

**PLANNING DIRECTOR'S DECISION ON
CONDITIONAL USE PERMIT APPLICATION
FILE NO. Z22-202CUP2**

SUMMARY OF REQUEST:

DESCRIPTION OF PROPOSAL: The Slavic Baptist Church requests an Administrative Conditional Use Permit for a new 13,574 square foot multi-purpose building located in the City of Spokane. The existing campus is located half in the City of Spokane and half in the jurisdiction of Spokane County. Additional parking of 94 stalls plus landscaping, a new driveway with sidewalk is proposed. The site is located at 2404 W Strong Road.

GENERAL INFORMATION:

- A. Applicant: Russell Page Architects
c/o Debbie Page
1101 N Argonne, Suite 107
Spokane Valley, WA 99212
- B. Property Owner: Slavic Baptist Church
2402 W Strong Road
Spokane, WA 99208
- D. Location of Proposal: The subject property is located at 2404 W Strong Road, Parcel No. 26242.0071
- E. Existing Zoning: RSF (Residential Single Family)
- F. Land Use Plan Designation: Residential 4-10
- G. SEPA Status: A SEPA Determination of Mitigated Non-Significance was issued July 19, 2022.
- H. Enabling Zoning: SMC 17C.110.110.G Residential Zones
- I. Staff Contact: Tami Palmquist, Principal Planner, 625-6157
tpalmquist@spokanecity.org
- J. Date of Decision: August 11, 2022

A. The subject property is located in the RSF (Residential Single Family) Zone. Religious Institutions are allowed in the RSF zone under Spokane Municipal Code (SMC) 17C.110.110(A)(6), through an administrative conditional use permit from the Planning Director. New buildings or additions larger than 5,000 square feet require a conditional use permit and are processed as a Type II application. The proposal exceeds the five thousand square foot addition and the five parking stall maximum and therefore an administrative conditional use permit is warranted.



B. The area in which the proposal is located is designated Residential 4-10 according to the City of Spokane's Comprehensive Land Use Plan Map, adopted by City Council on May 21, 2001. The north and west property lines of the site border Spokane County. The existing portion of the church campus, to the west, is already developed. The north side of the property is being actively farmed. The property to the east and south are designated Residential 4-10 by the Land Use Plan Map. Property to the east will be a future subdivision. Property to the south of the church and across Strong Road is designated Residential 4-10 and is developed as single family homes.

C. Procedural Requirements:

- A Community Meeting was held on April 25, 2022, at Slavic Baptist Church (the subject site)
- Application was submitted on May 27, 2022;
- A Request for Comments notice was sent to Departments and Agencies on June 2, 2022;
- The applicant was notified on June 24, 2022, that the application was technically complete;
- A Notice of Application was mailed on July 7, 2022, and posted on the subject property on July 1, 2022 which began the 15-day public comment period;
- The Public Comment Period closed on July 18, 2022; and
- A SEPA MDNS was issued on July 19, 2022.

DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments on June 2, 2022. Their comments are included with the file and are made part of this application by reference.

PUBLIC COMMENT:

Staff received public comment which identified concerns about increased traffic.

CONCLUSIONS:**SMC 17C.320.080 Decision Criteria**

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

Relevant Facts:

Religious Institutions, new buildings or larger additions (over 1,500 square feet and greater than 15 parking stalls) require a conditional use permit and are processed as a Type II application under Spokane Municipal Code 17C.110.110(A)(6).

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

Relevant Facts:

This proposal for Slavic Baptist Church meets several goals in the Comprehensive Plan, some of which are:

Policy N7.1 Gathering places notes that sites outside of a center, such as a church are also suitable for neighborhood meetings and social gatherings.

Policy SH 2.6 Joint-Use Facility is to provide for the joining use of shared space that combines and clusters facilities for child or adult day care, health care, human services, libraries, schools, and cultural, recreational, and educational programs, as needed. The City of Spokane encourages joint use of shared space that allows for combined facilities, whether public or private.

This site includes uses such as daycare facilities, education facilities for Kindergarten through twelfth grade, a church facility, and other services offered at the site. The new multi-purpose building will be used to support these existing services.

Policy LU 1.12 Public Facilities and Services ensure that services are adequate to accommodate proposed development before permitting development to occur.

Comments from service providers have indicated that facilities are available to support the use and concurrency is met.

Policy LU 5.5 Compatible Development states that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.

The development is conditionally compatible with surrounding low intensity uses, meets the institutional design standards, and meets all Residential Single Family zoning development regulations.

Policy LU 6.3 notes that school sites should be "well located to serve the service area" and should be "readily accessible for pedestrians and bicyclists."

The site is adjacent to Strong Road which is designated as a Bike Lane in the Planned Bikeway Network; Strong Road is also designated as a Minor Arterial which accomplishes this policy when completed to that standard.

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

Relevant Facts: The application was circulated on June 2, 2022, amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved.

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

Relevant Facts: The project site includes an existing church and school building and existing paved parking lot. The remaining site area will be landscaped, used for storm water drainage, play fields, and for open space. The site is flat and is suitable for the proposal.

Residential areas are suitable locations for religious institutions and schools.

The project site is located in the Critical Aquifer Recharge Area, the site has some noted erodible soils critical areas, and channelization has been conducted on site to change the drainage of a stream that has been identified as amendable non-DNR stream, this site and the Spokane County parcel to the west are in the Five Mile Prairie Area Special Drainage basin. The Spokane Tribe has requested that a cultural survey be completed before any ground disturbing activity.

The proposed will comply with the lot coverage and setback requirements for the RSF zone.

The proposal will comply with the minimum parking and landscaping requirements for the religious institutions and schools.

The applicant has also demonstrated there is adequate space on-site for the required drainage facilities.

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.*

Relevant Facts:

This criteria has been met. No significant adverse impacts have been identified. A SEPA Determination of Mitigated Non-Significance was issued on July 19, 2022.

Additional Decision Criteria for Institutional and Other Uses in Residential Zones are described in SMC 17C.320.080(F), what follows is a review of these criteria.

Chapter 17C.320.080 (F) Decision Criteria for Institutional and Other Uses in Residential Zones. *These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allow institutional uses (including expansions of existing facilities), allow increases to the maximum occupancy of group living, and permit other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:*

1. *Proportion of Residential Household Living Uses.*
The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in

the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:

- a. number, size and location of other uses not in the residential household living category in the residential; and*
- b. intensity and scale of the proposed use and of existing residential household living uses and other uses.*

Relevant Facts:

This site has been an institutional use since the church was built in 1997. The school was added in approximately 2006. In September of 2013 a CUP was approved for a new 46,233 square foot church and school to an existing campus. This project was not pursued and they now are only requesting the new 13,574 square foot multi-purpose building to serve their existing facility.

2. *Physical Compatibility.*

- a. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or*
- b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.*

Relevant Facts:

As mentioned above, the site has historically been an institutional use. Any new building will be required to adhere to Institutional Design Standards in Residential Zones found in 17C.110.500-575.

3. *Livability.*

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- a. noise, glare from lights, late-night operations, odors and litter; and*
- b. Privacy and safety issues.*

Staff Comments:

Adding an accessory multi-use building to the existing church campus will have minimal impacts on neighbors. The new building is to support the existing uses on the campus.

No new lighting or late-night operations are proposed and refuse pick-up for the campus will remain the same, so no new odor impacts are expected. If the applicant needs additional pick-ups throughout the week, they will be able to coordinate that request with the Refuse Department. While there will be impacts to nearby residential properties, the applicant appears to have mitigated those impacts to the best of their ability.

4. *Public Services.*

- a. The proposed use is in conformance with the street designations of the transportation element of the Comprehensive Plan.*
- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:*
 - a) street capacity, level of service and other performance measures;*
 - b) access to arterials;*
 - c) connectivity;*
 - d) transit availability;*
 - e) on-street parking impacts;*

- f) *access restrictions;*
 - g) *neighborhood impacts;*
 - h) *impacts on pedestrian, bicycle and transit circulation;*
 - i) *safety for all modes; and*
 - j) *adequate transportation demand management strategies.*
- c. *Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems concept are acceptable to the engineering services department.*

Relevant Facts: The proposal does not decrease the level of service on any adjacent street. This site has access to all City of Spokane public services.

DECISION

TO APPROVE the Conditional Use Permit to allow the new 13,574 square foot multi-purpose building, substantially in conformance with the plans and application on file in Planning and Development, and the following conditions of approval:

1. The project will be developed in substantial conformance with SMC 17C.110.500, Land Use Standards, Residential Zones, Institutional Design Standards, to maintain compatibility with, and limit the negative impacts on surrounding residential areas.
2. No access off Nettleton Lane is allowed per Spokane County Division of Engineering and Roads and the gated fire lane for emergency access must be labeled and stated as such on the final site plan for this conditional use permit.
3. Strong Road is designated as a minor arterial street in the City of Spokane and has an existing right of way width of 60 feet. The street is partially improved, but lacks sidewalk, required buffer strips, and required ADA elements along the frontage. A reservation of right-of-way that is in accordance with minor arterial standards shall be provided along Strong Road.
4. Spokane County has required the applicant to demonstrate a revised easement for Nettleton Lane showing the City parcel number 26242.0071 has a legal right to use Nettleton Lane. The property owners have not supplied this legal documentation to Spokane County. Therefore, the requested CUP within the City of Spokane may not access Nettleton Lane and the Slavic Baptist Church has shown a closed entry gate at the termination of Nettleton Lane on the site plan of record. Emergency Access may be authorized on this Fire Lane.
5. Spokane County Division of Engineering and Roads has asked that they be notified and included in final inspections prior to certificate of occupancy being issued. Spokane County must provide approvals for their grading permit pertaining to the onsite stormwater design for the new church building located in their jurisdiction.
6. The Fire Department reserves the right to review and approve all access design and water supply locations. This project was reviewed using the 2018 International Fire Code with State and Local amendments.
7. All new parking areas, driveways, utility, stormwater, and street improvements shall be designed by a professional engineer, licensed in the State of Washington. Design and construction of these improvements shall be in accordance with City standards and will be reviewed during the building permit process. Frontage improvements for Strong Road will be required which includes pavement section, curb and gutter, plant strip, street trees, and drainage.

8. Parking and maneuvering areas should comply with standards, including barrier free spaces and accessible routes of travel. Paving is required for commercial uses. On-site parking, in excess of the maximum permitted by the latest Zoning regulations, is needed and should be permitted. Additional landscaping should mitigate negative impacts due to more paving.
9. All streets and frontage improvements shall be constructed to City of Spokane standards. Any deviation from City standards will require approval of the Director of Engineering Services. Standard frontage improvements will include curb, sidewalk, plant strip, street trees and wheelchair ramps.
10. Any new or modified driveway access locations must be reviewed and approved by City of Spokane Traffic Engineering prior to permit issuance.
11. A 5-foot wide L2 see-through landscape buffer with street trees is required inside the western property line between the sidewalk and Nettleton Lane for the full length of Nettleton Lane.
12. Street trees shall be planted in accordance with the City's design standards and all applicable regulations.
13. On-site plans for development permits for this project, the applicant must provide all parking calculations. Provide accessible parking per our City Standard Plans G-54 and G-80A&B with barrier free spaces nearest the primary accessible entrance and connect to the public sidewalk with a marked accessible route of travel. Please provide this standard plan as a detail and noted on the site plans submitted for building permit.
14. Spokane County Public Works be given review and approval status for the stormwater facility design should the existing drainage facilities or church site (APN 26242.9141) be utilized for stormwater treatment, storage, or disposal, or the mapped downstream drainage way into unincorporated Spokane County become the overflow path for the designed on-site stormwater facilities within the City of Spokane.
15. Section 11 of the SEPA application states that City Sewer is being proposed for the site. Please note that the existing church building on parcel 26242.9141 is outside of the City Limits and outside the UGA and the City cannot serve that building at this time unless a prior commitment between the City of Spokane and the property owner exists.
 - a. The public sewer main extension can be constructed at the time of building permits for the proposed structure.
 - b. Sewer lines located within the private road access shall be private.
16. The property contains a pass through stormwater channel which is also identified as a DNR stream in City GIS. A drainage easement capable of conveying the 50-year storm is required for the entire stormwater/stream route.
 - a. A drainage plan and report will be required prior to the issuance of a building permit for any phase of this project. The results of this storm drainage analysis may limit how the site can be developed.
17. Prior to any ground disturbing activities, a Cultural Resource survey shall be completed and submitted to this office and the Spokane Tribe.
18. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning & Development Department 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.

- 19. Prior to the issuance of building permits, the applicant shall submit evidence to this file that the property owner has signed and caused the "Conditional Use Permit Agreement" to be recorded with the Spokane County Auditor's Office.
- 20. Adhere to any additional performance and development standards documented in comments or required by City of Spokane, Spokane County Washington State, and any Federal agency is required.
- 21. This approval does not waive the applicant's obligation to comply with all of the requirements of City Departments and outside agencies with jurisdiction over land development.

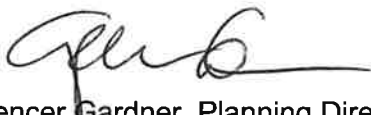
Time Limitation.

A CUP (Type I or Type II) 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.

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning Director are governed by Spokane Municipal Code 17G.060.210 – Appeals. Decisions of the Planning Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with the Planning and Development Services Department within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development Services within seven (7) days of the date of the decision. The date of the decision is August 11, 2022. **THE DATE OF THE LAST DAY TO APPEAL IS AUGUST 25, 2022, AT 5:00 P.M.** In addition to paying the appeal fee (\$250) to appeal the decision, the ordinance requires payment if a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

Sincerely,



Spencer Gardner, Planning Director
Planning and Development Services
City of Spokane

By: Tami Palmquist, Principal Planner, AICP
Development Services Center