

CITY OF SPOKANE HEARING EXAMINER

Re: Conditional Use Permit Application by) FINDINGS, CONCLUSIONS,
City of Spokane Asset Management) AND DECISION
Department to allow the conversion of a)
single-family residence, located at 115 W.)
Eagle Ridge Blvd., into a fire station) FILE NO. Z1500035-CUP3

SUMMARY OF PROPOSAL AND DECISION

Proposal: The City of Spokane Asset Management Department seeks a conditional use permit in order to allow a basic utility in a single-family residential zone. The project entails converting a single-family residence into a fire station. The modifications to the residence include the installation of a standard garage door, the addition of ADA accessibility accommodations, the installation of a trench drain in the garage, the installation of a suitable fire suppression sprinkler, and potentially the paving of a portion of the existing parking lot. The fire station is intended to serve the southwestern area of the city.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant/ Agent: City of Spokane, Asset Management Department
Attn: Dave Steele
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Owner: City of Spokane

Property Location: The address of the site is 115 W. Eagle Ridge Blvd. The property is located in the Southeast Quarter of Section 6, Township 24 North, Range 43 East, W.M.

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 subject property is approximately 13 acres in size. The front 3/4 of an acre, approximately, is improved with a single-family residence and a large gravel parking area. The remainder of the site is heavily forested. The subject site is relatively flat and is rectangular in shape. The site includes two residential lots. The existing single-family residence straddles the common property line of those two lots.

Surrounding Conditions and Uses: The land to the north, south, east and west of the property is zoned Residential Single Family (RSF). Land uses in all directions is low density, single-family residential homes.

Project Description: The proposal is for a new fire station to be located in a single-family residential home previously used as the Eagle Ridge Information Center. The applicant has confirmed that the use of the residence as a fire station is temporary. The Fire Department intends to use the residence as a fire station for approximately 3-5 years. The intent is for only small scale fire trucks, or brush rigs, to be parked at this location inside the existing garage. The proposed modifications to the residence include the installation of a standard garage door, the addition of ADA accessibility accommodations, the installation of a trench drain in the garage, the installation of a suitable fire suppression sprinkler, and potentially the paving of the existing parking area to the west of the building.

PROCEDURAL INFORMATION

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

Notice of Community Meeting: Mailed: April 21, 2015
Posted: April 29 and May 1, 2015

Notice of Application/Public Hearing: Mailed: June 4, 2015
Posted: June 4, 2015

Community Meeting: May 13, 2015

Public Hearing Date: June 25, 2015

Site Visit: June 24, 2015

SEPA: This project is exempt from SEPA pursuant to SMC 17E.050.070.

Testimony:

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

Dave Steele
City of Spokane, Asset Management Dept.
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Bobby Williams, Fire Chief
City of Spokane Fire Dept.
808 West Spokane Falls Boulevard
Spokane, WA 99201

Sheryl Brandt
6405 S. Woodland Ct.
Spokane, WA 99224

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General Application
 - 2B Conditional Use Permit Application
 - 2C Notification Map Application
 - 2D Overhead photo view of site
 - 2E Project narrative
3. Conditional Use Permit Counter Complete Checklist
4. Fire Department comments
5. Engineering Services comments
 - 5A Trip Generation and Distribution Letter by DCI Engineers dated 04-09-15
6. Building Services comments
7. Notice map
8. Parcel listing
9. Notice of Community Meeting
10. Notice of Application and Public Hearing
11. Affidavit of mailings:
 - 11A dated 04-21-15
 - 11B dated 06-04-15
12. Affidavit of posting:
 - 12A dated 04-29-15 (Sign posting)
 - 12B dated 05-01-15 (Notice in City Hall)
 - 12C dated 06-04-15 (Sign posting)
13. Affidavit of sign removal dated 05-14-15
14. Community Meeting notes dated 05-13-15
15. Community Meeting Sign in sheet dated 05-13-15
16. Letter dated 05-19-15 to Interested Parties from Ali Brast
re: requesting comments
17. Letter dated 04-07-15 to Dave Steele from Ali Brast
re: community meeting instructions
18. Letter dated 06-03-15 to Dave Steele from Ali Brast
re: notice of application/public hearing instructions
19. Public Comments
 - 19A Emails dated 04-26/27-15 to/from Tom Starr/Ali Brast/Dave Steele
re: procedures and concerns
 - 19B Emails dated 06-07/08-15 to/from Richard Wilhelm/Ali Brast
re: in favor of project (received during open record period ending upon receipt of
this exhibit at 10:25 a.m. 06-25-15)
- A Exhibits received at hearing
 - A-1 Planning's PowerPoint presentation
 - A-2 Submittal from Chief William's regarding background information

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). 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. The table does not specifically identify a fire station among the regulated uses. See Table 17C.110-1. However, "Basic Utilities" are allowed as a limited ("L") use in a residential zone. See *id.* Basic Utilities include fire stations, among other uses. See SMC 17C.190.400. In order to use a building as a fire station, the city is required to obtain a Type III conditional use permit. See SMC 17C.110.110; see also Exhibit 1, p. 3.

The land use codes permit Basic Utilities, such as the proposed fire station, to be sited in the RSF zone, so long as the project satisfies the criteria for a conditional use and the other development standards in the municipal code. Therefore, the Hearing Examiner finds that this criterion is satisfied.

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).*

For many years, the Fire Department has been searching for a suitable location for a fire station in the southwest area of Spokane. *Testimony of B. Williams.* The site of the proposed fire station is in an excellent location, having close access to the highway while still being located near the residential areas. See *id.* The placement of a fire station in that location, albeit on a temporary basis, represents an investment in the fire protection needs of the southwest Spokane. See Exhibit 1, p. 3. Further, the fire station will fulfill an essential function of a Basic Utility, which is to provide the necessary infrastructure to serve the needs of the neighborhood in which it is located. See SMC 17C.190.400(A).

Given this background, it is clear that the proposed fire station satisfies the goals, objectives, and policies of the comprehensive plan. The Capital Facilities element calls for the city to provide and maintain adequate public facilities and utility services. See CP, Goal CFU 1, Adequate Public Facilities and Services. The first goal of the Land Use element of the comprehensive plan memorializes the objective of providing coordinated, efficient, and cost effective public facilities and utility services. See Comprehensive Plan ("CP"), Goal LU 1, Citywide Land Use. The Land Use element is also intended to ensure the provision and distribution of adequate, well-located public lands and facilities throughout the city. See CP, Goal LU 6, Adequate Public Lands and Facilities. Policy 1.12 of the Land Use element recognizes that adequate public facilities and services systems must exist to accommodate development. See CP, Policy LU 1.12, Public Facilities and Services. Policy TR 3.2 of the Transportation element seeks to provide services within neighborhoods that are convenient to and meet the needs of area residents. See CP Policy TR 3.2, Reduced Distances to

Neighborhood Services. Policy CFU 5.8 states that adequate fire protection should be in place to support development. See CP, Policy CFU 5.8, Fire Protection. There are other goals and policies which support the proposed fire station as well, as discussed in the Staff Report. See Exhibit 1, p. 3.

The Hearing Examiner finds that the project is consistent with the goals and policies of the comprehensive plan, and therefore 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). In addition, under the concurrency standards, facilities for fire protection must be evaluated for concurrency. See SMC 17D.010.010(C). Accordingly, on May 19, 2015, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 16.

The city received minimal response to its request for comments. See e.g. Exhibits 4, 5, & 6. City staff noted that "...there were no departments or agencies that reported that concurrency could not be achieved." See Exhibit 1, p. 3. To the extent that there was a lack of substantive comments from departments and agencies with jurisdiction, the Hearing Examiner must conclude that concurrency standards are satisfied. See SMC 17D.010.020(B)(1). 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 property is rectangular and is basically flat. The site is already improved with a residence and parking area. As is discussed elsewhere in this decision, the alterations to the property are relatively minor and will not significantly change the intensity of use of the site. The building is not being expanded in size, and in any event most of the subject property is forested and will remain untouched. The city will be required to satisfy code requirements that are applicable to the work being performed, which should address any concerns that might arise. There are no indications of surface water on the site. There is no reason to expect that groundwater will be impacted by this project. There are no known cultural or historic resources on this site.

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).*

This project involves minor modifications to an existing single family residence, which is being converted into a fire station. Since the work involved is limited and falls within certain flexible thresholds, the project is categorically exempt from SEPA review. See SMC 17E.050.070; *see also* Exhibit 1, p. 4. The proposed use will not be more intense than a typical single-family residence or the office that operated there for several years. See Exhibit 1, p. 4. Although the fire station will be staffed 24 hours-a-day, there will only be a two-person crew at this location. See Exhibit 1, p. 4.

There is little reason to suspect that the fire station will not be compatible with the surrounding residences. The Fire Department expects the impacts from emergency response, such as sirens, to be minimally disruptive. *Testimony of B. Williams*. The vehicles will be parked inside the existing garage, so the visible parking area will not be a site for storage of institutional vehicles. See Exhibit 1, p. 5. The basic design of the building will not change. See Exhibit 1, p. 5. To the extent there are any design concerns; those will be addressed at the permitting stage. See Exhibit 1, p. 5. In any event, the applicant will be required to satisfy the standards set forth in SMC 17C.110.500-575, which outline the design standards institutional uses in residential areas. See Exhibit 1, p. 5.

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. The project will convert an existing residence into a fire station. The only changes to the outward appearance of the property will be paving of a certain portion of the parking area and the addition of a garage door (which was removed by the prior owner). Other changes to the residence will be internal, such as adding sprinklers and improving ADA accessibility. As stated above, the intensity of the use after the modifications will be similar to a single-family residence or the office use of the prior owner. The project does not result in any use that is disproportionate to the surrounding residences. It is difficult to see how any such impacts could occur, given that the city is merely re-purposing an existing residence. 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).*

The proposal is to convert an existing residence from an office/information center into a fire station. There are no substantial changes to the size or appearance of the building or the property. The use will be different, but the intensity and extent of the use will be roughly the same. Thus, there are no discernible impacts due to the site size, building scale and style, setbacks or landscaping. To the extent that the project results in more paving that is currently anticipated, then the city will be required to install additional, perimeter landscaping to mitigate impacts of the expanded area of asphalt. See Exhibit 1, p. 5. To the extent that exterior building modifications are proposed, the applicant will be required to satisfy the institutional design standards. See SMC 17C.110.500 *et seq.* The Hearing Examiner concludes that the proposed mitigation measures are more than sufficient to ensure that the project remains compatible with the surrounding neighborhood. Therefore, this criterion 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).*

The proposal will not affect the livability of the surrounding residences. The Fire Chief testified that the Fire Department does its part to minimize impacts on its neighbors. *Testimony of B. Williams.* There was no testimony or evidence introduced into this record to demonstrate that a fire station would be disruptive to the nearby residents. For example, there was no evidence that the fire station would generate odors or litter, would reduce privacy, would create glare from the property, and would result in disruptions from late night operations. None of these concerns appear to apply to this proposal. See Exhibit 1, p. 6.

Fire trucks will periodically have sirens activated, in accordance with applicable law, when necessary. See *id.* This activity will create at least some noise and possibly glare that otherwise would not be present. See Exhibit 19A (e-mail from T. Starr 4-26-15). However, these events are infrequent, and typically occur during emergencies. The Fire Department only anticipates 1-2 emergency calls per week at this location. See Exhibit 2E. While it is true that the fire station will be operational 24 hours-a-day, the normal crew is only two individuals. See *id.* Further, the station will only have smaller trucks (brush rigs) present, and those will be stored inside the garage. See *id.* Given these facts, the Hearing Examiner believes that the neighbors will rarely notice, let alone be disturbed, by "late-night" operations. And when there is a genuine emergency, the disruption that may occur is a small price to pay for the benefit of having a fire station in the neighborhood. The project is unlikely to create any safety hazards. On the contrary, the presence of the fire station will improve neighborhood safety by significantly reducing response times in the event of emergencies. See *id.*; see also Exhibits 2B and 2E.

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 place any stress on the transportation system. The intensity of use is similar to that of a single-family residence or the previous office use. The traffic to and from the temporary station is anticipated to be minimal. See Exhibit 5A. According to the city staff, the proposal does not decrease the level of service on any adjacent street. See *id.* In addition, there is no evidence in this record suggesting that the project will result in significant impacts on the transportation system. Further, the existing city infrastructure can easily accommodate the proposed use. "The site has access to all City of Spokane public services, and will not require any additions to be made in order to fully accommodate the proposed change of use." See *id.* The Hearing Examiner agrees with the staff that this criterion for approval 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 to allow the City of Spokane Asset Management Department to convert a single family residence, located at 115 W. Eagle Ridge Boulevard, into a fire station. The residence will be converted substantially as set forth in the plans and application on file in Planning and Development. If changes are sought to the plans or application, they shall be submitted to Planning Services for review and approval. If Planning Services finds that the changes are substantial, than they shall be forwarded to the Hearing Examiner for review and approval.
2. 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.
3. All parking and maneuvering areas must be paved per SMC 17C.230.140C from the existing driveway approach up to access to the fire station.
4. If the pavement for the parking area should extend west of the existing driveway approach, perimeter landscaping will be required for screening purposes.
5. The proposal will be required to comply with the current version of the IBC or IEBC regarding the change of occupancy of a building.
6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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 7th day of July 2015.



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 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 7th day of July 2015. **THE DATE OF THE LAST DAY TO APPEAL IS THE 28th DAY OF JULY 2015 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.