



# Conditional Use Permit Application

## The proposed action requires approval of:

- Administrative Conditional Use Permit (Type II)**
- Hearing Examiner Conditional Use Permit (Type III)**

## All Conditional Use Permits must provide the following information:

### 1. List the provisions of the land use code that allows the proposal.

As noted in the section of the City's Land Use Code under Implementation – Carrying Out the Plan, the City's Zoning Code is intended to implement the City's Land Use Code. As shown on the Land Use Plan, these parcels are listed as Residential Agriculture of which the Cottages meets this standard. Additionally, this proposal can demonstrate that the following goals and policies make this proposal consistent with the City's Land Use Plan:

- LU 1.12 Public Facilities and Services
- LU 1.13 Parks and Open Spaces
- LU 1.14 Existing Use
- LU 2.1 Public Realm Features
- LU 2.2 Performance Standards
- LU 3.1 Coordinated and Efficient Land Use
- LU 3.11 Compact Residential Patterns
- LU 5.5 Compatible Development
- LU 6.2 Open Space
- LU 6.12 Neighborhood Compatibility
- TR 2.4 Parking Requirements
- TR 2.6 Viable Walking Alternative
- TR 2.7 Safe Sidewalks
- TR 2.8 Sidewalk Repair and Replacement
- TR 3.4 Increase Residential Density
- TR 4.3 Narrow Streets
- TR 4.6 Internal Connections
- TR 4.18 Sidewalk Maintenance
- TR 5.1 Neighborhood for Pedestrians
- TR 6.7 Street Paving
- TR 7.1 Character and Pride
- TR 7.3 Street Trees
- CFU 2.1 Available Public Facilities
- CFU 2.4 Impact Fees
- CFU 2.7 Utility Permits
- CFU 3.2 Utility Installations
- CFU 3.3 Utility Coordination
- CFU 3.5 Uniformity of Standards

- CFU 4.2 Access to Utility Easements
- CFU 4.3 Underground Utilities
- CFU 5.1 On-Site Wastewater Disposal
- CFU 5.2 Water Conservation
- CFU 5.3 Stormwater
- CFU 5.4 Ground Water
- CFU 5.5 Waste Reduction and Recycling
- CFU 5.8 Fire Protection
- ED 3.5 Locally-Owned Businesses
- DP 1.3 Urban Trees and Landscape Areas
- DP 1.4 New Development in Established Neighborhoods
- DP 2.2 Zoning and Design Standards
- DP 2.3 Design Review Process
- DP 2.4 Design Guideline
- DP 2.6 Permit Process
- DP 3.8 Infill Development
- NE 1.2 Stormwater Techniques
- NE 1.9 Sewer Requirement
- NE 2.2 Landscaping Requirements
- N 2.1 Mixed-Use Neighborhood
- N 4.10 Pedestrian Design
- N4.11 Sidewalk Program
- N4.12 Pedestrian Buffer Strips
- N4.13 Pedestrian Safety

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

The property is listed in the Comprehensive Plan as Agriculture. The City's Comp Plan indicates that agricultural land in the Urban Area has been planned to include greenhouse and residential uses adjacent to one another. The Zoning code as Residential Agriculture implements the intents of the Comprehensive plan and as such allows Cottage housing in the RA zone. Therefore, this infill development provides compact, less obtrusive designs and open space for the residences. The intent of this specific Cottage development is to maintain an agricultural feel by maintaining community gardens along the public roads to somewhat maintain the agricultural feel.

**3. Please explain how the proposal meets the concurrency requirements of SMC Chapter 17D.010. Per SMC 17D.010 Concurrency Standards the following facilities will be evaluated for concurrency.**

- A. Transportation: A Trip Generation and Distribution analysis will be prepared as a part of this project and this project would anticipate to pay the appropriate City of Spokane Traffic/Transportation Impact Fees to meet concurrency for this item.
- B. Public Water: The project will be served by public water. Each Cottage and open space will be served by a private water system internal to the project. The City has adequate rate and volume to serve this proposal and the development will not degrade the level of service of the surrounding users as no decrease to flows or pressures to their properties would be expected.
- C. Fire Protection: The project by its very nature is the buildout of the Land Use Plan as implemented by the Zoning Code consistent with the uses contained within that document. To that end, the proposed cottage development use will allow for more homes in an area while still allowing for standard access fire

protection and therefore not require any un-necessary fire services beyond what could be expected nor exceed services beyond those already identified for the area. Therefore, as this is a proposed cottage development, no or minimal new staff, engines or other fire related activities or special activities would be required of fire department personnel that would degrade emergency response time or the level of service of other facilities within the service area.

- D. Police Protection: The project by its very nature is the buildout of the Land Use Plan as implemented by the Zoning Code consistent with the uses contained within that document. To that end, the proposed cottage development is allowed under zoning and therefore will not require any un-necessary police services beyond what could be expected nor exceed services beyond those already identified for the area for residential projects. Therefore, as this is a proposed cottage development allowed under land use and zoning it would not change the required police department personnel and would not degrade emergency response time or the level of service of other facilities within the service area.
- E. Parks and Recreation: As a cottage development, new residents will be added along with common space to relieve pressure on area parks, therefore, minimal degradation to Parks and Recreation levels of service would occur.
- F. Library: As a cottage development, new residents will be added that would result in the Library facilities level of service threshold which would include service ability/person, therefore, minimal degradation to Library service levels of service would occur.
- G. Solid Waste Disposal: As a cottage development, the proposal will provide a new waste stream that would need to be serviced by the solid waste as residential users. Servicing this project may have a slight impact on overall scheduling within the area. As we have not applied for service at this time, we would expect that the Solid Waste department has excess capacity to serve this project and the other properties in this area, therefore, no degradation of level of service is expected.
- H. Schools: As a cottage development, new residents will be added that would result in the Schools slightly increasing a level of service threshold which would include persons/acre or some other analysis format, therefore, minimal degradation to Schools levels of service would occur.
- I. Public Wastewater (Sewer and Stormwater): It is assumed that if the City Public Water supply is appropriate then the City Sewer system would be designed to handle the volume of pumped and discharged sewer effluent without affecting or degrading the sewer collection system and treatment facilities. Stormwater will be handled on site in accordance with the Spokane Regional Stormwater Manual and no impact to downstream properties will occur and all storm water will be treated and discharged on site, thereby not impacting the level or service of the City Stormwater collection system.

**4. If approval of a site plan is required, demonstrate how the property is suitable for the proposed use and site plan. Consider the following: 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.**

A site plan has been submitted with this application, the total aggregated site 3.18 acres, however, the portion of that which is proposed for the Cottage development is 2.20 acres. The site plan depicts the cottages and open space layout. The approximate size of the cottages developed as proposed will be between 700 sf and 900 sf buildings, not including patio area. Also included as part of the project are private open spaces of 200 sf for each cottage and common open space of nearly 9,900 sf.

In keeping with City Code and other recommendations, the cottages will be set close together as discussed will have both private and public open spaces which will be planted similar to the proposed planting plan with

street trees throughout the development.

At the present time, the site acts as a nursery and a "truck" type farm, with various outbuildings and greenhouses. Stormwater discharge will follow the guidelines of the Spokane Regional Stormwater Manual (SRSW) in that stormwater is collected in swales adjacent to the sidewalk/street where it is treated in the underlying treatment soil for discharge to the underlying soils. An increase in pollution generating surfaces is anticipated, and additional impervious surface will be the runoff from the roof and roads which will be directly discharged to stormwater infiltrators or a raingarden adjacent to the front yards.

Other site elements issues and concerns:

- On site refuse collection will be provided by residential cans stored in their garage and set out on the street on pickup day.
- A review of WISAARD without the "BETA" layers turned on does not indicate any items of historical or cultural significance. However, with the "BETA" layers turned on, the area is included in the high risk-(survey highly advised) for archeologic and environmental factors indicating that cultural or historic features are or may present on the site or in the immediate vicinity. A review of the Spokane City/County Historic Preservation Office indicates no historic properties on site or in the immediate vicinity. The contractor shall prepare an inadvertent discovery plan will be prepared if an archeological item is found. The site is in close proximity of Hangman/Latah Creek which would have a higher than normal chance of cultural resources. However, the site and area have been fully developed with homes and foundations constructed as well as significant farming activities which would have started initially with the "chisel" type plow and continued on through current times. We believe that because of residential development, farming, utility construction and other aspects associated with European type settlement that most if not all cultural resources have been lost or severely disturbed.

**5. Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have and any necessary conditions that 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.**

No significant adverse impacts from this cottage's development project are anticipated, the proposed project will be designed to meet the City's zoning and public works and other requirements. Traffic will be handled with agreement to pay impact fees associated with the development at building permit to meet concurrency. No light or glare from the project is anticipated as all light and glare will meet City requirements at property lines and will be down or reflective oriented.

**In addition to Questions 1-5, all Institutional or Other Uses in a Residential Zone must ALSO address the following approval criteria as required by SMC 17C.320.080:**

**6. 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**

Yes. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses. This is a residential use.

**b. intensity and scale of the proposed use and of existing residential household living uses and other uses.**

This cottage development uses City zoning codes.

**7. 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**

Yes, the proposal will be compatible with adjacent residents meeting all required codes.

**b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.**

Yes, the Cottage proposal will mitigate differences by the use of a design features, open space, fencing and landscaping.

**8. 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;**

Yes, there will not be significant adverse impacts to neighbors except the typical noise and lighting in this project as in all single-family residence developments.

**and b. privacy and safety issues.**

Yes, there will not be significant adverse impacts to neighbors due generally to the presence of access roads between the Cottages and project boundary as well as the required open spaces treatment toward the public roads.

**9. Public Services.**

**a. The proposed use is in conformance with the street designations of the transportation element of the comprehensive plan.**

Yes, the project is in conformance with street designation with two accesses off of Inland Empire Way and two from Chestnut Street.

**b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:**

**i. street capacity, level of service and other performance measures;** The proposal and it's 23 PM peak cars will not exceed the street capacity nor overall levels of service or other performance measures.

**ii. access to arterials;** The site will have direct access to Inland Empire Way and

Collector.

- iii. **connectivity;** Connectivity will be via access and paths throughout the site.
  - iv. **transit availability;** The nearest bus stops are at the corner of Sunset and Lineke or Walnut and 7th
  - v. **on-street parking impacts;** At the present time, all Cottages have 2 parking spaces and visitor parking will be on the public roads.
  - vi. **access restrictions;** None anticipated
  - vii. **neighborhood impacts;** None anticipated.
  - viii. **impacts on pedestrian, bicycle and transit circulation;** The Cottage development will provide and promote pedestrian and bicycle uses and will not discourage transit circulation with the general area and may provide additional riders to this area.
  - ix. **safety for all modes; and** These would be inherent with this type of development.
  - x. **adequate transportation demand management strategies.** This project will provide for these as required by code, no special provisions are included at this time.
- 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 are acceptable to the engineering services department.**

The predevelopment notes indicate that water and sewer are available to serve this proposal. The project upon approval of the CUP will provide the City with engineering plans for approval and construction to provide these services to the project. Refuse pickup will be by individual service, "cans".