

**CITY OF SPOKANE HEARING EXAMINER**

**Re:** Preliminary Plat Application by ) FINDINGS, CONCLUSIONS,  
Whipple Consulting Engineers to ) AND DECISION  
subdivide approximately 31.50 )  
acres into 112 single-family lots in a )  
subdivision known as McCarroll's )  
East Addition 2<sup>nd</sup> ) FILE NO. Z18-743PPLT

**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The applicant, Whipple Consulting Engineers, on behalf of the property owner, Strong Road Development, LLC, is proposing to plat approximately 31.50 acres into 112 single-family lots.

**Decision:** Approved, with conditions.

**FINDINGS OF FACT**  
**BACKGROUND INFORMATION**

**Applicant/  
Agent:** Todd Whipple  
Whipple Consulting Engineers  
21 S. Pines Rd.  
Spokane Valley, WA 99206

**Property  
Owner:** Strong Road Development, LLC  
2602 N. Sullivan Road  
Spokane Valley, WA 99216

**Property Location:** The subject property is currently addressed as 4647 W. Strong Road and 4696 W. Strong Road, located near the intersection of Indian Trail and Barnes Road. The site is located east of Indian Trail Road and along Strong Road.

**Legal Description:** The legal description of the property is provided in Exhibit 2D.

**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 site consists of three parcels and is approximately 31.50 acres in size. The site is vacant land. A portion of the site is heavily treed. The property is located east of Indian Trail Road and surrounds a city water tank. The site is very steep, having slopes which range from 16% and 30% in grade. There are no other known critical areas or evidence of historical, archaeological or cultural importance on or next to the site. There are no existing structures within the boundaries of this proposal other than the city water tank.

**Surrounding Conditions and Uses:** The property to the north, east, and west is zoned RSF (Residential Single Family). The property to the south is zoned RMF (Residential Multi Family). To the south of the site is undeveloped land. To the north and east is the Westwind PUD, a residential development with lots of a similar size as the proposed subdivision. To the west are McCarroll's East 5<sup>th</sup> and 6<sup>th</sup> Additions, which are also similar to the proposed development. All adjacent land uses are single family homes, except the water tank that sits directly in the middle of the proposed site.

### **PROCEDURAL INFORMATION**

**Authorizing Ordinances:** Spokane Municipal Code ("SMC") 17C.110, Residential Zones; SMC 17G.080.050, Subdivisions; and SMC 17G.060.170, Decision Criteria.

**Notice of Community Meeting:** Mailed: July 13, 2018  
Posted: July 12-13, 2018

**Notice of Application/Public Hearing:** Mailed: October 4, 2018  
Posted: October 2 & 4, 2018

**Community Meeting:** July 31, 2018

**Public Hearing Date:** November 8, 2018

**Site Visit:** December 8, 2018

**SEPA:** A Determination of Non-Significance (DNS) was issued on October 22, 2018. The deadline to appeal the DNS was November 5, 2018. The DNS was not appealed.

#### **Testimony:**

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

Todd Whipple  
Whipple Consulting Engineers  
21 S. Pines R.  
Spokane Valley, WA 99206

Taudd A. Hume  
Parsons, Burnett, Bjordahl, Hume, LLP  
Steam Plant Square, Suite 225  
159 S. Lincoln  
Spokane, WA 99201

#### **Exhibits:**

1. Planning Services Staff Report
2. Application, including:
  - 2A General application

- 2B Preliminary Long Plat application
- 2C Plat Narrative
- 2D Preliminary Plat map dated 07-13-18
- 2E Notification Map application
- 3. Fire Department comments
- 4. Planning & Development comments
- 5. Planner comments
- 6. Department of Ecology comments
- 7. Avista comments
- 8. Spokane Tribe of Indians comments
- 9. CD containing reports and comments for the following:
  - 9A Transmittal
  - 9B Community Meeting recording
  - 9C General Application
  - 9D 2025 SEPA Environmental Checklist Updated (NEW)
  - 9E Title Report and Legal
  - 9F Narrative
  - 9G Trip Traffic
  - 9H Traffic (3 sections)
  - 9I Drainage (4 sections)
  - 9J Notification Map
  - 9K 2025 Preliminary Plat – submittal
- 10. Notice map
- 11. Parcel listing
- 12. Address listing
- 13. Notice of Community Meeting
- 14. Notice of Application
- 15. Affidavit of mailings
  - 15A Community Meeting dated 07-13-18
  - 15B Combined application and hearing dated 10-04-18
- 16. Affidavit of postings
  - 16A Community Meeting dated 07-12 and 07-13-18, with copies of signs
  - 16B Combined application and hearing dated 10-02 and 10-04-18, with copies of signs
- 17. SEPA Determination of Nonsignificance “DNS” issued 10-22-18
- 18. Environmental checklist dated 08-09-18
- 19. Letter dated 07-08-18 to Todd Whipple from Ali Brast  
re: community meeting instructions
- 20. Letter dated 08-20-18 to Interested Parties from Ali Brast  
re: requesting comments
- 21. Letter dated 09-21-18 to Todd Whipple from Ali Brast  
re: notice of application instructions
- 22. Public Comment email dated 08-24-18 from Dwight Aden Jr  
re: concern over traffic on Indian Trail Road
- 23. Public Comment email dated 09-05-18 from Mary Marsh  
re: concern Ponderosa Pine removals
- A Exhibits received at the hearing:
  - A-1 Hardcopy of Planning’s PowerPoint presentation
  - A-2 Letter dated 11-08-18 from Taud Hume, re comments on Staff Report’s recommended conditions of approval
  - A-3 Letter dated 11-02-18 from Todd Whipple, re comments on Staff Report’s

- recommended conditions of approval
- A-4 Email from to/from Todd Whipple and Tom Riley, re paving of Indian Trail Rd
  - A-5 Cultural Resources Assessment of the Proposed Indian Trail Apartments Project, dated 04-20-15
  - A-6 Water Distribution System Analysis, McCarroll's East dated 06-2017

### FINDINGS AND CONCLUSIONS

To be approved, the proposed preliminary plat must comply with the criteria set forth in Spokane Municipal Code section 17G.060.170. The Hearing Examiner has reviewed the plat application 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 site is zoned Residential Single Family ("RSF"). The applicant proposes to develop the site with single family residences. This proposed use is outright permitted in the RSF zone. See Table 17C.110-1; see also SMC 17C.110.115. The density of the proposal is approximately 6.37 units per acre, which is consistent with current code requirements. See Exhibit 1, p. 3. The Staff also concluded that the project satisfies the "minimum lot size and frontage requirements for the residential single family zone, per 17C.110." See Exhibit 1, p. 3. The proposed development will be required to satisfy all other applicable development standards, as provided in the conditions of approval. The Hearing Examiner concludes that this proposal is authorized by the land use codes.

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).*

The proposed development is consistent with the pertinent provisions of the Comprehensive Plan. The site is designated as Residential 4-10. This designation allows single-family residences on individual lots. See CP, Chapter 3, p. 3-40. Land with this designation may be developed with a minimum of 4 units per acre and a maximum of 10 units per acre. See *id.* The density of the project fits within this designation, having an approximate density of 6.37 units per acre. See Exhibit 1, pp. 3-4.

In addition, the proposal is generally supported by the goals, objectives and policies of the Comprehensive Plan. The proposed development will include lots and homes of similar style and nature to the nearby residential neighborhood. Thus, the developer has ensured that the project will be compatible with surrounding uses. See CP, Chapter 3, Goal LU 5, p. 3-26 (promoting development which is complementary and compatible with other land uses); see also CP, Chapter 3, Policy LU 5.5, p. 3-27 (discussing the need to ensure compatibility when permitting infill developments). There were no reports that the public infrastructure was not sufficient to accommodate the development. Public services and facilities near the site appear to be sufficient, or will be made so through mitigation measures, making the proposal consistent with Policy LU 1.12, Public Facilities and Services. See CP, Chapter 3, Policy LU 1.12, p. 3-14.

Considering the characteristics and design of the proposal, the Hearing Examiner agrees with the Staff that it is consistent with the Comprehensive Plan. See Exhibit 1, pp. 3-4. Therefore, this criterion is satisfied.

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

On August 20, 2018, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 20. In response, the city received comments from various agencies regarding the project. See e.g. Exhibits 3-8. Only the Planning & Development Department raised a concern regarding concurrency. Specifically, a concern was expressed about the availability of an adequate water supply to serve the plat. See Exhibit 1, p. 4. The closest pressure zone, i.e. the North Hill Pressure Zone, cannot serve the entire plat, given the coverage area of that zone and the topography of the site. See Exhibit 4. As a result, the plat will be served at least partially by another pressure zone, specifically the Five Mile Pressure Zone and Strong tank. See *id.* Despite the potential for a split in the water system, the Staff "...believes that adequate services exist in the area and the need for more than one pressure zone can be reviewed during the final platting process." See Exhibit 1, p. 4. To ensure this issue is adequately addressed, the Hearing Examiner will include Staff's proposed conditions regarding the water system, including a requirement that the developer produce a water demand and pressure evaluation to support its proposal. See *id.* The developer must also confirm which pressure zone(s) it plans to connect to the development. See *id.*

The Hearing Examiner finds that the project satisfies the concurrency requirements of the municipal code, provided that project conditions are satisfied. As a result, this criterion for approval 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 development area is of sufficient size to accommodate the development, as is demonstrated on the proposed plat. The site is an irregular shape, but there is no indication in this record that the shape poses a genuine obstacle to development. Similarly, the location is appropriate for a residential development. The properties in the vicinity are already developed with single-family homes.

There is no history of unstable soils on the site. See Exhibit 18 (Environmental Checklist ¶ B(1)(d)). However, according to the City of Spokane Map View there are erodible soils along the eastern and southern borders as well as geologically hazardous areas. See *id.* There will likely be some localized erosion during the construction, although those impacts will be mitigated by best management practices. See Exhibit 18 (Environmental Checklist ¶ B(1)(f)). No erosion is anticipated from the completed project because the surfaces will be stabilized by paving, concrete, buildings, and landscaping. See *id.*

There are no indications of surface water on or in the immediate vicinity of the site. See Exhibit 18 (Environmental Checklist ¶ B(3)(a)(1)). Storm water drainage on the property will be handled through the typical methods identified in the Spokane Regional Stormwater Manual (the "SRSM"). See Exhibit 18 (Environmental Checklist ¶¶ A(14)(a)(1) & B(3)(b)). All future runoff will be treated in the catchment areas before infiltrating through the treatment soil and into the native soil. See Exhibit 18 (Environmental Checklist ¶¶ B(3)(c)(2)). No groundwater will be withdrawn as water will be supplied by the local water purveyor. See Exhibit 18 (Environmental Checklist ¶ B(3)(b)(1)). There is no reason to expect that groundwater will be impacted by this project.

There are no known natural, historic or cultural features on the development site itself. See Exhibit 18 (Environmental Checklist ¶ B(13)(a)-(b)). Nonetheless, the Spokane Tribe requested that a cultural survey, in the form of subsurface testing, be completed before any ground-disturbing activities. See Exhibit 8. However, the Spokane Tribe did not submit any specific evidence to support its proposed mitigation measures. See *id.* The Hearing Examiner concludes that the more typical project conditions will address the concerns raised by the Spokane Tribe. The Hearing Examiner will include a condition stating that should anything be discovered during the construction process, the work must cease and the protocols required by state law must be followed.

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).*

The City issued a Determination of Nonsignificance ("DNS") on October 22, 2018. See Exhibit 17. The appeal period on this DNS expired on November 5, 2018. See *id.* The DNS was not appealed.

On August 9, 2018, the applicant prepared an environmental checklist for the project. The checklist supports the conclusion that no significant environmental impacts will arise from this project. For example, there are no wetlands or surface waters on the site or in the immediate vicinity. See Exhibit 18, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 18, Environmental Checklist ¶ B(3)(a)(5). No threatened or endangered species were identified on the site. See Exhibit 18, Environmental Checklist ¶ B(4)(c) & B(5)(b). The project is not anticipated to create any significant noise or light. See Exhibit 18 (Environmental Checklist ¶ B(7)(b) & B(11)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 18 (Environmental Checklist ¶¶ B(3)(a)(6), B(3)(b)(1)-(2) & B(3)(c)(2)). No environmental hazards are anticipated to arise due to this project. See Exhibit 18 (Environmental Checklist ¶ B(7)(a)).

The applicant will be required to implement on-site controls for stormwater and surface drainage generated from the development. See SMC 17D.060.010 *et seq.* The applicant has noted that drainage waters will be directed to catchments and pond areas to treat and discharge the treated stormwater. See Exhibit 18 (Environmental Checklist ¶ B(3)(c)(1)). The stormwater will be discharged to the underlying soils via swales, ponds, drywells, etc., in accordance with the SRS. See *id.*

There will be some impacts as a result of construction activities. However, the construction impacts will not result in significant environmental impacts, and can be adequately mitigated (e.g. dust control, limited work hours, etc.). Further, the construction activity is temporary. Once the construction project ends, the potential impacts from noise, dust, and emissions from vehicles will cease. See e.g. Exhibit 18 (Environmental Checklist ¶ B(2)(a) and B(7)(b)(2) (addressing emissions and noise)).

There was one public comment objecting to the additional traffic that would occur on Indian Trail Road. See Exhibit 22. No specific information or analysis was provided, however, to demonstrate that the traffic impacts would be significant. The project engineer, by contrast, submitted an extensive analysis of the effect of additional traffic from the project. See Exhibit 9G-9H. Ultimately, it was concluded that the project would not have a material impact on the transportation system, given the recommended mitigation measures. See *id.* In addition, the applicant will be contributing substantial impact fees to account for additional traffic load. See *id.* There were no comments from the city contesting the project engineer's conclusions. Moreover, the city issued a DNS for the project that was not appealed. The Hearing Examiner concludes that there are no significant, unmitigated impacts due to the traffic from this project.

There was a second public comment on the environmental impacts of the project. Specifically, an area resident noted the importance of trees for animal habitat as well as public health. See Exhibit 23. The resident requested that the developer be required to save as much of the ponderosa pine habitat as possible. See *id.* The Hearing Examiner is sympathetic to this request, but there are no development standards that require that any particular number or percentage of the trees be preserved. *Testimony of A. Brast.* The reality is that most of the trees will be removed given the nature of this development. *Testimony of T. Whipple.* However, the developer advised that it would work with the city to preserve as many of the trees as possible, in particular along Barnes Road. See *id.* The city deemed this to be consistent with its recommendations. *Testimony of A. Brast.* The Hearing Examiner does not believe he has authority to require any more.

There is no substantive evidence in this record that environmental impacts make the project unfeasible or materially problematic. The SEPA process clearly supports the premise that the project will not have significant impacts on the environment. No one appealed the DNS to challenge this conclusion. There was no testimony or evidence at the public hearing establishing that there were significant impacts overlooked in the SEPA review.

Based upon the foregoing, the Hearing Examiner concludes that the proposal will not have a significant adverse impact on the environment or the surrounding properties, which cannot be adequately addressed through mitigation, and therefore this criterion for approval has been met.

6. *The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for: (a) public health, safety, and welfare; (b) open spaces; (c) drainage ways; (d) street, roads, alleys, and other public ways; (e) transit stops; (f) potable water supplies; (g) sanitary wastes; (h) parks, recreation and playgrounds; (i) schools and school grounds; and (j) sidewalks, pathways, and other features that assure safe walking conditions. See SMC 17G.060.170(D)(5).*

The proposal makes adequate provisions for the public health, safety, and welfare. The proposal is designed and will be required to satisfy the applicable city standards for drainage, streets and other public ways, proper disposal of storm water, and the like. All the pertinent facilities, such as streets, curbing, sidewalks, etc., must be designed and constructed in accordance with City standards. The development will be connected to public sewer and water. There were no comments from any department or agency suggesting that the proposed development placed undue stresses on the public infrastructure or services. There was no testimony or other evidence which convinced the Hearing Examiner that there would be significant impacts on the public health, safety, or welfare.

The Hearing Examiner concludes that the proposal satisfies the applicable subdivision standards. The Hearing Examiner also adopts and incorporates the staff's analysis of this issue, found on pages 5-6 of the Staff Report. See Exhibit 1. This criterion is met.

### DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed preliminary plat subject to the following conditions:

1. Approval is for a preliminary plat of 112 single-family lots to be developed in substantial conformance with the plans, drawings, illustrations, and specifications for the "McCarroll East Addition 2nd" preliminary plat on file in the Department of Planning Services. The applicant is authorized to prepare a final plat in compliance with the preliminary plat and the conditions of approval placed upon it.
2. Addresses must be shown on the final plat.
3. The directional indicator for all the street names shall be changed from S (south) to N (north). The proposed "S. Belmont Drive" shall be given a new, unique name, because another "Belmont Drive" exists elsewhere in the City. The plat shall be modified to indicate how Seminole aligns with the future McCarroll's 6<sup>th</sup> final plat.
4. The developer shall submit a conceptual drainage report to the City showing how stormwater is to be handled for this plat.
5. If not already completed, the Indian Trail Widening Project, required by a previous McCarroll's Plat, must be completed prior to finalizing this plat. This widening project will need to be completed prior to the spring of 2019 when the City will be doing a grind & overlay project. The reinstallation of street trees along Indian Trail Road will be required as a part of the road widening.



6. The application shows that the plat will be connected to North Hill Pressure Zone. This will not function for the entire plat development. It is likely that this development will be at least partially supplied by Five Mile Pressure Zone and Strong tank. The development is located across a hillside with more than 100 ft drop. The developer shall conduct a water demand and pressure evaluation and to confirm which pressure zone the development will be connected to.
  - a. The developer will be responsible for all costs associated with design and construction of water improvements necessary to serve the proposed plat.
  - b. The water system shall be designed and constructed in accordance with City standards. A pressure of 45 psi minimum at the property line is required for service connections supplying domestic flows. Pressures shall not drop below 20 psi at any point in the system during a fire situation. Pressures over 80 psi will require that pressure relief valves be installed at the developer's expense.
  - c. Construction plans, shall be submitted to Planning & Development for review and acceptance. The water system, including individual service connections to each lot, shall be constructed and accepted for service prior to the City Engineer signing the final plat.
7. The developer will be responsible for all costs associated with design and construction of sanitary sewer improvements necessary to serve the proposed plat and the sewer system shall be designed and constructed to city standards.
8. Construction plans shall be submitted to Planning & Development for review and acceptance. The sanitary sewer system, including individual service connections to each lot, shall be constructed and accepted for service prior to the City Engineer signing the final plat.
9. 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.
10. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat. Pre-development flow of any off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm must be provided.

- a. No building permit shall be issued for any lot in the plat until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17D.060 "Stormwater Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and the Project Engineer's recommendations, based on the drainage plan accepted for the final plat, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Planning & Development for review and acceptance prior to issuance of a building permit.
  - b. Since the proposed plat is located in the Five Mile Special Drainage District, basements are **not** recommended. The development of any below grade structures (including basements) in the plat is subject to review of a geotechnical evaluation for foundation design to determine suitability and affects from stormwater and/or subsurface runoff. The geotechnical evaluation is required to be performed for each lot with below grade level structures and submitted for review and concurrence to the City of Spokane Building Department and Developer Services prior to issuance of a building permit. An overall geotechnical analysis may be performed in lieu of individual lot analyses to determine appropriate construction designs.
  - c. Prior to construction, a grading and drainage plan shall be submitted to Planning & Development for review and acceptance.
  - d. An erosion / sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to Planning & Development for review and acceptance prior to construction.
  - e. If drywells are utilized, they will be tested to insure design infiltration rates are met. A minimum factor of safety of 2 (two) will be required. In accordance with State Law, existing and proposed Underground Injection Control structures need to be registered with the Washington State Department of Ecology. Proof of registration must be provided prior to plan acceptance.
  - f. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.
11. Public streets, including paving, curb sidewalk, signs, storm drainage structures/facilities, and swales/planting strips necessary to serve the proposed plat, shall be designed and constructed in accordance with City standards. Sidewalks shall serve each lot.
- a. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.

- b. All street identification and traffic control signs required due to this project must be installed by the developer at the time street improvements are being constructed. They shall be installed and inspected to the satisfaction of the City's Construction Management Office in accordance with City standards prior to the occupancy of any structures within the plat.
  - c. The developer will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
- 12. Construction plans for public street, sewer, water and storm water systems must be designed by a Professional Engineer, licensed in the State of Washington, and submitted to Planning & Development for review and acceptance prior to construction.
- 13. Plan review fees for sanitary sewer, water, street, and storm water improvements will be determined at the time of plan submittal and must be paid prior to the start of review.
- 14. Centerline survey monuments will be required to be installed at the center of each cul-de-sac, at the point of curvature on all horizontal curves, and at the point of tangency on all horizontal curves.
- 15. The following statements will be required in the dedication of the final plat.
  - a. Ten foot utility and drainage 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.
  - b. 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 Planning & Development prior to the issuance of any building and/or grading permits.
  - c. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private water system complying with the requirements of the Planning & Development Department and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department.
  - d. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Storm water Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat. Pre-development flow of off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm shall be provided.

- e. No building permit shall be issued for any lot in this plat until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17.060 "Stormwater Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and the Project Engineer's recommendations, based on the drainage plan accepted for this final plat, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Developer Services for review and acceptance prior to issuance of a building permit.
  - f. This plat is located within the Five Mile Prairie Special Drainage District. The development of any below-grade structures, including basements, is subject to prior review of a geotechnical evaluation for foundation design to determine suitability and effects from stormwater and/or subsurface runoff. The geotechnical evaluation shall be submitted to Planning & Development for review and concurrence prior to the issuance of a building permit. It must address the disposal of storm water runoff and the stability of soils for the proposed structure. This evaluation must be performed by a geotechnical engineer, licensed in the State of Washington. It must be submitted to the City Building Department and to Planning & Development for review and concurrence prior to issuance of any building permit for the affected structure. An overall or phase-by-phase geotechnical analysis may be performed in lieu of individual lot analyses to determine appropriate construction designs.
  - 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. All public improvements (street, sewer, storm sewer, and water) shall be constructed to City standards prior to the occupancy of any structures served by said improvements.
  - i. No building permit shall be issued for any lot in the plat until evidence satisfactory to the City Engineer has been provided showing that sanitary sewer and water improvements, constructed to City standards, have been provided to the lot in question.
  - j. A Transportation Impact Fee will be collected prior to the issuance of a building permit for the affected lot.
16. Site fire flow will be required to be maintained or provided during construction.
17. Fire hydrant spacing shall not be more than 500 feet (along an acceptable path of travel), within 500 feet of the property line for non-sprinklered buildings and 750 feet of the property line for fire sprinklered buildings (SMC 17F.080.030).
18. For International Residential Code buildings, fire hydrants are required within 600 feet of all points around the building (IFC 507.5.1, exception 1). For single family residential infill projects in existing developed areas, fire hydrants are allowed to be within 500 feet of the property line along an acceptable path of travel (SMC 17F.080.321).

19. The proposal appears to meet the requirements of the Fire Code for fire access, but the slope of the streets will need to be less than 10%.
20. Fire Department approved all-weather access must be provided to within 150 feet of any point around the outside of a building (IFC 503.1.1). For fully sprinklered buildings, this is extended to 165 feet (IFC 503.1.1, exception 1). Dead-end roads longer than 150 feet need approved fire apparatus turn-arounds (IFC 503.2.5). Fire apparatus turning radius is 50 feet external, 28 feet internal (SMC 17F.080.030.D.3). Minimum height clearance is 13 feet-6 inches (IFC 503.2.1). Fire lanes will have a maximum slope of 10 percent (based on IFC 503.2.7) unless a design deviation is approved. Minimum width for fire access is 20 feet, unobstructed (IFC 503.2.1).
21. Single family and duplex residential developments that exceed 30 dwelling units on any single road with no additional access are required to have a second fire access road (IFC D107.1).
22. Fire access will be maintained during construction. The fire lanes will be maintained with an all-weather surface (IFC 3310.1).
23. Per comments from Avista, please include the following utility language in the dedicatory language of the final plat:

10 foot wide easements for "Dry" utilities (electric, gas, phone, fiber, cable TV) as shown on the herein described plat are hereby dedicated for the use of serving utility companies for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities, together with the right to prohibit changes in grade over installed underground facilities and the right to prohibit, trim and/or remove trees, bushes, landscaping without compensation and to prohibit brick, rock or masonry structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Storm drain dry wells and Water Meter boxes shall not be placed within the "Dry" easements; however, lateral crossings by storm drain, water and sewer lines are permitted. Serving utilities are also granted the right to install utilities across sidewalk easements, common areas or Tracts and future acquisition areas.
24. 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. The project shall conform to the requirements of any additional agency permits.
25. This approval does not waive the Applicant's obligation to comply with all of the requirements of the Spokane Municipal Code including the International Codes (as adopted in this jurisdiction), as well as requirements of City Departments and outside agencies with jurisdiction over land development.
26. 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.

27. 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 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 10<sup>th</sup> day of December 2018.



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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 of the Hearing Examiner regarding preliminary plats are final. They may be appealed to the City Council. All appeals must be filed with the Planning Department within fourteen (14) calendar days of the date of the decision. The date of the decision is the 10<sup>th</sup> day of December 2018. **THE DATE OF THE LAST DAY TO APPEAL IS THE 24<sup>th</sup> DAY OF DECEMBER 2018 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 a verbatim transcript and otherwise preparing a full record for the City Council.