval of a conditional use permit.

2. The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property.

The site is designated as Residential 4-10 in the City's comprehensive plan. Under the implementing zoning, the use can be allowed by a conditional use permit in the RSF zone. In addition, there is a Social Health chapter in the City's Comprehensive Plan which is Chapter 10. The applicant has cited two policies from Chapter 10 which deal with care facilities such as this. Those policies are Policy SH2.1 which states:

"Distribute care facilities fairly and equitability throughout all neighborhoods"

And policy SH2.3 which states:

"Insure that facilities that accommodate special needs populations blend in with the existing visual character of the neighborhood in which they are located."

The applicant notes that there is an existing hospice facility on the south side of town at 367 East 7th Avenue and this facility is designed to serve the north side of town. In addition, the design of the facility will blend with the existing visual character of the neighborhood. Only a small part of the neighborhood is single family housing but this structure will have many of the architectural design features of a single family house and will be a single story structure.

There was no testimony indicating that the proposal does not comply with the City's Comprehensive Plan and the Hearing Examiner finds that this criterion has been met.

3. The proposal meets the concurrency requirements of Chapter 17D.010SMC.

Staff has circulated the application to all applicable City departments and agencies with jurisdiction over concurrency requirements. There were no adverse comments regarding concurrency and therefore the Hearing Examiner finds that concurrency can be achieved with the approval of this permit.

4. If approval of a site plan is required, the property is suitable for the proposed use and site plan

considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features.

The applicant has submitted a site plan which is in the record as Exhibit #2D. The site plan shows that the property can accommodate the use and the two future additions that are proposed. There is sufficient area for access, parking and proper setbacks.

There was no evidence submitted that the physical characteristics of the property such as the shape, size or drainage characteristics would prohibit development of this project and there was also no evidence of the existence of natural, historic, or cultural features on site. The applicant did say that there was a drainage area which served the adjacent cemetery which would have to be moved but that appears to be something that can be accomplished while still meeting the City's drainage requirements.

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.

The City issued a Determination of Non-significance under the State Environmental Policy Act on March 8, 2010. That determination implies that the City believes that no significant adverse environmental impacts will occur because of the development of this proposal. In addition, there was no testimony or evidence submitted which would convince the Hearing Examiner that significant adverse impacts will in fact occur. The site's usage will be of a very low intensity and the amount of traffic should not be significant. In addition, the applicant will make street improvements to unimproved Rhoades Avenue which will benefit the neighborhood and lessen the impacts of the facility. Therefore this criteria has been met.

6. The proposal meets the additional conditional use criteria listed in SMC 17C.320.080(F) for institutional uses in the RSF zone.

The Hearing Examiner finds that this criterion has been met and in so doing hereby adopts and incorporates the findings set forth in the Planning Services Staff Report Exhibit #1C, page 4, 5 and 6.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed conditional use permit subject to the following conditions:

1. Approval is for a conditional use permit to allow the construction of a hospice facility located on the northwest corner of Rhoades Avenue and Atlantic Street. This approval not only allows the first 12 bed facility to be constructed but also allows both future additions to be constructed with a maximum of 20 beds as part of this approval. The site is to be developed in accordance with the application and the site plan which is in the record as Exhibit #2D. Any proposed changes to the proposal are to be submitted to Planning Services for review. If Planning Services finds those

proposed changes to be substantial, they will be forwarded to the Hearing Examiner for review and approval.

2. The Boundary Line Adjustment (BLA) must be completed prior to receiving any building permits.

3. A fire hydrant shall be no further than 150 feet from the Fire Department connection for the building. Hydrant spacing shall not be more than 500 feet, unobstructed. An approximate site fire flow of 1,500 GPM with automatic sprinklers throughout and 1 fire hydrant is required for the initial phase, and 1,625 GPM and 1 fire hydrant for the total project. There is 1 existing fire hydrant in the area.

4. Fire Department access must be provided within 150 feet of any point around the outside of the building (165 feet for buildings fully sprinkled). If the building exceeds 30 feet in height, it will be required to have a Fire Aerial Access lane of 26 feet wide along at least one side of each building. Parking is allowed on both sides of roads with a minimum of 36 feet in width; on one side only for roads 28 feet wide up to 36 feet wide; and access roads with widths of less than 28 feet will not allow parking on either side. Minimum width for fire access roads is 20 feet, unobstructed. Fire apparatus turning radius is 50 feet external, 28 feet internal. Dead end roads no longer than 150 feet need approved fire apparatus turn-around.

5. The building will be required to be provided with fire sprinklers.

6. A fire alarm system is required for this building in accordance with the SMC including the provision for "Special Areas to be Protected."

7. As referenced in the SEPA for this proposal, dated November 16, 2009, this property is located outside the City of Spokane sewer service area and in an area in which Spokane County can better serve by existing sanitary sewer lines. Concurrency certification for sanitary sewer must be requested and granted from Spokane County. Sanitary sewer shall be available to this proposal (sewer stub located a minimum of 10-feet past the nearest lot line) prior to the issuance of any City of Spokane building permits.

8. This property is located within the City of Spokane's water service area, however it has an existing Spokane County Water District No. 3 waterline fronting the property. The City of Spokane has granted permission to Spokane County Water district No 3 to provide water service to the proposed Hospice facility per letter dated September 14, 2009. Permission has been granted on a temporary basis until such time that the City of Spokane has installed a water main in this area, at which time, the Hospice facility will have to disconnect from Water District #3's system and connect to the City of Spokane waterline at their own expense.

9. The applicant must comply with SMC 17D.060 for storm-water disposal. Compliance will be reviewed during the permit review process for this development. As stated at the pre-development conference (held on September 3, 2009), a Drainage Report by an engineer (licensed in the State of Washington) with supporting geo-technical information (in accordance with the Spokane Regional Stormwater Manual) will be required for review prior to the issuance of any building permits.

10. Approval of this development will require residential street improvements for Rhoades Avenue in accordance with City and County standards. The street improvements must provide the necessary connectivity to other streets in the area. The existing County right-of-way of Rhoades Avenue is approximately 30-feet wide. The minimum right-of-way width for City of Spokane residential streets is 60-feet. Therefore, a 30-ft strip of land from this site along the frontage of Rhoades Ave. must be dedicated/deeded to the City of Spokane for right-of-way. Full street frontage improvements (asphalt, gutter, curb, planting strip, and sidewalk), from the center line to the property line, along Rhoades Ave. are required. Additionally, a minimum of a 12-foot wide strip, south of the center-line, must be paved, in accordance with City of Spokane standards, to accommodate east-bound traffic. A turn-around, cul-de-sac / hammer head, or public through-fare must be provided.
11. Construction procedures shall comply with the requirements of the Spokane Regional Clean Air Agency.
12. A detailed landscaping plan showing compliance with SMC 17C.200 shall be approved by the Planning Services Department prior to the issuance of any building permit.
13. Screening of all garbage collection areas and recycling bins, current and proposed, must be completed in compliance with SMC 17C.200, Landscaping and Screening.
14. The proposed structures must meet all design criteria set forth in SMC 17C.110.500, Institutional Design Standards.
15. This approval does not waive the applicant's obligation to comply with all of the requirements of the Spokane Municipal Code including the Uniform Codes, as well as requirements of City Departments and outside agencies with jurisdiction over land development.
16. Spokane Municipal Code section 17G.060.240 regulates the expiration of this approval, and Table 17G.060-3 sets forth the time frame for the expiration of all approvals.
17. Prior to the issuance of any building or occupancy permits, the applicant shall submit evidence to this file that the property owner has signed and caused the following statement to be recorded with the Spokane County Auditor's Office.

COVENANT

Development of this property is subject to certain conditions on file with the City of Spokane Planning Department and the Office of the City of Spokane Hearing Examiner. The property may not be developed except in accordance with these conditions. A copy of these conditions is attached to this Covenant.

This statement shall be identified as a Covenant. The owner's signature shall be notarized.

18. This approval is subject to the above-stated conditions. By accepting this approval the applicant acknowledges that these conditions are reasonable and agrees to comply with them. The filing of the above required covenant constitutes the applicant's written agreement to comply

with all conditions of approval. The property may not be developed except in accordance with these conditions and failure to comply with them may result in the revocation of this approval.

DATED this 12th day of April 2010.


Greg Smith
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions by the Hearing Examiner regarding conditional use permits are final. They may be appealed by any party of record by filing a Land Use Petition with the Superior Court of Spokane County. **THE LAND USE PETITION MUST BE FILED AND THE CITY OF SPOKANE MUST BE SERVED WITHIN TWENTY-ONE (21) CALENDAR DAYS OF THE DATE OF THE DECISION SET OUT ABOVE.** The date of the decision is the 12th day of April 2010. **THE DATE OF THE LAST DAY TO APPEAL IS THE 3rd DAY OF MAY 2010 AT 5:00 P.M.**

In addition to paying any Court costs to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing a verbatim transcript and otherwise preparing a full record for the Court.

Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.