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This letter with hyperlinks can be found at  
[http://www.steveugster.com/sta\\_brownes\\_addition.htm](http://www.steveugster.com/sta_brownes_addition.htm)

Code Enforcement  
City of Spokane  
808 West Spokane Falls Blvd.  
Spokane, WA 99201-3333

Mayor Mary Verner,  
Council President Joe Shogan,  
City Council Members, Jon Snyder, Nancy McLaughlin, Bob Apple, Steve Corker,  
Al French and Richard Rush, and City Council Member-Elect, Amber Waldref  
West 808 Spokane Falls Blvd.  
Spokane, WA 99201-3333

**Re: Browne's Addition and STA Long Distance Bus Routes 60 and 61**

**STA Is Violating City of Spokane Laws, Land Use Code, Comprehensive  
Plan and the Washington Growth Management Act**

Dear Spokane Code Enforcement,  
Mayor Mary Verner,  
President Joe Shogan, and  
Council Members and Council Member-Elect Waldref:

## **Introduction**

As I sit in my living room each morning these days in my home at West 2418 Pacific Avenue in Browne's Addition I am fascinated (and much troubled) by new STA large long distance bus traffic, and substantially increased noise<sup>1</sup> and rush in front of my home, and the greater number

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<sup>1</sup> This time of year, my doors and windows are closed. I am 65 and my hearing has diminished significantly over the years. Yet, I can hear each bus which passes on Pacific Ave.

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of dead squirrels on Pacific who are being crushed in the march of “progress.”<sup>2</sup> A progress which is unwise and illegal. The increase in bus traffic on West Pacific is a four-fold increase!

This fall, the character of our neighborhood, Browne’s Addition, changed – changed dramatically. Life in Browne’s Addition is not the same. It is not the same at all.

And, if things do not change, the neighborhood will be damaged and the living conditions and character of the neighborhood will rapidly deteriorate. Instead of a gradual restoration of this beautiful historic part of Spokane it will become simply another paean to commercial and consumer desire and immediate convenience.

What has happened? STA has turned certain Browne’s Addition neighborhood streets into arterials, through streets.

STA has “erected a bus route barricade” on the Sunset Highway/Highway 2 just south of and adjacent to Browne’s Additions so its long distance buses traveling the highway are detoured into the streets of Browne’s Addition.

### **The Facts**

For many years Browne’s Addition was served by STA Route 40. This route operated using a small neighborhood sized bus. It was quiet. It ran on a convenient and frequent schedule. It not only connected with the STA Transit Center in downtown thus providing service to all parts of the STA’s route structure, it also connected again with the long distance buses using the arterial adjacent to Browne’s Addition, the Sunset Highway/Highway 2.

This fall, Route 40 was discontinued. And, two long distance routes, which use the Sunset Highway/Highway 2, were detoured into Browne’s Addition. The result is to turn several Browne’s Addition limited traffic neighborhood streets into arterial streets. Arterials in land use and comprehensive plan terminology are through streets.

STA has taken arterial buses and arterial services which connect between the STA Transit Center and places far distant from downtown Spokane (to the Spokane International Airport and to Airway Heights and the casino) and is now running them through the Browne’s Addition Historic Neighborhood.

The buses serving these routes are nearly twice the size of the Route 40 bus. They make much more noise, noise I can easily hear within one’s home. They do not comply with the 25 mph speed limit (indeed they are programmed not to – the speeds on the Sunset Highway are 40 mph

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As a matter of fact, I can hear the buses coming from over two blocks away.

<sup>2</sup> The dead squirrels are more than dead squirrels – they are a metaphor of what is happening to the historic Browne’s Addition Neighborhood.

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plus).

The Route 40 bus made hardly any noise at all. The Route 40 bus also complied with the speed limits of our neighborhood streets.

The “new buses” operate much more frequently than did the Route 40 bus. They do not serve the Browne’s Addition Neighborhood as did the Route 40.

They use the Neighborhood and its streets as arterial streets, through streets. There is no Neighborhood orientation.

The streets used by STA are not arterials and they are not maintained as arterials. Indeed, to use them as such would be contrary to the Spokane Comprehensive Plan and the City of Spokane land use regulations adopted in furtherance of the Comprehensive Plan.

The buses are major air polluters.

They are, simply put, destructive of the neighborhood.

### **Bus Frequency: Selected Spokane Locations**

My neighbors and I have done an analysis of some of the various bus routes in Spokane and compared them to be the current Browne’s Addition bus routes – Route 60 Airport/Browne’s Addition and Route 61 Highway 2/Browne’s Addition. These Routes, 60 and 61, have been running for some time. Now, STA has routed them through the Browne’s Addition Neighborhood.

My neighbor, Karl Fleming, has completed a detailed report. [Karl Fleming, COMPARISON OF BUS FREQUENCY AT SELECTED SPOKANE LOCATIONS \(November 20, 2009\)](#). Enclosed. The information developed is disturbing. As I have said above, the increase in bus traffic on West Pacific is a four-fold increase!

Here is the Report Summary to Mr. Fleming’s study:

Comparison of bus traffic at selection locations in Spokane is provided in Table 1 and Figure 1. These locations include 5 routes along major Spokane arterials and 3 routes with stops in residential neighborhoods. These exhibits were developed from information taken off the Spokane Transit Authority web site as shown in Figures 2 through 13. The following conclusions are supported by this comparison.

1. Bus Frequency in Browne’s Addition along Pacific and Second Ave from Routes 60 and 61 is comparable to the bus frequency along major arterials in Spokane such as those on Division and Wellesley and is the highest frequency

along any single route in the Transit District (8 buses per hour).

2. Bus frequency along comparable residential streets on the South Hill (Route 44 at Bernard) and North Side (Route 29 at Napa) is only half the frequency in Browne's Addition. There are even some bus stops on very busy arterials (Route 44 on Grand, Route 22 on Wellesley and Route 60 on Sprague) that have a lower bus frequency than that in Browne's addition

3. Browne's Addition appears to be one of the only if not the only residential street where there are two major routes that overlap on the same streets. The only other examples of this that were identified were either downtown or on major arterials.

4. If only one of these routes ran through Browne's Addition the resulting bus frequency would be comparable to other residential neighborhoods within the Transit District.

5. As a residential neighborhood, Browne's Addition appears to be unique in terms of the high rate of bus traffic.

### **Summary Conclusion**

It is obvious that there is something wrong about Routes 60 and 61 running through Browne's Addition.

But the obvious wrong is eclipsed by the fact that what STA is doing is illegal. Routes 60 and 61 running through Browne's Addition is in violation of the City of Spokane laws, the Spokane Comprehensive Plan and the Growth Management Act.<sup>3</sup> Please let me explain.

### **Analysis and Discussion**

#### **Growth Management Act**

Pursuant to the Growth Management Act, the City of Spokane developed its Comprehensive Plan. The planning goals of the GMA are to be found in RCW 36.70A.020:

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<sup>3</sup> The City of Spokane environmental laws have also been violated it appears. The action of STA is not an action which is categorically exempt under the City SEPA laws and no environmental determination has been made as far as I have been able to tell. See my [letter to Susan Meyers, Executive Director of STA dated December 9, 2009](#).

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

There were some aspects of the planning which have direct application to historic neighborhoods such as the Browne's Addition Historic Neighborhood.

### **Comprehensive Plans and Land Use Regulations**

Pursuant to RCW 36.70A.040 development regulations must implement comprehensive plans. Comprehensive plans serve as guides or blueprints to be used in making land use decisions. *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wn.2d 861, 873, 947 P.2d 1208 (1997).

“Under the Growth Management Act (GMA), counties must adopt development regulations to implement the comprehensive plan. RCW 36.70A.040(3). Thus, the GMA indirectly regulates local land use decisions through comprehensive plans and development regulations, both of which must comply with the GMA. See former RCW 36.70A.130(1)(a), (b) (2002).” *Whatcom Cty. v. Whatcom Cty.*, 150 Wn. App. 1050 (2009).

### **City of Spokane Comprehensive Plan**

Spokane's Comprehensive Plan includes an historic element. See RCW 36.70A.020 (13). The inclusion of the element and the respect for the character of what the Comprehensive Plan seeks to protect is found in various parts of the Comprehensive Plan. The plan also seeks to promote other aspects necessary for the purpose of preserving neighborhoods in general.

#### **Historic Preservation<sup>4</sup>**

The Comprehensive Plan recognizes the high value citizens place on historic resources in Spokane. The plan goes on to say:

Policies express public concern regarding their preservation and how to manage changes to these resources as they are impacted by new development. Historic

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<sup>4</sup> The Comprehensive Plan defines Historic Preservation as follows:

Historic Properties. The protection and/or rehabilitation of important historic and cultural aspects of the built and natural environment that have local, regional, statewide, or national historical significance.

properties can range from individual downtown commercial buildings to neighborhood clusters of historically significant homes. Historic properties could also be buildings or structures owned or used by the City of Spokane. A number of implementation tools are already in place. The Spokane Register of Historic Places lists significant properties over 50 years old by owner consent. Following designation, through a contract with the owner, properties are subject to historic design review in reference to federal rehabilitation standards, known as the Secretary of the Interior's Standards for Rehabilitation. To encourage compliance, incentives are available for privately owned historic properties. Those incentives include the Federal Investment Tax Credit, which provides an income tax reduction, local Special Valuation, which reduces property tax, local Building Code Relief, which allows for deviation from building code requirements, and the option of the donation of a Facade Easement, which provides a onetime Federal Income Tax deduction.

A database of information of identified and potentially historic properties is also available and can be used as a planning tool by local government, by developers, and by elected officials to make informed decisions about actions that could affect historic resources.

### **Chapter 3 Land Use**

Browne's Addition is shown as a residential neighborhood R 15 with a small neighborhood shopping area a West Pacific and Cannon. See the [Land Use Map](#)<sup>5</sup> There is nothing in the map which shows Browne's Addition as anything other than a neighborhood. Indeed, it is a neighborhood which from its inception has had its own unique and geographic identity and geographic characteristics. But for a small neighborhood shopping area, it is all residential.

Browne's Addition is not a destination like that of Airway Heights or the Spokane International Airport or Medical Lake. Nor is Browne's Addition a part of the way to these destinations long distant from downtown Spokane.

### **Chapter 4 Transportation**

The Comprehensive Plan includes an [Arterial Street Plan](#).<sup>6</sup>

The Comprehensive Plan defines an arterial as follows:

Arterial. A street that provides for mobility within a community by collecting and routing traffic to and from traffic generators. A secondary function of an arterial is

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<sup>5</sup> See [http://www.spokaneplanning.org/documents/cityplan/maps/lu\\_1e.pdf](http://www.spokaneplanning.org/documents/cityplan/maps/lu_1e.pdf).

<sup>6</sup> See [http://www.spokaneplanning.org/documents/cityplan/maps/tr\\_3.pdf](http://www.spokaneplanning.org/documents/cityplan/maps/tr_3.pdf).

to provide for some access to adjacent land.

The street plan respects the historic and neighborhood character of Browne' Addition. The plan does not treat Pacific or any other street in Browne's Addition as Principal arterial. The plan does not even designate any street in Browne's Addition as Minor arterial or Neighborhood Collector arterial. [Comp. Plan Map 3.](#)

## **Chapter 8 Urban Design and Historic Preservation**

### 8. 4 Goals and Policies.

DP 3.2 – this section speaks of alternative modes of transportation. It speaks of walking and bicycling as a mode of transportation. It speaks of the benefits of these modes of transportation in terms of reduced air pollution, less traffic congestion.

Browne's Addition is a level plateau. There is a hillside to the north on which Riverside runs. There is a hillside to the west above Latah Creek. There is a hillside to the south at the bottom of which The Sunset Highway/Highway 2 runs. The entire neighborhood is bike accessible and walking accessible. Running routes 60 and 61 through the neighborhood have a dramatic and negative impact on these routes of travel and the quietude of the neighborhood.

Under DP 3.4 another goal is to street scape plan. This addresses parking opportunities, character and forgiving elements of streets. It emphasizes that street setting is a vital element of every localized client.

STA with its two long-distance routes running on Pacific Ave. is in the process of destroying the past and the street scape of the avenue.

The many apartment buildings, historic houses converted to multiple housing do not have off-street parking. It is essential that parking be provided and accessible. Such parking is not convenient and is not accessible when large long-distance buses are running every 20 minutes or so.

Goal DP 4 addresses preservation. The goal is to "preserve and protect Spokane's significant historic structures, neighborhoods, and sites." This entire section addresses the need to preserve historic neighborhoods like Brown's Addition. It speaks of code relief, it speaks of respect for historic properties and structures.

The last goal DP 4.10 perhaps says it all:

Neighborhoods, Areas, and Historic Districts Assist neighborhoods and other potential historic districts to identify, recognize, and highlight their social and economic origins and promote the preservation of their historic heritage and cultural resources.

Discussion: Identifying the social and cultural resources of an area is necessary for protection and guides decision-making in resource planning and management, and environmental review. The conservation of neighborhoods of historic character, preservation of historically significance resources, and their inclusion into historic districts are encouraged. Outstanding historic structures should be preserved when neighborhoods are redeveloped and rehabilitated. Where these resources exist, the blending of quality newer developments with the historic landmarks enhances and enriches the neighborhood character.

### **Chapter 11 Neighborhoods**

Chapter 11 of the Comprehensive Plan speaks to an extensive listing of neighborhood protection, preservation and enhancement goals. There are too many to detail here. Suffice it to say, the imposition of the STA long distance Routes 60 and 61 into Browne's Addition does not comply.

### **City of Spokane Land Use Code**

The City of Spokane has done a number of things – actions and regulations – which work toward the fulfillment of the Comprehensive Plan and the requirements of the Growth Management Act.

### **Browne's Addition: An Historic Neighborhood**

Browne's Addition is on National Register Historic Districts [City-County of Spokane Historic Preservation Office](#). See the [National Register of Historic Places](#).<sup>7</sup> More Information about the Browne's Addition Historic District can be found at the [National Register of Historic Places](#).<sup>8</sup>

Browne's Addition is one of the top historic neighborhoods in the United States. See The Spokesman - Review, [Browne's Addition, the oldest residential neighborhood in Spokane, is being recognized as one of 10 great neighborhoods in the United States for 2009 by a prestigious planning organization](#).<sup>9</sup>

Under Spokane Municipal Code Chapter 17D.040 a Landmarks Commission has been established.

### **City Streets and Intensity of Use**

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<sup>7</sup> See <http://www.nps.gov/nr/>.

<sup>8</sup> See <http://www.nationalregisterofhistoricplaces.com/wa/Spokane/districts.html>.

<sup>9</sup> See Washington State Department of Archaeology & Historic Preservation <http://wadahp.wordpress.com/2009/10/20/spokanes-historic-brownes-addition-named-as-great-neighborhood/>.

Part of the city laws and part of the city's compliance with its Comprehensive Plan and the Growth Management Act has to do with streets.

Spokane laws regulate traffic and the degree of street uses. SMC Ch. 12.08. It includes an official arterial street map, a map which limits uses on city streets.

#### SMC 12.08.040 Official Arterial Street Map

The arterials within the City of Spokane are hereby designated and classified on the [Official Arterial Street Map](#) that is maintained by the city engineer. Changes to the [Official Arterial Street Map](#) require city council approval.

1. This section does not preclude arterial streets from being further designated and classified for traffic engineering and transportation planning purposes.

The Spokane municipal code specifically recognizes that these street use maps are a part of the city's Comprehensive Plan and can only be changed by procedures in compliance with procedures for changes to the Comprehensive Plan. See SMC Chapter 17G.020 Comprehensive Plan and Development Standard Amendment Procedure.

SMC 17G.020.010 lays out the "Comprehensive Plan and Development Standard Amendment Process." Comprehensive Plan maps are subject to the requirements of the process. They cannot be changed unless the proper process is used.

#### **Truck Traffic**

Trucks are kept out of Browne's Addition except for local deliveries. Signs are up advising of this. There is a law. SMC 12.08.010.

The purpose of the rule, the law, is obvious. What would the neighborhood be like if trucks using the Sunset Highway and Highway 2 diverted from that arterial to pass through Browne's Addition?

Trucks with goods for other than local deliveries users of arterials. They are an element of arterial traffic (just as long distance destination buses an element of arterial traffic).

#### **Traffic Calming**

Another aspect of traffic controls has to do with traffic calming.<sup>10</sup>

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<sup>10</sup> The Comprehensive Plan defines traffic calming as follows:

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Using Community Development Block Grant Funds, the City of Spokane and the Browne's Addition Neighborhood spent a considerable sum of money to create a round about and park within at the intersection of West Pacific and Cannon.

What would anyone put in a traffic calming device such as that put in at West Pacific and Cannon and then beginning running large long distance buses through the neighborhood? And, then at four times the rate and impact of the previous bus routing! And with impacts significantly greater than four times the previous impacts.

### **Conclusion and Request**

STA's operation of Routes 60 and 61 through Browne's Addition is illegal. The routes violate the city's laws and Land Use Code and Comprehensive Plan and the Washington Growth Management Act.<sup>11</sup>

Please take action.

Very truly yours,

Stephen K. Eugster

Encl.

[Karl Fleming, COMPARISON OF BUS FREQUENCY AT SELECTED SPOKANE LOCATIONS \(November 20, 2009\).](#)

cc:  
Susan Meyer, Executive Director, STA

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Traffic Calming Slowing or diverting traffic for increased traffic safety and improved neighborhood quality. Traffic calming usually involves physical changes to streets to reduce vehicle speeds and volumes and other disruptive effects of automobiles on neighborhoods.

<sup>11</sup> Also, the routes, quite possibly, violate City of Spokane environmental laws. SMC Ch. 17E.050.