

CITY OF SPOKANE HEARING EXAMINER

Re: Conditional Use Permit Application by) FINDINGS, CONCLUSIONS,
St. Anthony's Catholic Parish for a) AND DECISION
Master Campus Plan for the)
construction of a new school and)
childcare facility at 2315 N. Cedar) FILE NO. Z16-653CUP3

SUMMARY OF PROPOSAL AND DECISION

Proposal: St. Anthony's Catholic Parish seeks a conditional use permit for a Master Campus Plan for the construction of a new Trinity School and childcare facility. The existing St. Anthony's church is included in the campus design.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

**Applicant/
Property Owner:** St. Anthony's Catholic Parish – Spokane
2320 N. Cedar
Spokane, WA 99205

Agent: Matt Hoffman & Clay W. Conrad
Garco Construction
4114 E. Broadway
Spokane, WA 99202

Property Location: Part of the site is located at 2315 N. Cedar and includes the following tax parcels: 25121.6003; 25121.6002; 25121.6001. The other part of the site is located on the 2300 block of N. Cedar Street, and includes the following tax parcels: 35073.3501 and 35073.3401. The property is located in the Northeast ¼ of Section 12, Township 25 North, Range 42 East, W.M., in Spokane, Washington.

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

Comprehensive Plan Map Designation: The property is designated as R 4-10 (Residential 4-10 units per acre).

Site Description: The site consists of five tax parcels. There are three contiguous parcels (25121.6003; 25121.6002; and 25121.6001) on the southwest corner of Cedar Street and Carlisle Avenue. These lots are improved with an asphalt playground and a grass field. There are two more contiguous lots (35073.3501 and 35073.3401), located to the southeast, and on the other side of Cedar Street. These lots are improved with a school,

the church, associated parking, and a playground. Thus, the “campus” that the applicant proposes to improve is split into two separate areas by the right-of-way for Cedar Street.

Surrounding Conditions and Uses: The land to the north, south, east and west of the property is zoned Residential Single Family (RSF). There are single family residences in all directions in the vicinity of the property.

Project Description: St. Anthony's Catholic Parish is applying for a Master Campus Plan for the construction of a school and child care facility to be located at the southwest corner of Cedar and Carlisle. The proposed facility will have a footprint of approximately 16,000 square feet and an overall square footage of approximately 27,000 square feet. Once the new school/daycare is constructed, the existing school across Cedar and next to the church will be demolished. After the existing school is demolished, a new surface parking lot will be constructed in its place, to serve the parish and the new school/daycare facility. The applicant also proposes to paint a crosswalk across Cedar and Carlisle to facilitate safe crossing.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (“SMC”) 17C.110, Residential Zones; SMC 17C.320.080(F) & (I), Conditional Use Criteria, and SMC 17G.060.170, Decision Criteria.

Notice of Community Meeting: Mailed: July 1, 2016
Posted: July 1, 2016

Notice of Application/Public Hearing: Mailed: August 16, 2016
Posted: August 16, 2016

Community Meeting: July 20, 2016

Public Hearing Date: September 22, 2016

Site Visit: September 23, 2016

SEPA: A Determination of Nonsignificance (“DNS”) was issued by the City of Spokane Engineering Department on September 12, 2016.

Testimony:

Ali Brast, Assistant Planner
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Clay W. Conrad
Garco Construction
4114 E. Broadway
Spokane, WA 99202

Laura Snyder
1301 W. Montgomery Avenue
Spokane, WA 99205

Sandra L. Nokes
1306 W. Montgomery Avenue
Spokane, WA 99205

Father Jose L. Millan
2320 N. Cedar Street
Spokane, WA 99205

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General application
 - 2B Conditional Use Permit application
 - 2C Notification Map application
 - 2D Site Plan
 - 2E Artist rendering 4 views of proposed completed building
3. Engineering Services comments dated 08-05-16
4. Spokane Tribe of Indians comments dated 08-29-16
5. Washington State Department of Ecology comments dated 08-11-16
6. Notice map
7. Parcel listing
8. Address listing
9. Notice of Community Meeting
10. Notice of Application and Public Hearing
11. Affidavit of mailings
 - 11A Community Meeting dated 07-01-16
 - 11B Application and Public Hearing dated 08-16-16
12. Affidavit of postings:
 - 12A Community Meeting dated 07-01-16
 - 12B Application and Public Hearing dated 08-16-16
13. Affidavit of Removal of Public Sign dated 07-27-16
14. SEPA Determination of Nonsignificance dated 09-12-16
15. Environmental checklist dated 07-27-16
16. Community Meeting sign in sheets
17. Letter dated 06-23-16 to Matt Hoffman from Ali Brast
re: community meeting instructions
18. Letter dated 07-29-16 to Interested Parties from Ali Brast
re: requesting comments
19. Letter dated 08-12-16 to Matt Hoffman from Ali Brast
re: notice of application and notice of hearing instructions
- A. Material received at hearing:
 - A-1 Hardcopy of Staff's PowerPoint presentation

FINDINGS AND CONCLUSIONS

To be approved, the proposed conditional use permit must comply with the criteria set forth in Spokane Municipal Code sections 17G.060.170 and 17C.320.080(F) & (I). The Hearing Examiner has reviewed the proposed conditional use permit and the evidence of record with regard to the application and makes the following findings and conclusions:

1. *The proposal is allowed under the provisions of the land use codes. See SMC 17G.060.170(C)(1).*

The project site is zoned Residential Single Family ("RSF"), a residential category. The uses allowed in the residential zones are shown on Table 17C.110-1. See SMC 17.110.110. Certain kinds of "institutional" uses are allowed in the RSF zone, including "daycares," "religious institutions," and "schools." See Table 17C.110-1. A daycare for more than 12 children or clients is processed as a Type II conditional use. See SMC 17C.110.110(E). Religious Institutions and Schools are also conditional uses and typically processed as Type II applications. See SMC 17C.110.110(F)-(G). In this case, however, the applicant is also seeking approval of a Master Campus Plan, a Type III application which is heard and decided by the Hearing Examiner. See SMC 17C.320.080(I)(2). It is therefore appropriate to consolidate and consider the entire proposal as a Type III project.

This project is being proposed as a Master Campus Plan in order to allow the bulk and FAR requirements to be considered for the "campus" as a whole, rather than only with respect to the lots which are being improved. There is a threshold question as to whether this project qualifies as an improvement of a "campus." The Hearing Examiner initially hesitated to conclude that St. Anthony's properties constituted a campus. After all, the St. Anthony's properties, even considered as a whole, do not resemble a traditional campus of a university or a government agency, to name a couple of examples. However, after considering the proposal in the context of the rather broad provisions of the municipal code, the Hearing Examiner concludes that the project can be approved as part of a Master Campus Plan.

The properties being developed by St. Anthony's Parish can reasonably be defined as a "campus" or a part of a "campus." The Master Plan Campus criteria in the municipal code do not define the word "campus." See SMC 17C.320.080(I). Similarly, the term "campus" is not defined in the general definition sections of the municipal code. See SMC 17A.020.030 ("C" definitions). However, the word "campus" generally means the "...grounds of a school, college, or university." See *The American Heritage Dictionary* (2nd College Edition 1985), p. 232. St. Anthony's is proposing to construct a school on an existing playground, and then demolish the existing school to provide additional parking for the school and church purposes. The proposal involves "school grounds" and therefore fits a general definition of a "campus."

However, the general dictionary definition is not sufficient, given the terms of the municipal code. The Master Campus Plan provisions do not reference "schools." Instead, SMC 17C.32.080(I) states:

These approval criteria apply to hospitals, colleges, universities, religious institutions and government complexes that develop in a campus setting.

While it is true that the code references two types of "schools," i.e. universities and colleges, that does not mean that the criteria apply to all "schools." St. Anthony's is proposing to build an elementary school. It is not developing a college or a university, and these terms cannot be interpreted to include elementary education. That said, St. Anthony's still qualifies to apply for a Master Campus Plan because it is a "religious institution." There is no question that "religious institutions" whose properties have developed into a "campus setting" may apply for Master Campus Plan approval. See SMC 17C.32.080(I).

Whether St. Anthony's actually has developed its property in a "campus setting" could be called into question, in particular because the property is currently divided into five lots, and the properties are split by public right of way, namely Cedar Avenue. Despite these facts, however, the Hearing Examiner agrees with the Planning Department that there is nothing in the municipal code that disqualifies the St. Anthony's property from being considered a "campus."

For example, there is no rule that non-contiguous or non-adjacent properties cannot be approved as a campus. *Testimony of A. Brast*. There is no guidance in the code regarding the size of a "campus," either in terms of minimum or maximum size. There is no rule that properties split by public right-of-way cannot be considered a campus. See *id.* The existence of public roads within other campuses, such as WSU and Gonzaga, would appear to undermine any such theory. Further it is clear that St. Anthony's has been using these admittedly non-contiguous properties for church and school purposes for decades. These properties are all part of the church grounds, and are treated as being part of the same use for all practical purposes. The playground on the west side of Cedar Avenue, for example, is used by the children who attend the school on the east side of Cedar Avenue. It would seem formalistic to suggest that the two properties should be considered in isolation, when the historically all the parcels form part of a larger, integrated use. The neighbors apparently recognize the properties as all being a part of the church/school as well. *Testimony of L. Snyder*.

The Hearing Examiner concludes that the Master Campus Plan provisions apply to "religious institutions" that develop in a campus setting, such as St. Anthony's. In addition, even though the Master Campus Plan provisions do not contemplate elementary schools in general, there is no reason that an elementary school, daycare, and other activities cannot be considered part of the religious institution's fundamental mission and purpose, and therefore may be approved as a part of a Master Campus Plan.

Having determined that St. Anthony's is eligible to obtain approval of Master Campus Plan, the next question is whether the "campus" designation justifies the requested relief from the bulk and FAR requirements of the municipal code.

There are no specific provisions in SMC 17C.320.080 which authorize the bulk or FAR requirements to be considered in relationship to a campus, rather than the lot(s) under development. However, applying those restrictions holistically makes sense given the intent to treat the properties of a "campus" as an integrated whole. The Master Campus Plan section is consistent with this objective, stating that its purpose is allow "...a single integrated review of a campus development plan while allowing for a comprehensive review of facilities serving the site and impacts on neighboring residential areas." See SMC 17C.320.080(I). This integrated review fosters orderly growth of the institution as well as ensuring "compatibility with the surrounding neighborhood." See *id.*

The Planning Department's interpretation is that the bulk and FAR requirements can be applied to the integrated campus, in cases where the Master Campus Plan criteria are satisfied. *Testimony of A. Brast*. Given the expressed purposes of the Master Campus Plan, the Hearing Examiner agrees with this interpretation. In addition, although there is no Washington case law on this issue, there is at least some persuasive authority supporting the idea that flexibility in development standards is precisely what a campus plan is intended to achieve. For example, in *Draude II*, it was noted that the District of Columbia had adopted an "aggregation rule" which authorized an exception to the FAR restrictions on a university structure in residential district as long as "the total bulk of all building and structures on the campus shall not exceed the gross floor area prescribed" for that residential district. See *Draude v. District of Columbia Bd. of Zoning Adjustment*, 582 A.2d 949, 958 (1990). Although the City of Spokane has not included a specific "aggregation rule" in the municipal code, the application of that concept is consistent with the language in the Master Campus Plan provisions of the code, as pointed out by the Planning Department.

The Hearing Examiner concludes that, provided the criteria for both conditional uses and a Master Campus Plan are satisfied, and assuming the other developments standards are adhered to, the proposed use is allowed in the RSF zone. As a result, this criterion for approval is met.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. See SMC 17G.060.170(C)(2).*

The Hearing Examiner agrees with Staff that the proposal is consistent with the goals and policies of the Comprehensive Plan ("CP"). For example, the proposal is consistent with Policy LU 3.1, Coordinated and Efficient Land Use, which states that growth should be focused in areas where adequate services and facilities exist. The proposal also promotes the objectives of Policy LU 6.4, Land Use Decisions, and LU 6.5, Elementary and Middle School Locations. Policy LU 6.4 suggests that the needs of schools should be considered, including the need for pedestrian safety and a quiet environment conducive to learning. Policy LU 6.5 suggests that schools should be located centrally within their service areas so that children can safely walk to school. In addition, Policy SH 2.6, Joint-Use Facilities, encourages the joint use of space that combines uses like a day care, a school, recreational and educational programs.

The proposed project is consistent with all the foregoing policies, in various respects. The site has been the location of the church, school, and related amenities for many years. Therefore, it is an appropriate location for an upgraded school and daycare, and the further development of the site focuses growth in a location already developed with urban services. The site is centrally located in a residential area, and is therefore well suited to serve those in the vicinity. The location certainly encourages, whenever possible, children to walk to school. The church campus is already located in a quiet, residential area, which is conducive to learning. The applicant has taken pedestrian safety into consideration in its designs, adjusting the access to accommodate neighborhood concerns and proposing a new crosswalk to address safety. Finally, the campus is being upgraded with new facilities that provide a mixture of uses contemplated by the comprehensive plan, including a church, a school, and a daycare.

The Hearing Examiner concludes that this criterion is satisfied.

3. *The proposal meets the concurrency requirements of Chapter 17D.010SMC. See SMC 17G.060.170(C)(3).*

The decision criteria for Type III decisions (such as a conditional use permit) mandate that all proposals must satisfy the concurrency requirements under SMC 17D.010. See SMC 17G.060.170(C)(3). Accordingly, on July 29, 2016, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 18.

The city received a limited response to its request for comments. See e.g. Exhibits 3-5. City staff noted that no city departments or outside agencies "...reported that concurrency could not be achieved." See Exhibit 1, p. 4. In addition, there was no testimony at the public hearing suggesting that the concurrency standards would not be satisfied.

The Hearing Examiner finds that the project satisfies the concurrency requirements of the municipal code. Therefore, this criterion for approval of the conditional use permit is met.

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. See SMC 17G.060.170(C)(4).*

The Hearing Examiner finds that the property is suitable for the proposed use given its physical characteristics.

The site bisected by Cedar Avenue. There are three parcels west of Cedar are being used as a playground. A larger part of the playground is a grass field and the remainder is asphalted. There are two parcels east of Cedar. These parcels are improved with the church, the school, and another playground. The two areas of the campus are flat and rectangular in shape. These properties have been used for church purposes for many years, and are apparently quite suitable for such uses. The proposal will result in the construction of a new school, the demolition of the existing school, and the installation of a new area for surface parking. The proposal will result in a significant upgrade in the facilities, but will not result in a different use or a materially more intense use. The Staff has approved the design of the new school, finding that the proposed use is suitable to the site. *Testimony of A. Brast.* Thus, the size, shape, and topography of the site can support the proposed project, just as the site serves the current use.

There is no evidence in this record suggesting that the physical characteristics of the property make it unsuitable for the proposed improvements. For example, there are no indications of surface water on the site. See Exhibit 15 (Environmental Checklist ¶ B(3)(a)). There is no reason to expect that groundwater will be impacted by this project. See Exhibit 15 (Environmental Checklist ¶ B(3)(b)). There is no evidence that drainage conditions at the site are problematic or cannot be adequately addressed. See Exhibit 15 (Environmental Checklist ¶ B(3)(a)(5) & (c)). And there are no known cultural or historic resources on this site. See Exhibit 15 (Environmental Checklist ¶ B(13)). The Spokane Tribe of Indians requested a site visit at the time of permitting, but did not identify any

current reason to believe that resources exist at the site or to support specific conditions of approval. See Exhibit 4.

The Hearing Examiner concludes that the property is suitable for the proposed use, given the conditions and characteristics of the site. As a result, this criterion is satisfied.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.060.170(C)(5).*

There is no evidence that this project may give rise to significant environmental impacts. The existing school and church have been in operation for many years, apparently without causing significant environmental consequences. There is no reason to suspect that the redevelopment of the site will somehow create new or unique impacts on the neighborhood. In addition, the environmental review process, completed pursuant to the State Environmental Policy Act, demonstrates that the project will not have significant environmental impacts. To the extent certain impacts occur or may occur, those impacts can be addressed adequately through appropriate mitigation measures.

On or about July 27, 2016, St. Anthony's (through its consultant) prepared an environmental checklist, pursuant to the State Environmental Policy Act, for the proposed project. See Exhibit 15 (Environmental Checklist). The checklist supports the conclusion that this project will not have significant impacts on the environment or the surrounding properties. For example, there are no wetlands or streams on the site. See Exhibit 15 (Environmental Checklist ¶ B(3)(a)(1)). The property does not lie within a 100-year floodplain. See Exhibit 15 (Environmental Checklist ¶ B(3)(a)(4)). No waste materials will be discharged into the ground or into surface waters, barring a construction accident. See Exhibit 15 (Environmental Checklist ¶¶ B(3)(b)(2) & B(3)(c)(2)). No environmental hazards (e.g. exposure to toxic chemicals, risk of fire or explosion, hazardous wastes, etc.) are anticipated to arise due to this project. See Exhibit 15 (Environmental Checklist ¶ B(7)(a)). No threatened or endangered species were identified on the site. See Exhibit 15 (Environmental Checklist ¶¶ B(4)(c) & B(5)(b)). The project is not anticipated to create any significant noise. See Exhibit 15 (Environmental Checklist ¶ B(7)(b)). The project will also not create a significant source or light or glare. See Exhibit 15 (Environmental Checklist ¶ B(11)).

On September 12, 2016, the Planning Department of the City of Spokane, as lead agency, issued a Determination of Non-significance ("DNS") for the project. See Exhibit 14. Thus, the city has concluded that the project is not a source of significant, environmental impacts. The record in this case supports that view.

The Hearing Examiner concludes that the project will not have significant impacts on the environment, and therefore this criterion is satisfied.

6. *The overall residential appearance and function of the area will not be significantly lessened due to the construction of utilities and infrastructure. The project will not result in the construction of improvements that are disproportionate to the residential household uses in the surrounding area. See SMC 17C.320.080(F).*

The residential appearance and function of the area will not be negatively impacted by this project. A new school will be constructed and the old building will be demolished. This project involves, in essence, the replacement of an existing structure. The site has been used for church and school purposes for decades and has not proven itself to be incompatible with the neighborhood, based upon this record. The nature and intensity of the use is not materially changing as a result of this project.

The new facility will be relatively large and will include day care services. However, the new school facility has been designed to fit well with the neighborhood. The Hearing Examiner agrees with the applicant that the new building will be a significant upgrade from the existing school. *Testimony of C. Conrad & S. Nokes.* The day care services will result in some increase in the intensity of use, but the impact will be minimal. See Exhibit 1, pp. 5-6. In any case, the structure will have to meet the design requirements of the RSF zone as well as the restrictions for institutional uses in residential areas.

The Hearing Examiner concludes that this criterion for approval is met.

7. *The proposal will be compatible with the adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping. The proposal will mitigate the differences in appearance or scale through such means as setbacks, screening, landscaping and other design features. See SMC 17C.320.080(F)(2) & SMC 17C.320.080(I)(3)(a).*

The design of the project appears to be proportionate to the neighborhood, and appropriate given the characteristics of the site. See Exhibits 2D & 2E. The site of the new school facility, on the corner of Carlisle Avenue and Cedar Street, has sufficient area to support the structure. See Exhibit 1, p. 6. It should be acknowledged, however, that the structure exceeds the bulk and FAR requirements, when measured against only the site of the structure. See *id.* When the project is considered as an improvement to the campus, however, the bulk and FAR requirements can be measured against the campus as a whole. *Testimony of A. Brast.* The structure was designed to satisfy the bulk and FAR requirements, provided the project was considered as a "campus." *Testimony of C. Conrad; see also Exhibit 2D (bulk and FAR calculations).* The Hearing Examiner has already concluded that this project can be approved as a Master Campus Plan. See Paragraph 1 above. As a result, the Hearing Examiner concludes that the bulk and FAR requirements are satisfied, given the properties included as part of the campus.

In addition, the school is set back as far as possible from the residence to the west. See Exhibit 1, p. 6. The school has been designed to incorporate Spanish elements, in order to be consistent with the existing church. See *id.* The new building is designed to avoid the blockish, office-building look, and thus is aesthetically compatible with the neighborhood. See Exhibit 2E. The project has been well thought-out to maintain stylistic consistency and to blend well with the surrounding neighborhood. Finally, the project still must adhere to the institutional design standards for such uses in a residential area. See

SMC 17C.110.500 *et seq.* Staff has confirmed that the project renderings generally appear to satisfy those standards. See Exhibit 1, p. 6.

In the Hearing Examiner's view, the new building will have no more impact on the neighborhood than the existing facility. Even if the use becomes more intense following the construction of the new facility, the Hearing Examiner still believes the proposal is compatible with the neighborhood, for the reasons already discussed.

The Hearing Examiner concludes that this criterion for approval is satisfied.

8. *The proposal will not have significant adverse impacts on the livability of nearby residential lands due to noise, glare, late-night operations, odors and litter, or privacy and safety issues. See SMC 17C.320.080(F)(3) & 17C.320.080(I)(3)(b).*

The proposal will not affect the livability of the surrounding residences. The project does not appear to include elements that may cause unanticipated or undue light, glare, odor, or liter, or give rise to diminished privacy or safety. There was no testimony or evidence introduced at the hearing that suggested that any of these problems would likely arise as a result of this project.

There will be a new play area in front of the new school, but it will be fenced and landscaped from public view, with the intent of buffering the neighbors from any added noise. See Exhibit 1, p. 6. In addition, in response to concerns raised at the community meeting, St. Anthony's adjusted its plans for pick-up and drop-off of students. See Exhibit 1, p. 6. Those adjustments apparently addressed the concerns. The only neighbor who testified at the hearing spoke in favor of project. *Testimony of L. Snyder.*

There is no evidence in this record suggesting that livability of the neighborhood will be diminished by this project. Under the circumstances, the Hearing Examiner concludes that this criterion for approval has been satisfied.

9. *The proposed use is in conformance with the street designations of the transportation element of the comprehensive plan. The transportation system is capable of supporting the proposed use in addition to existing uses in the area, upon consideration of the evaluation factors provided in the municipal code. See SMC 17C.320.080(F)(4).*

This project does not appear to create any new or unique burdens on the transportation system or on other public facilities. The nature and intensity of the use is not materially changing as a result of this project. The City's traffic engineer reviewed the proposal and did not raise any concerns about impacts on the transportation system. See Exhibit 1, p. 7. In addition, as stated above, no department reported that public facilities were insufficient to support the project. See Paragraph 3 above. Moreover, there was no evidence introduced at the hearing suggesting that this project would cause any genuine stress on the transportation system.

The Hearing Examiner concludes that this criterion is satisfied.

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 for a Master Campus Plan to allow the St. Anthony's Catholic Parish to construct a school and daycare facility located at 2315 N. Cedar Street, to demolish the existing school once the new school is built, and to construct a new surface parking lot at 1306 W. Montgomery. The project shall be completed substantially in conformance with the plans and application on file with the Planning and Development Department. Proposed amendments to the Master Campus Plan shall be processed in accordance with SMC 17C.320.080(I)(5).
2. The project shall be developed in substantial conformance with SMC 17C.110, Land Use Standards, Residential Zones, to maintain compatibility with and limit the negative impacts on surrounding residential areas.
3. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the City of Spokane Planning & Development Services should be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.
4. Boundary Line Adjustments will be required to aggregate all contiguous lots.
5. No parking is permitted in the front 20 feet of the property in residential zones.
6. All crosswalks must be approved through the City of Spokane Street Department.
7. All new parking areas, driveways, utility, stormwater, and street improvements shall be designed by a Professional Engineer, licensed with the State of Washington. Design and construction of these improvements shall be in accordance with City Standards and shall be complete prior to occupancy of any facilities.
8. Any access onto a public alley will require the alley to be fully improved.
9. This approval does not waive the applicant's obligation to comply with all of the requirements of the Spokane Municipal Code, including the International Codes, as well as requirements of City Departments and outside agencies with jurisdiction over land development.
10. This project must adhere to any additional performance and development standards documented in comments or required by the City of Spokane, the County of Spokane, the State of Washington, and any federal agency.
11. The applicant shall comply with the requirements of the Spokane Regional Clean Air Agency prior to the construction, installation or establishment of an air pollution source. A Notice of Intent must be submitted to the Spokane Regional Clean Air Agency prior to any demolition project or asbestos project.

12. 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.

13. 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.

14. 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 27th day of September 2016.



Brian T. McGinn
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 and variances 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 ISSUANCE OF THE DECISION.** Pursuant to RCW 36.70C.040(4)(a), the date of the issuance of the decision is the date the decision is entered into the public record. This decision was entered into the public record on September 27, 2016. **THEREFORE, THE DATE OF THE LAST DAY TO APPEAL IS THE 18th DAY OF OCTOBER, 2016, 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.