



PLANNING & DEVELOPMENT  
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## LETTER OF APPROVAL

November 2, 2020

Dan Garabedian  
PO Box 8765  
Spokane, WA 99203

Re: Preliminary "Hogan Pocket Residential Development" Short Plat File # Z20-129PSP

The Planning and Development Director, after reviewing the proposed Preliminary Short Plat and comments from interested departments, agencies, and individuals, makes the following findings pursuant to State Platting Laws:

1. THAT the proposed preliminary "Hogan Pocket Residential Development" Short Plat File #Z20-129PSP is a preliminary plat proposal to re-divide three Residential Single Family (RSF) zoned lots (two of which were not originally created for the purpose of development) into two legally buildable RSF zoned lots for the purpose of retaining an existing residence and building one new home under the City's Pocket Residential Development Code, located at parcel numbers 34042.1204, 34042.0008 and 34042.0007;
2. THAT the proposed preliminary "Hogan Pocket Residential Development" Short Plat is allowed under the provisions of Title 17 of the Spokane Municipal Code (SMC), and is consistent with the comprehensive plan designation, goals, objectives, and policies for the subject property;
3. THAT the proposed preliminary "Hogan Pocket Residential Development" Short Plat complies with the Spokane Unified Development Code (SMC) Chapters 17C.110, 17G.060, 17G.080, the City's Comprehensive Plan, and Section SMC 17C.110.360 – Pocket Residential Development;
4. THAT two phone calls requesting more information, six individual comment letters/emails and one joint comment letter signed by 30 nearby residents were received during the public comment period;
5. THAT issues raised in the aforementioned communications included concerns associated with: the use of the existing single family home as an adult family home; the condition of the existing home; parking for the existing and future new residence; safety concerns related to access for one new single family residential unit including access for Fire and EMS services; setbacks from adjoining properties; adverse impacts associated with the platting of one new legally buildable parcel and future single family residential development on that lot; a belief that the proposed platting action was not permitted under the Spokane Municipal Code; that a private street meeting the City's Street Standards would be required; that recorded Covenants of the Glenaire 4<sup>th</sup> Addition were being violated; that easements were being modified that were not permitted under the law, etc.;

6. THAT the existing home has been used as an Adult Family Home for multiple years and that Adult Family homes are a residential use protected by the Fair Housing Act and licensed by the state of Washington for up to six non-related residences;
7. THAT the condition of the existing dwelling is not a criteria by which decisions relating to platting actions are made and that the City of Spokane responds to concerns regarding substandard buildings as a function of code enforcement;
8. THAT required parking of three spaces for an existing five home is met through a combination of on- and off-street parking and that required parking for any future residential unit will be evaluated at the time of building permit;
9. THAT the City's Fire Department will review any new proposed development associated with this platting action for compliance with adopted Fire Codes at the time of permit for a new home and that EMS services are notified of platting actions and address changes;
10. THAT setbacks associated with is plat are consistent with setbacks associated with the parent site pursuant to the Pocket Residential Development Code including a 20' front yard setback off of Hogan and 45<sup>th</sup> Avenue, 25' rear yard setback adjoining rear yards of parcels within the Glenaire Addition, and 5' interior lot setbacks where the Hogan Pocket Residential Plat adjoins unplatted parcels which front onto South Perry Street;
11. THAT retaining an existing home and platting one new legally buildable lot for the purpose of constructing one additional single family residence over a parent parcel site consisting of 36,834 sq. ft. of land implements the intent of alternative residential development and infill development tools adopted by the Spokane City Council for use in RSF zones;
12. THAT the Pocket Residential Development Code includes design standards intended to protect neighborhood character and ensure high quality new residential development;
13. THAT the proposal will provide benefit to the community consistent with those identified in the recitals of ordinance C35575 when the Spokane City Council adopted the use of Pocket Residential Development standards in all RSF zones across the City of Spokane on January 29, 2018;
14. THAT a platting action is required under the Pocket Residential Development Code in order that a new legally buildable lot is created and may be developed;
15. THAT the new legally buildable lot is not required to have street frontage pursuant to the Residential Pocket Development Standards found in SMC 17C.110.360 and that private access is permitted under the Pocket Residential Development Code;
16. THAT private access permitted under the Pocket Residential Development Code is not required to meet the City's adopted Street Standards for Public and/or Private Streets found in 17H.010 Street Development Standards;
17. THAT the use of private access for lots within a Pocket Residential Development is further identified in 17H.010.090 and that the private access may be designated by a recorded easement;
18. THAT a 24' wide private easement is proposed and meets requirements for the provision of access and utilities to proposed new lot 2 which does not have street frontage;
19. THAT City Engineering staff have reviewed the proposal for appropriate access and utilities pursuant to the Pocket Residential Development Code;
20. THAT the existing single family home will continues to adhere to the recorded Covenants of the Glenaire 4<sup>th</sup> Addition which permit only one residential unit per parcel;

21. THAT proposed new lot No. 2 is located upon previously unplatted land and not subject to the Plat restrictions or Covenants Associated with Glennaire 4<sup>th</sup> Addition;
22. THAT one existing easement, 5' in depth, that runs along property frontage at 45<sup>th</sup> Avenue is unchanged by the proposed platting action;
23. THAT a preliminary plan for utilities was submitted to the City of Spokane Engineering Services pursuant to the engineering memo dated August 13;
24. THAT a formal sewer variance was submitted on October 1, 2020 and the variance was approved by the City of Spokane Engineering Services on October 21, 2020;
25. THAT there are no Local Improvement Districts associated with the parcels included in this platting action;
26. THAT the proposal meets the concurrency requirements of chapter 17D.010 SMC;
27. THAT there is no evidence that the subject property is unsuitable 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, historical, or cultural features;
28. THAT the proposal, if approved with appropriate conditions, will not have a significant adverse impact on the environment or the surrounding properties;
29. THAT appropriate provisions (when all of the conditions of approval of the Preliminary Short Plat have been incorporated into the Final City Short Plat) have been made for the public health, safety and general welfare for community facilities, open spaces, drainage ways, public access, streets, alleys, and other public ways, for water supplies, waste disposal and utilities, for parks, playgrounds, sites for schools and school grounds and for the physical characteristics of the proposed Short Plat, and that the public use and intent will be served by the proposed platting;

Therefore, the Planning and Development Director APPROVES the Preliminary "Hogan Pocket Residential Development" Short Plat on November 2, 2020 subject to compliance with the following conditions of approval: The name of the Final City Short Plat shall be **"Hogan Pocket Residential Development" Final City Short Plat, being a portion of the Northwest Quarter of the Northwest Quarter Section 4, Township 24 North, Range 43 East W.M., City of Spokane, Spokane County, Washington.**

1. **Note:** A file number will be assigned at time of final plat application;
2. Adherence to the Pocket Residential Development Basic Code Development including Design standards found in 17C.110.360 for new home construction on proposed lot No. 2;
3. Adherence to Development Services Memorandum dated August 13, 2020 and supplemental communication from Bill Peacock, City of Spokane Wastewater Management.
  - a. Follow onsite drainage requirements of the Spokane Regional Stormwater Manual (SRSM manual)
  - b. Keep separations between water and sewer in accordance with City of Spokane standards;
4. Adherence to the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) letter dated August 25, 2020;

5. Coordination with Avista for gas and electric service as identified in an email from LuAnne Weingard, Real Estate Representative, Avista Utilities on September 2, 2020;
6. Adherence to the State of Washington Department of Ecology letter dated September 3, 2020;
7. Addresses must be shown on the face of the Final City Short Plat. Address permits can be applied for at the City of Spokane permit center or by calling (509) 625-6300;
8. Final city short plat submittal shall follow all requirements listed in SMC 17G.080.040 F thru I and SMC 17G.080.050 H;
9. Final city short plat submittal shall follow all requirements listed in SMC 17G.080.070 B thru F;
10. Final city short plat "Hogan Pocket Residential Development" shall include all standard dedicatory language for a final short plat in accordance with the Spokane Municipal Code;
11. If any archaeological resources, including sites, objects, structures, artifacts, and/or implements, are discovered on the project site, all construction and/or site disturbing activities shall cease until appropriate authorities, agencies, and/or entities have been notified in accordance with Chapters 27.44 and 27.53 RCW. This language shall appear on the face of the Final Short Plat;
12. Prior to final plat authorization, the accessory structure currently located on proposed lot 2 must be removed via demolition permit with the City of Spokane or a financial guarantee to the City for the cost of demolition and removal of the structure provided;
13. The following statements must be in the final plat dedication:
  - a. Only City water and sanitary sewer systems shall serve the plat; the use of individual on-site sanitary waste disposal systems and private wells is prohibited.
  - b. Ten foot utility easements as shown here on the described plat are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance, protection, inspections and operation of their respective facilities together with the right to prohibit structures that may interfere with the construction, reconstruction, reliability and safe operation of the same.
  - c. Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Development Services prior to the issuance of any building and/or grading permits.
  - d. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private sanitary sewer system and connected to a public or private water system, complying with the requirements of the Development Services and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department and the Fire Department.
  - e. All parking areas and driveways shall be hard surfaced. All new or modified driveway locations will need to be reviewed and approved prior to construction.
  - f. All Stormwater and surface drainage generated on-site must be disposed of on-site in accordance with chapter 17D.060 SCM, Stormwater Facilities, the Spokane Regional Stormwater Manual, and City Design Standards. A surface drainage plan shall be prepared for each lot and shall be submitted to the City of

Spokane Planning & Development Department for review and acceptance prior to the issuance of a building permit on said lot.

- g. Slope easements for cut and fill, as deemed necessary by Planning & Development in accordance with City Design Standards, are granted along all public right of ways.
- h. A Transportation Impact Fee will be collected prior to the issuance of a building permit for the affected lot.
- i. General Facilities Charges for new and/or upsized water and sewer services will apply to the Lots within this plat.

This Preliminary Short Plat is exempt from the Washington State Environmental Policy Act (SEPA).

A Final City Short Plat shall be prepared by a registered Land Surveyor licensed by the State of Washington. Submission of a Final City Short Plat shall include; the filing fee, one (1) electronic copy of the proposed Final City Short Plat (seven paper copies if submitted following re-opening of public buildings), and one (1) plat certificate (Title Report) less than thirty days old.

The platlor is authorized for a period of five years from the Date of Approval of this Preliminary Short Plat to prepare and submit the Final "Hogan Pocket Residential Development" City Short Plat to Planning & 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. A one-year extension may be granted if applied for in writing prior to the expiration date.

The platlor, or their agent, shall then, within thirty days of the signing of the Final Short Plat by the Planning Director, submit the following:

- 1. One (1) conformed mylar of the Final City Short Plat, which bears the Auditor's File Number and Recording Information, with the Planning & Development Director.
- 2. Nine (9) conformed paper copies of the Final City Short Plat, which bears the Auditor's File Number and Recording Information, with the Planning Director.

**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 THIS DECISION IS THE 2ND DAY OF NOVEMBER, 2020. THE LAST DAY TO APPEAL THIS DECISION IS THE 16TH DAY OF NOVEMBER 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.

Please contact Melissa Owen (509) 625-6063 if you have further questions related to procedures or if you need further assistance.

*Louis Meuler*

Louis Meuler (Nov 2, 2020 14:21 PST)

Louis Meuler, Acting Planning Director  
Planning and Development

By: Melissa Owen, Assistant Planner  
Planning and Development