

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat and Planned Unit)
Development Application by Beacon Hill)
Properties for a 141-lot PUD to be named)
Beacon Hill)
)
) FILE NO. Z1000033-PPUD

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant seeks approval of a preliminary plat and planned unit development (PUD) in order to allow the subdivision of approximately 40 acres of land into 141 residential lots. The proposal is to include a total of 304 single family and multifamily units.

Decision: Approval, subject to conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Beacon Hill Properties
 c/o Pete Rayner
 4848 East Wellesley Avenue
 Spokane, WA 99217

Represented by: Stacy Bjordahl, Attorney at Law
 Parsons, Burnett, Bjordahl, Hume LLP
 505 West Riverside Avenue, Suite 500
 Spokane, WA 99201

Property Address: 4848 East Wellesley Avenue in Spokane, Washington.

Property Location: The property is located on the south side of Wellesley Avenue east of Havana Street where Wellesley Avenue becomes Valley Springs Road within the City and County of Spokane, Washington.

Legal Description: A full legal description is set forth on the preliminary plat of Beacon Hill subdivision which is in the record as Exhibit #2E1.

Zoning: RSF (Residential Single Family) and RMF (Residential Multifamily)

Comprehensive Plan Map Designation: The property is designated Residential 4-10 and Residential 15-30 in the City's Comprehensive Plan.

Site Description: The site is irregular in shape and quite hilly. Staff notes that the steepest slopes are approximately 30%. There are two DNR streams that have been identified near the property including a Class U (unidentified) and a Type III or IV (intermittent stream). Both of these

were identified to be simple drainage points with no flowing water at any time of the year. The proposal does not lie within a floodplain and there are no structures currently on site.

Surrounding Conditions: The proposal is surrounded by property zoned RSF and there is primarily open space and large lot single family development. Directly to the west is a proposed residential development called the Preliminary Plat of the Vistas at Beacon Hill, which was approved by the Hearing Examiner in 2005. The applicant owns property to the south and east and there are plans to develop residential uses on that property at some time in the future. There is also a portion of the property in the southeast corner which was deeded to the City of Spokane for a future water tank. The site adjoins and has access to Wellesley Avenue/Valley Springs Road, which is designated as a Minor Arterial in the City's Arterial Street Plan.

Project Description: The applicant seeks preliminary plat and PUD approval in order to allow the subdivision of approximately 40 acres into 141 lots for residential development. The applicant proposes 304 single and multifamily units ranging from detached single family homes, duplexes, triplexes, and multifamily buildings. The applicant owns approximately 182 total acres of which these 40 acres are a part. There are two different zoning categories which allow the variety of residential uses. The slope on site requires careful positioning of the interior roads, utilities, and stormwater drainage facilities to minimize the usage of retaining walls and excavations. The project includes road sections suitable to hillside development and also includes an extensive bicycle trail system developed in coordination with local bicycle clubs. Other proposed features include a possible neighborhood park, several scenic viewpoints, extensive walking and biking trails and a large amount of natural open space, much of which will have public access. The lots will vary in size, which is allowed under the PUD Ordinance, however no lots shall be less than 75-feet in depth and no less than 20-feet wide. The road system and water and sewer system will be public. A layout of the lots, blocks and streets can be found on the preliminary plat of Beacon Hill subdivision which is in the record as Exhibit #2E1.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code Sections 17C.110, 17C.110.225, 17C.110.300 through .340, Table 17C.110-2, 17G.050, 17G.060.170, 17G.070, and 17G.080.

Hearing Date: January 6, 2011 (The record remained open until January, 21, 2011 for the submission of additional materials.)

Notices: Mailed: February 28 and July 29, 2008
Posted: February 28, and July 30, 2008

Site Visit: None made

SEPA: A determination of Nonsignificance (DNS) was issued by the City on December 14, 2010.

Testimony:

Dave Compton
City of Spokane, Planning Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

Kris Becker
City of Spokane, Engineering Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

James Sakamoto
City of Spokane, Water Department
914 E North Foothills Dr.
Spokane WA 99207-2794

Stacy Bjordahl, Attorney at Law
Parsons, Burnett, Bjordahl, Hume, LLP
505 West Riverside, Suite 500
Spokane, WA 99201

Ken Garceau
3417 East 31st Avenue
Spokane, WA 99223

Mike Brewer
5022 North Stone Street
Spokane, WA 99207

John Boensberger
6824 North Market Street
Spokane, WA 99217

Joel White
5813 East 4th Avenue
Spokane Valley, WA 99212

James Richman, Attorney at Law
City of Spokane, City Legal
808 West Spokane Falls Boulevard
Spokane, WA 99201

Ray Wright
City of Spokane, Traffic Engineering
808 West Spokane Falls Boulevard
Spokane, WA 99201

Mike Aho
City of Spokane, Parks & Recreation
808 West Spokane Falls Boulevard
Spokane, WA 99201

Pete Rayner
Beacon Hill Properties
4848 East Wellesley Avenue
Spokane, WA 99217

Reid Ziegler
12104 North Washington
Spokane, WA 99208

Stan Key
801 West Riverside
Spokane, WA 99201

Peter Jantz
6707 East Upriver Drive
Spokane, WA 99217.

Jonathan Price
2608 South Monroe Street
Spokane, WA 99203

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General application
 - 2B Preliminary Long Plat application
 - 2C PUD application
 - 2D Notification Map application
 - 2E Site Plans
 - 2E1 Preliminary Plat
 - 2E2 Conceptual Sewer Plan

- 2E3 Conceptual Water Plan
- 2E4 Conceptual Drainage Plan
- 2E5 Phase 1, Illustrative Master Plan (A-1)
- 2E6 Phase 1, Land use Plan (A-2)
- 2E7 Phase 1, Preliminary Street Plan (A-3)
- 2E8 Phase 1, Street Sections (A-3)
- 2E9 Phase 1, Landscape Submittal (A-5)
- 2F Preliminary Design pan
- 2G Preliminary Landscape plan
- 2H Trail System draft concept plan
- 2I Plat certificate
- 3. Pre-Development conference notes
- 4. Fire Department comments
- 5. Engineering Services comments
 - 5A Preliminary Geotechnical Evaluation during Concept Drainage Design 02-11-10
- 6. Traffic Engineering comments
 - 6A Street Name Inquiry
 - 6B Traffic Impact Analysis Sunburst Engineering 05-26-10
 - 6C Traffic Supplemental TIA 12-28-10
- 7. Spokane Regional Clean Air Agency comments
- 8. Spokane Tribe of Indians comments
- 9. Avista comments
- 10. Northwest Pipeline comments
- 11. Spokane International Airport & Felts Field comments
- 12. Notice map with parcel listing
- 13. Notices
- 14. Affidavit of mailing April 5 and November 23, 2010
- 15. Affidavit of posting April 5 and November 29, 2010
- 16. Request for publication December 7, 2010
- 17. SEPA Determination of Nonsignificance
- 18. Environmental Checklist
 - 18A Draft Environmental Impact Statement dated April 1980
 - 18B Final Environmental Impact Statement dated June 1980
- 19. Critical Areas Assessment Checklist
- 20. Community Meeting sign in sheet
- 21. Community Meeting tape
- 22. Hearing File Preparation Checklist
- 23. Email dated 05-12-09 to Eric Coles from Ken Pelton
 - re: PUD land uses
- 24. Email dated 07-28-09 to Dave Compton from Julie Neff
 - re: waive Design Review requirement
- 25. Email dated 09-18-09 to Dave Compton from William Grimes
 - re: Pre-development meeting follow up
- 26. Emails dated 03-16/26-10 to/from Dave Compton and Eric Coles
 - re: community meeting notification
- 27. Emails dated 04-06-10 to/from Dave Compton and Eric Coles
 - re: application fees
- 28. Letter dated 05-26-10 to Dave Compton from Pete Rayner
 - re: multifamily provisions
- 29. Letter dated 05-26-10 to Dave Compton from Pete Rayner

- re: open space
- 30. Letter dated 05-26-10 to Dave Compton from Pete Rayner
re: fire concurrency
- 31. Letter dated 05-26-10 to Eldon Brown from Pete Rayner
re: traffic issues
- 32. Letter dated 05-26-10 to Hearing Examiner from Pete Rayner
re: altered RSF/RMF lot standards
- 33. Emails to/from Raymond Wright and Eric Coles
re: concurrency test fees, community/traffic scoping meeting
- 34. Letter dated 06-22-10 to Interested Parties from Dave Compton
re: requesting comments
- 35. Email dated 07-12-10 to Dave Compton from Eric Coles
re: request for comments
- 36. Letter dated 08-02-10 to Pete Rayner from Dave Compton
re: technically incomplete
- 37. Email dated 08-10-10 to Dave Compton from Stacy Bjordahl
re: concurrency issue
- 38. Emails dated 09-03-10 to/from Stacy Bjordahl and Kris Becker
re: conditions of approval
- 39. Emails dated 09-17/20-10 to City Council members/City staff from Pete Rayner
re: complaint and request for help
- 40. Email dated 09-22-10 to Stacy Bjordahl from Dave Compton
re: technically incomplete
- 41. Correspondence dated 09-29/10-01-10 to/from City Staff and Pete Rayner
re: request/approval for 180 day extension
- 42. Letter dated 09-30-10 to Dave Compton from Kenneth M. Geibel
re: clarification for concurrency
- 43. Email dated 12-20-10 to Stacy Bjordahl from James Richman
re: conditions of concurrency
- 44. Email dated 12-27-10 to Dave Compton from Pete Rayner
re: forwarding correspondence from Leroy Eadie dated 10-02-09
- 45. Emails dated 12-27/28-10 to/from Dave Compton and Pete Rayner
re: response to Dave Compton's inquiry
- A Submittals at time of hearing:
 - A-1 Greater Hillyard North-East Planning Alliance
 - A-2 NAHB The Local Impact of Home Building in Spokane, Washington
 - A-3 Memorandum in Support of Application
 - A-4 Letter from James Richmand, City Legal, to Stacy Bjordahl, Attorney at Law dated 12-20-10.
 - A-5 Hearing Examiner's decision on Z2005-68-PP/PUD, Vistas at Beacon Hill
 - A-6 Letter from Brad Blegen to Pete Rayner (and others) dated 11-14-06
- B Written closing arguments by applicant and City:
 - B-1 Brief from applicant
 - B-2 Brief from City of Spokane including Declaration of Chris Peterschmidt, P.E. and other attachments.

FINDINGS AND CONCLUSIONS

Reviews of Type II and III permit applications such as PUDs and plats are subject to Spokane Municipal Code Section 17G.060.170. The Hearing Examiner has reviewed the proposed plat and PUD and evidence of record with regard to this Section and makes the following findings and conclusions.

1. The proposal is allowed under the provisions of the Land Use Codes.

The City's land use codes allow both the subdivision of land and the PUD overlay zone for residential development. In this case the zoning is RSF and RMF. The RSF zone allows densities at a minimum of 4-units per acre up to a maximum of 10-units per acre. Staff notes that the net density for the single family portion of the site is approximately 4.73 lots per acre which complies with the zoning. In addition, the RMF zone allows residential development at a minimum of 15-units per acre up to 30-units per acre. Staff again notes that the portion of the site that will be developed with multifamily uses will be developed at approximately 18 units per acre which complies with the density requirements. Therefore the applicant's proposal is allowed under the provisions of the land use codes.

2. The proposal is consistent with the Comprehensive Plan designation and goals, objectives, and policies for the property.

The applicant's attorney has submitted a memorandum in support of the application which is in the record as Exhibit #A-3. In that memorandum starting on page 8 and continuing on through page 10, there is an analysis of the projects consistency with the Comprehensive Plan. The Hearing Examiner has reviewed that analysis and agrees that the project is consistent and adopts and incorporates that analysis herein.

3. The proposal meets the concurrency requirements of Chapter 17D.010 of the Spokane Municipal Code.

The proposal was circulated to all applicable City departments and agencies with jurisdiction over land development and all of those departments and agencies were given the opportunity to comment on the projects compliance with concurrency levels. No City departments or outside agencies ultimately found that concurrency could not be achieved as long as certain conditions were placed on this approval. Therefore, this criterion has been 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.

The site won't be easy to develop because of the steep slopes but the various studies and reports which were commissioned by the applicant show that development is feasible. A geotechnical report and a drainage report were submitted to Engineering Services and found to be satisfactory. The Spokane Tribe noted that three archeological sites have been recorded and has recommended that a survey and subsurface testing be conducted at all construction and staging areas as well as Tribal monitoring on all earth moving activities. There were no other

characteristics of the property including the topography, soils or slope which would preclude this development.

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties and, necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.

The applicant has submitted an Environmental Checklist which was reviewed by agencies with jurisdiction. There were no significant adverse impacts noted in the checklist nor were there any adverse comments from the public relating to impacts on surrounding properties. Therefore this criterion has been met.

For a planned unit development (PUD), the following additional criteria must also be complied with.

1. Compliance with All Applicable Standards. The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2)

The applicant seeks certain adjustments to the underlining development standards and those are set forth in the applicant's Planned Unit Development Application, which is in the record as Exhibit #2C. They are also set forth in Exhibit #32). The applicant states that the total number of attached units in the RSF portions of the site for clustering purposes will be increased, lot dimensions adjusted, and setbacks reduced. The applicant also seeks some adjustments in the zoning so that units with RMF density can be placed on parts of the site that may be designated RSF based upon what is an appropriate use of the site rather than abiding by strict zoning designations. The flexibility in zoning is explained on the Planned Unit Development Application on pages 6, 7 and 8 and the Hearing Examiner finds that it is appropriate here.

2. Architectural and Site Design. The proposed development has completed the design review process and the design review committee/staff has found that the project demonstrates the use of innovative, aesthetic and energy-efficient architectural and site design.

This criteria is not applicable any longer as Design Review has been eliminated for PUDs.

3. Transportation System Capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.

The transportation system was certified for currency purposes and apparently has capacity for the additional trips associated with this proposed phase.

4. Availability of Public Services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

See General Criteria #3 above and also the Preliminary Long Plat Additional Criteria #1 below.

5. Protection of Designated Resources. City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas or agricultural lands are protected in compliance with the standards in this and other titles of the SMC.

See General Criteria #4 above. Staff notes that a Critical Areas Assessment Checklist was completed and listed the potential areas of concern; such as steep slopes, geo-hazard areas, fish and wildlife potential, and water channels. Staff found that the required documentation addressing those items has been identified at this stage through the preliminary geo-hazard study and conceptual drainage plan, SEPA checklist, and an onsite visit by the Washington Department of Fish and Wildlife. The Hearing Examiner concurs in staff's conclusions and finds that this criterion has been met.

6. Compatibility with Adjacent Uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.

There are not many adjacent uses currently. There is an abundance of open space and some single family homes on large lots. The area is designated for the type of residential development that the applicant seeks to construct and therefore this proposal should be compatible with the adjacent uses.

7. Mitigation of Off-Site Impacts. All potential off-site impacts including litter, noise, shading, glare and traffic will be identified and mitigated to the extent practicable.

There was no testimony regarding any potential offsite impacts from this site except for possibly dust and noise during construction. Therefore the Hearing Examiner finds that this criterion has been met.

For a preliminary long plat, the additional criteria below must also be satisfied.

1. The proposed subdivision must make appropriate (in terms of capacity and concurrence) provisions for: public health, safety and welfare; open spaces; drainage ways; streets, roads, alleys and other public ways; transit stops; potable water supplies; sanitary wastes; parks, recreation and playgrounds; schools and school grounds; and sidewalks, pathways and other features that assure safe walking conditions.

As stated above under General Criteria #3, all City departments and outside agencies have reviewed this matter as to concurrency and have found that concurrency exists for public services. This would address drainage ways; public health, safety and welfare; streets, roads, alleys and other public ways as well as water, sewer, parks and schools. The nearest transit stop is approximately one mile away down Wellesley Avenue and the nearest fire station is approximately 1.7 miles away at 2121 East Wellesley Avenue. The proposal has significant amounts of open space as well as hiking and biking trails and scenic overlooks. All streets within the plat are to have sidewalks for pedestrian access and all other services appear to be in place.

The Hearing Examiner hereby adopts and incorporates the Planning Services Department findings on this criteria which are in the Planning Services Staff Report, Exhibit #1, pages 5 through 8.

DECISION

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

A. General Conditions

1. Approval is for a preliminary plat and PUD for up to 304 dwelling units in both single family and multifamily configurations, on 141 residential lots. The proposal is to be developed substantially in accordance with the plans, applications and site plans for the "Preliminary Plat PUD of Beacon Hill" which are set forth in the record and listed under Exhibit #2. The applicant is authorized to prepare a final plat in conformance with the preliminary plat and planned unit development plans and these conditions of approval. Any modifications to the proposed plans or phasing of the final plat shall be reviewed by City Staff and, if found to be significant, reviewed and approved by the City's Hearing Examiner. The number, size and dimensions of lots and the layout of streets, sidewalks and the alleyways shall be substantially as depicted on the site plan, except where these conditions modify those placements.

2. The submitted conceptual sanitary sewer plan shows that this 141-lot development is to be served by a sanitary sewer line connected to the existing dry sewer line at the intersection of Dearborn Street and Longfellow Avenue. This sanitary sewer line was constructed as a part of the Vistas at Beacon Hill PUD. Collectively, all sanitary sewer pipes and manholes for the Vistas at Beacon Hill PUD, including the sewer line at this intersection have not been inspected or tested by the City of Spokane Wastewater Department. These sanitary sewer pipes and manholes have not been accepted into the City's sewer system for operation and maintenance and are not under the control of the City of Spokane.

Concurrency for sanitary sewer for this proposal is granted conditionally, provided that prior to the approval of the engineering plans, the proponent shall provide written permission from the owner of the Vistas at Beacon Hill PUD to allow the contractor for Beacon Hill PUD to finish construction of the sanitary sewer system in Longfellow Avenue.

The developer will be responsible for all costs associated with constructing sanitary sewer improvements necessary to serve this proposed PUD/Plat. Permit, plan review, and inspection fees are also applicable.

3. This development will be provided water service by a pressure system from the pressure side of a water booster station until a future date when a water reservoir tank is constructed and the booster pumps are upsized appropriately to provide service as a gravity system. The City will size and provide the water reservoir tank and upsize the booster pumps when development in the area has reached the appropriate level as determined by the City Water Department. The conceptual water plan shows that the water main serving his plat/PUD is to be looped into the existing 24-inch water main in Valley Springs Road. This 24-inch water main shall be served by a water booster station ("Water Booster Station"), which shall be constructed by one of the developers in the

Beacon Hill project area. Without the required Water Booster Station the necessary domestic and fire flows for concurrency are not available to serve the proposed development.

Concurrency for this proposal is conditionally certified, and preliminary plat/PUD approval is conditioned upon completion of the following "required water facilities":

A. Construction of the Water Booster Station to include building, yard piping, headers, pump pads/canisters, utility conduits and related appurtenances all sized for ultimate station configuration. In addition to the booster station building requirements, the Water Booster Station shall include booster pump(s) sized to provide service, both fire and domestic, to the proposed development along with the motor control, transformer, electrical conductors, redundant power supply and all other related appurtenances to operate the booster pump system to provide adequate service to the proposed development. The Water Booster Station shall be a public station and must be designed and constructed in accordance with all applicable design standards and regulations.

B. Construction of a water main from the Water Booster Station building to the existing 24" water main in Valley Springs Road. The City may elect to participate in an upsize agreement for this main above what is required for the Beacon Hill development

The required water facilities shall be designed in accordance with the City's Design Standards and Regulations. In no case will any phase of this PUD/Plat be finalized until such time as water pressure and design flows, both fire and domestic, meeting the City Design Standards, are available to serve the phase under construction. The applicant will be responsible for all costs associated with constructing water improvements necessary to serve the proposed plat/PUD including, without limitation, the required water facilities outlined herein above. In addition, the applicant shall also be responsible for all costs associated with service connections necessary to serve the proposed development. By conditionally certifying the availability of water for the current development proposal, the City is making no commitment to pay for or otherwise participate in construction of the required water facilities; provided, the City of Spokane Water Department will reimburse up to fifty percent (50%) of the applicant's actual costs in constructing the Water Booster Station building and yard piping sized for the ultimate configuration by refunding general facilities charges as said charges are collected from within the proposed development. The reimbursement shall not include the booster pump(s) sized to service the proposed development along with the motor control, transformer, electrical conductors, redundant power supply and all other related appurtenances to the interim pump system that will only provide service to the proposed development.

Prior to the Director of Engineering Services signing the final plat, sanitary sewer and water improvements shall be constructed to each lot in accordance with City Standards and Regulations.

4. Water service shall be provided by the City of Spokane's water system. The water lines must be designed and constructed to City standards. Any water lines constructed in any public street will be operated and maintained by the City of Spokane. The design of water lines and systems shall be submitted to Engineering Services-Developer Services for review and acceptance prior to the City Engineer signing the final plat. The developer will be responsible for all costs associated with constructing water improvements necessary to serve the proposed plat.

5. Only City water and sanitary sewers shall serve the plat; the use of individual on-site sanitary waste disposal systems or private wells is prohibited, and it shall be so stated on the face of the final plat.

6. All storm water and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Storm Water Facilities" and as per the Project Engineer's recommendations, based on a drainage plan accepted for the final plat/PUD. Pre-development flow of off-site runoff passing through the plat/PUD shall not be increased (rate or volume) or concentrated due to development of the plat/PUD, based on a 50-year design storm. An escape route for a storm in excess of a 100-year design storm shall be provided. Prior to construction, a grading and drainage plan showing finished one-foot contours and supporting calculations must be submitted to Engineering Services-Developer Services for review. While a preliminary drainage report has been accepted so that the proposal could proceed to hearing, a final stormwater plan must be submitted and accepted by the City prior to the City Engineer signing the final plat.

7. An erosion/sediment control plan, detailing how dust and runoff will be handled during and after construction must be submitted to Engineering Services-Developer Services for review and acceptance prior to construction. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve this proposed PUD.

8. All improvements (street, alley access, sewer, storm sewer, and water) shall be designed by a Professional Engineer, licensed in the State of Washington and constructed to City standards by the developer prior to the occupancy of any structures served by said improvement. Conceptual construction plans must be submitted to Engineering Services-Developer Services for review and acceptance.

9. The stormwater system, utilities outside the public right of way, and any other private common areas shall be maintained by a homeowners association. This shall be stated on the final plat. A set of covenants, conditions, and restrictions (CC&Rs) prepared for the proposed development is subject to review and approval by the City of Spokane, and shall be recorded with the Spokane County Auditor's Office prior to the recording of the final plat. The CC&Rs shall address the duties and responsibilities of the homeowners association with respect to all private areas and utilities. This includes, but is not limited to the levying and collection of assessments, and the operation and maintenance of all systems and facilities and shall also provide for the administration and enforcement of these duties and responsibilities.

10. The streets and alleyways serving this plat/PUD must be designed and constructed to City standards. Sidewalks shall serve each lot. Garages must be set back at least 20 feet from the back of the sidewalk. All street identification and traffic control signs required for the proposed plat/PUD must be installed by the developer at the time of street improvements for the phase being constructed. They must be installed in accordance with City standards and inspected to the satisfaction of the City's Construction Management Office prior to the occupancy of any structures within the plat/PUD. Signing and striping shall be shown on street plans. The developer will be responsible for all costs associated with constructing street improvements necessary to serve this proposed plat/PUD.

11. Street designs for the proposed plat/PUD must include supporting geotechnical information on the adequacy of soils underneath to support vehicular loadings.

12. Concurrency for transportation is certified as capacity for the additional trips associated with this project exists on Valley Springs Road. Minimum 20-foot radii are required at all residential street intersections. Wheelchair ramps are required to be constructed at intersections.

13. Slope easements for cuts and fills, as deemed necessary by Engineering Services – Developer Services in accordance with the Design Standards of the City's Engineering Services Department, are hereby granted to the City of Spokane for the construction and maintenance of public streets adjoining this plat. This statement must be included in the dedicatory language on the face of the final plat/PUD. All easements, existing and proposed as well as their purpose shall be on the final plat. A 10-foot utility easement shall be granted along all streets and roads within the plat. Avista has requested a 10-foot combined utility and drainage easement on each side of the right-of-way within the plat. They have also asked for certain dedicatory language to be placed on the preliminary plat of Beacon Hill Subdivision and the Hearing Examiner will defer to the Engineering Services Department for dedicatory language.

14. A \$250.00 deposit will be required for each monument to be installed as part of this final plat/PUD. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet.)

15. In accordance with the City's Financial Guarantee Policy, a financial guarantee will be required for all street, drainage, and erosion/sediment control improvements not constructed prior to approval of the final PUD.

16. Clear view at driveways and street intersections must be maintained.

17. The Fire Department requires 20 feet of unobstructed access width for its vehicles with an exterior clear radius of 50 feet and an interior turning radius of 28 feet. Fire Department access must also be provided to within 150 feet of any point around the perimeter of a building. The maximum slope of roads for fire department apparatus is 10 percent.

18. The applicant must comply with all requirements of the City Fire Department regarding access and fire flow. In lieu of certain requirements, the Fire Department may allow certain units to have fire suppression sprinklers but that decision must be made by the Fire Department based upon its own regulations.

19. Site fire flow shall not be less than 1,000 GPM for single-family residences or duplexes up to 3,600 square feet. If structures exceed 3,600 total square feet, Appendix B of the IFC will be used. Hydrant spacing shall not be more than 500 feet, unobstructed along the path of travel. Hydrants must be within 250' of any lot and within 400' of all points around the first floor of a building.

20. The required front, side, flanking side, and rear yards shall be shown on the face of the final plat and Final Plat dedication. They are set forth in Exhibit #32 and they are: Front yards, minimum of 10 feet, with garages set back a minimum of 20 feet from the back of the sidewalk; rear yards minimum of 5 feet; side yards may be 0 feet, but with at least 10 feet between structures. Lot coverage for each lot shall not exceed 70% with lot depths a minimum of 75 feet, lot width a minimum of 20-feet and lot area a minimum of 1,500 square feet.

21. The area (in square feet) and street address of each lot shall be shown on the face of the final plat.

22. The final plat will contain sufficient information to review closure of the plat.

23. All parking areas and driveways shall be hard surfaced and it shall be so stated on the face of the plat.

24. The Spokane Tribe has identified three known archeological sites in the project area. The applicant shall perform archeological surveys and subsurface testing at all construction and staging areas and will also keep the Tribe notified of all earth moving activities. If any artifacts or human remains are found upon excavation, the tribal office is to be notified immediately and work stopped.

25. Prior to submitting the final plat to the City, the plattor shall consult with Engineering Services as to what language must be contained within the dedicatory language on the face of the final plat.

26. This approval does not waive the applicant's obligation to comply with all other requirements of the Spokane Municipal Code as well as requirements of City Departments and outside agencies with jurisdiction over land development.

B. Prior to Approval of the Final Plat:

27. The applicant shall submit the following plans to the Engineering Department for its review and approval:

- a. construction plans for the streets and alleyways serving the plat;
- b. a detailed plan for water service to be constructed to serve the plat;
- c. a detailed plan for sanitary sewers constructed to serve this plat;
- d. a storm drainage, erosion control, and grading plan, along with any required geo-technical report.

28. A fire protection plan demonstrating that there exists the necessary fire flow and showing the location of all fire hydrants shall be submitted to the Fire Department for its review and approval.

C. Prior to the Sale of Any Lots:

29. The lots to be sold shall be connected to a functioning public water system complying with the requirements of the Engineering Department and having adequate pressure for domestic and fire uses as determined by the Water/Hydro Services Department. This condition shall be stated on the face of the final plat.

30. The lots to be sold shall be connected to a functioning public sanitary sewer system complying with the requirements of the Engineering Department. This condition shall be stated on the face of the final plat.

31. The lots to be sold shall be adequately served by a fire hydrant and appropriate access streets as determined by the requirements of the City of Spokane Fire Department and City Transportation Department. This condition shall be stated on the face of the final plat.

D. Prior to the Issuance of Certificates of Occupancy:

32. All improvements, including street improvements, required by this decision, shall be installed to serve the residential unit for which the certificate of occupancy is sought in accordance with the plans approved by the City of Spokane. This condition shall be stated on the face of the final plat.

33. Spokane Municipal Code 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.

DATED this 8th day of February 2011.



Greg Smith
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 and planned unit developments 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 8th day of February 2011. **THE DATE OF THE LAST DAY TO APPEAL IS THE 22nd DAY OF FEBRUARY 2011 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.