



**STAFF REPORT ON CONDITIONAL USE PERMIT
(Type II) & Preliminary Short Plat (Type II)
FILE NO. Z1400019FEW2**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant, Gary Ludwick, has requested approval of an Administrative Conditional Use Permit (Type II) and Preliminary Short Plat (Type II) from the City Planning and Development Director to allow the construction of a 12-unit cottage housing development after a preliminary short plat is completed on property located at 7203 N. Crestline Street in the City of Spokane, WA.

Recommendation: Staff recommends approval of this application with conditions.

II. GENERAL INFORMATION:

- A. Applicant: Gary Ludwick
2612 N. Pines Rd, #D-39
Spokane, WA 99217
(425) 466-7070
- B. Property Owner: Same as Applicant
- C. Agent: Edward Carcich
7512 E. Big Meadows Road
Chattaroy, WA 99003
(509) 939-6825
- D. Location of Proposal: See Above In Description of Proposal
- E. Existing Zoning: "RSF" (Residential Single Family)
- F. Land Use Plan Designation: Residential 4-10
- G. SEPA Status: DNS – July 24, 2014
- H. Enabling Zoning: SMC 17G.060.170, Decision Criteria
- J. Decision Date: July 28, 2014
- K. Staff Contact: Dave Compton

III. FINDINGS OF FACT:

- A. Site Description: The subject property is approximately 1.59 acres and currently has an existing home on it. The home will be segregated out as a result of this preliminary two (2) lot short plat. The topography is relatively flat.
- B. Project Description: This is a consolidated Type II permit application for the following proposals: A preliminary short plat application to split one (1) parcel into two (2), one being approximately 15,664 square feet that will be used for the existing home, and the second parcel created to use for a twelve (12) unit cottage style housing project on approximately 53,633 square feet. If built, this will be the second cottage housing project of its kind in the City of Spokane since the adoption of the current (June 2006) residential development code.
- C. Surrounding Zoning: Residential Single Family (RSF) surrounds the entire site area on all sides except to the east across Crestline Street. That area is in Spokane County and appears to be Low Density Residential (LDR). The closest non-residential zone is Light Industrial and is approximately 1,250 feet to the southwest.
- D. Zoning History: The subject property has been zoned RSF since June 2006 with the adoption of the current residential development regulations. Prior to that it was designated R-1 (Single-Family Residential).
- E. Adjacent Land Use: The underlying land use in and surrounding the proposal is Residential 4-10. The physical uses surrounding this proposal are predominately single-family homes both in and outside the city limits.
- F. Applicable Zoning Regulations: SMC 17C.110, Residential Zones; SMC 17G.060.170 Decision Criteria and SMC 17G.080.040 Short Subdivisions
- G. Procedural Requirements:
- Application was submitted on April 18, 2014;
 - Applicant was notified in writing on May 23, 2014 of technically complete status of application;
 - Notice of Application was mailed and the subject property posted on July 7, 2014 which began the 15-day public comment period;
 - SEPA Determination of Non-Significance was issued on July 23, 2014;
 - Administrative Approval of proposal issued July 29, 2014.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments. Their comments are included with the file and are made part of this application by reference.

V. CONCLUSIONS

SMC 17G.060.170 Decision Criteria

A. Criteria.

The intent of the below listed decision criteria procedure is to determine the conditions under which a use may be permitted. Type II or III applications are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A conditional use permit may be granted only if the following facts and conditions are found to exist:

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

Cottage Housing is allowed in the RA (Rural Agricultural) and RSF zones by Type II Conditional Use Permit (CUP), subject to the compliance of subsections (D) and (E) of SMC 17C.110.350 – Cottage Housing. Cottage housing developments are permitted on sites of one-half acre or larger with a minimum of six (6) units and maximum of twelve (12) units. A twenty percent density bonus is allowed based on the minimum lot size permitted in the base zone to a maximum of twelve (12) units in the development. That would allow up to twenty-four (24) units at this site.

The preliminary short plat is allowed through SMC 17G.080.040 Short Subdivisions. Residential uses are allowed outright in this zoning category, however require a short plat subdivision to create additional lots to comply with Washington State law. (RCW 58.17 – Plats, Subdivisions, Dedications) and (RCW 36.70A – Growth Management). The size of each lot varies from 15,664 square feet left for the existing home to 53,633 square feet where the cottage housing is proposed. Both parcels meet the minimum lot frontage, square footage, and lot depth.

Please reference the applicant's response in addressing this criteria for both the preliminary short plat and proposed cottage housing development.

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

While the applicant doesn't specifically list any Comprehensive Plan goals and policies by element, the SMC section on Cottage Housing is cited as expressing the ones felt most applicable to this proposal on the CUP application. Most can

be found within the Land Use element section of the Comprehensive Plan. There are many other goals and policies that could be attached to this type of proposal such as for design, economic development, transportation, etc., all of which would describe how it should fit into the public realm while safeguarding them from competing land uses. The intent of cottage housing is to support the diversity of housing, increases the variety of housing types for smaller households and provides the opportunity for small, detached single-family dwelling units within existing neighborhoods. This proposal highlights LU 3.11 – Compact Residential Patterns that allow for more compact and affordable housing in all neighborhoods, this coupled with LU 3.12 – Maximum and Minimum Lot Sizes, which discusses the need to use the remaining usable land more efficiently by increasing the overall housing density within the city limits. By permitting increased densities, it in turn promotes efficient and cost-effective provision of city facilities, services, and transportation systems and enables the provision of affordable housing. Further LU 5.5 – Compatible Development and DP 3.8 – Infill Development both urge that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types. Lastly, N 2.6 – Housing Options reiterates the desire to provide housing options within neighborhoods to attract and retain neighborhood residents, consistent with the neighborhood planning process through a mixture of low, moderate, and high-income housing.

This site is free from critical areas according to available data. The proposal does not conflict substantially with adjacent land uses, is readily accessible to adequate transportation, utility, and service systems, as well as convenient to the labor force. All development will be required to meet any residential and applicable development standards as directed in the SMC 17C.110 – Residential Zones. This proposal must also comply with any and all county, state, or federal regulation applicable it currently or in the future. Conditions of approval will be listed at the end of this staff report. These and additional recommendations from agencies are located in the file of record.

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

All applicable city departments and agencies had the opportunity to review this proposal with no one denying concurrency. This proposal was issued a Determination of Non-Significance for the Cottage Housing proposal after review of the SEPA Environmental checklists submitted. The preliminary short plat would have been categorically exempt by itself. This site is free from critical areas according to available data. The proposal does not conflict substantially with adjacent land uses, is readily accessible to adequate transportation, utility, and service systems, as well as schools and parks. In addition, the applicant gives comments within the CUP application submitted for both the preliminary short plat and the cottage housing proposal on how they relate to concurrency and existing infrastructure systems. Conditions of approval will be listed at the

end of this staff report. These and additional recommendations from agencies are located in the file of record.

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 site area is suitable for development according to all city departments and agencies that commented. All improvements required by development regulations in the SMC and those noted by all that commented are applicable. The applicant noted how this proposal will be conducive to fulfilling the Comprehensive Plans objective of urban infill. No known historical or cultural features are known to exist within the site area.

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 effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.*

Please reference the applicant's response to this (#5) on the CUP application. No public comment from adjacent property owners or others was received for this proposal. Review of individual building permits will be conducted for placement and setbacks, unit size, design elements and open space and parking requirements.

B. Time Limitation.

For the cottage housing, a CUP (Type II or Type III) application automatically expires and becomes void if the applicant fails to apply for a building permit within three years of the effective date of the CUP approval unless the applicant has received an extension for the conditional use permit as provided in SMC Section 17G.060.240 (D).

For the preliminary short plat, the platlor is authorized for a period of seven years from the Date of Approval of this Preliminary Short Plat to prepare and submit the Final "Crestline Mews" City Short Plat to Planning and Development for their and other Departments' review and approval. All of the Conditions of Approval shall be incorporated into the proposed Final City Short Plat.

The approval of this Preliminary Short Plat will expire seven years from the Date of Approval. A one-year extension may be granted if applied for in writing prior to the expiration date.

STAFF CONCLUSION: The staff recommends approval of the requested Conditional Use Permit and Preliminary Short Plat.

VI: Recommendations

The staff recommends approval of the proposal subject to the following conditions for:

Cottage Housing:

1. Development should adhere to plans, design, drawings, illustrations and/or specifications on file in Planning and Development.
2. Comply with all site development standards listed in SMC 17C100.350 such as building design, open space, floor area layout, setbacks, etc.
3. All parking areas must be hard surfaced and screened from public streets.
4. A Homeowners' Association is required to be created for the maintenance of the open space, parking area, and common use area buildings.
5. The site plan, if approved, is required to be recorded at the Spokane County Auditor's office including deed restrictions for the subject property that enforces the elements of the cottage housing ordinance.
6. Notify a tribal archaeologist if any evidence of Native American importance is found during any excavation activity. Pursuant to RCW 27.53.060 it's unlawful to destroy any historic or prehistoric archaeological resources.
7. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
8. Any signage erected will require a separate permit and be reviewed under the current sign code in place at the time of submittal.

Preliminary Short Plat:

1. The name of the Final City Short Plat shall be "Crestline Mews" Final City Short Plat, Being a portion of the northern half of Section 28, Township.26N.,Range 43E.,W.M., City of Spokane, Spokane County, Washington.
Note: A file number will be assigned at time of application.
2. The legal description of the land being platted shall appear on the face of the Final City Short Plat.


3. Final short plat submittal shall follow all requirements listed in SMC 17G.080.040 F through H and SMC 17G.080.050H.
4. Final City Short Plat shall include all standard dedicatory language for a final short plat in accordance with the Spokane Municipal Code.
5. Public sanitary sewer which, could provide sewer to this proposed plat, is a 10-inch line in Crestline Street.
 - a. The developer will be responsible for all costs associated with design and construction of sanitary sewer improvements necessary to serve the proposed plat.
 - b. The sanitary sewer system shall be designed and constructed in accordance with City standards. Each lot must have individual service connections.
 - c. Construction plans shall be submitted to the City of Spokane Planning and Development for review and acceptance. The sanitary sewer system shall be constructed and accepted for service prior to the City Engineer signing the final plat.
6. Street address of each unit shall be shown on the face of the final plat.
7. Both parcels of ground must be shown as Lot 1 and Lot 2 on the face of the final plat.
8. The preliminary plat mentions that the City of Spokane is the water purveyor for this plat. This plat cannot currently be served by the City of Spokane. This area is served by the North Spokane Irrigation District.
9. All parking and maneuvering areas must be paved. All required parking, landscaping and onsite stormwater designs must be within the property lines and not in the public right-of-way.
10. City Standard driveway approach will be required and please note on the site plan which type from our City Standards will be proposed. Traffic Engineering must review and approve any new or modified driveway access locations prior to permit issuance.
11. Accessible barrier-free parking spaces are required and need to comply with current City of Spokane Standard Plans G-54 and G-80A. Accessible routes of travel connecting to both the primary entrances with a marked accessible route of travel are required.
12. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat. Pre-development flow of any off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm must be provided.

- a. All stormwater facilities necessary to serve the proposed plat shall be designed and constructed in accordance with City standards.
 - b. Prior to construction, a grading and drainage plan shall be submitted to City of Spokane Planning and Development for review and acceptance.
 - c. An erosion / sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to City of Spokane Planning and Development for review and acceptance prior to construction.
 - d. If drywells are utilized, they will be tested to insure design infiltration rates are met. A minimum factor of safety of 2 (two) will be required. In accordance with State Law, existing and proposed Underground Injection Control structures need to be registered with the Washington State Department of Ecology. Proof of registration must be provided prior to plan acceptance.
 - e. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.
13. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
14. Addresses for each new lot shall be shown on the face of the Final City Short Plat.
15. A Final City Short Plat shall be prepared by a registered Land Surveyor licensed by the State of Washington.
16. Avista request the following language be added to the face of the final plat:
- a. The Private streets and/or driveways shown hereon are dedicated for utility purposed to ingress and egress
 - b. Easements for "Dry" utilities as shown heron are hereby granted over the rights-of-way for the private streets/driveways and adjoining said streets/driveways to the City of Spokane and its permitted serving utilities for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities, together with the right to prohibit changes in grade over the installed underground facilities and the right to prohibit, trim and/or remove trees, bushes, landscaping and to prohibit brick, rock, or masonry structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Storm drain dry wells and Water Meter boxes shall not be placed within the "Dry" easements; however, lateral crossings by storm drain, water and sewer lines are permitted. If the developer or his subcontractor should ditch beyond the limits of the dedicated utility easement areas shown heron, the easement shall be identified by the actual physical location of the installed utilities.

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning and Development Director are governed by Spokane Municipal Code 17G.060.210 - Appeals. Decisions of the Planning and Development Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with Planning and Development within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development within seven (7) days of the date of the decision. The date of the decision is the 28th day of July 2014. **THE DATE OF THE LAST DAY TO APPEAL IS THE 11th DAY OF AUGUST, 2014 AT 5:00 P.M.** In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

An appeal shall take the form of a written statement of the alleged reason(s) the decision was in error. An appeal application is not considered complete until the required appeal fees are paid. The appeal fee (\$250.00) must be paid in full at the time the appeal is made. The form for filing an appeal is available from Planning and Development.



Scott Chesney, AICP, Director
Planning and Development

By: Dave Compton, Assistant Planner
Planning and Development

July 28, 2014