

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat by Greenstone Corporation) FINDINGS, CONCLUSIONS,
to re-plat portions of the Tudor House) AND DECISION
Development from 56 single family lots to)
86 single family lots to be known as)
Ponderosa Ridge 3rd Addition) FILE NO. Z1000065-PPLT

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant seeks approval of a preliminary re-plat in order to allow a 19 acre portion of the existing Tudor House development to increase from 56 single family lots to 86 single family lots.

Decision: Approval, subject to conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Joe Frank
Greenstone Corporation
1421 North Meadow Wood Lane, Suite 200
Liberty Lake, WA 99019

Property Address: The property is located on north Rosebury Lane west of Sundance Drive within the City and County of Spokane, Washington.

Property Location: See above.

Legal Description: A full legal description is in the general application which is in the record as Exhibit #2A.

Zoning: RSF (Residential Single Family) with a PUD overlay zone.

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

Site Description: The site is irregular in shape and contains approximately 19 acres in area. It is currently vacant. Pine trees cover the area that is flat and then to the west the site drops off with steep slopes.

Surrounding Conditions: All zoning in the vicinity is RSF (Residential Single Family) like the subject site. To the west there are steep slopes that slope down to Nine Mile Road. Sundance Village is on the north side and the Ponderosa Ridge PUD is to the east and south. To the west the land is vacant, to the north, east and south it is developed with single family residential uses.

Project Description: The applicant seeks to re-plat an existing plat to include 30 new lots for a total of 86 single family lots. The applicant proposes separated sidewalks with street trees throughout the project. An alley is proposed between the blocks fronting Lynden Lane and Rosebury Lane, two of the primary streets. A pedestrian trail, approximately 5 feet wide is proposed between two hammerhead roads on the northern most point of the project. The lots vary in size but all of them meet the RSF Zoning regulations.

PROCEDURAL INFORMATION

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

Hearing Date: March 31, 2011 (This matter was continued to April 7, 2011, at the request of the applicant).

Notices: Mailed: September 23, 2010 and February 28, 2011
Posted: September 24, 2010 and February 28, 2011

Site Visit: None made

SEPA: A determination of Nonsignificance (DNS) was issued by the City on March 18, 2011. The Department of Ecology requested that the comment period be extended and it was extended by the Hearing Examiner to April 14, 2011. No appeal was filed of the DNS.

Testimony:

Marla French
City of Spokane, Planning Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

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

Joe Frank
Greenstone Corporation
1421 North Meadow Wood Lane, Suite 200
Liberty Lake, WA 99019

Tim Waltman
9015 West Sundance Drive
Spokane, WA 99206

Gil Pierce
Rockwood Property Management
1421 North Meadow Wood Lane
Liberty Lake, WA 99019

Mary Jordan
8601 North Rosebury Lane
Spokane, WA 99208

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General application
 - 2B Preliminary Long Plat application
 - 2C Notification Map application

- 2D Site Plans
 - 2D1 Preliminary Plat (received 12-14-10)
 - 2D2 Sewer and Water Plan
 - 2D3 Landscape/Phase Plan
- 2E Plan Review comments
- 2F Project Narrative
- 2G Preliminary Long Plat, Counter Complete Checklist
- 3. Fire Department comments
- 4. Engineering Services comments
- 5. Traffic Engineering comments
 - 5A Supplemental Traffic (Trip) Distribution letter (04-08-10)
- 6. Spokane Regional Clean Air Agency comments
- 7. Department of Ecology comments
- 8. Avista comments
- 9. Northwest Pipeline comments
- 10. Notice map with parcel listing
- 11. Notices
- 12. Affidavit of mailing 09-23-10 and 02-28-11
- 13. Affidavit of posting 09-24-10 and 02-28-11
- 14. Affidavit of publication 02-28-11
- 15. SEPA Determination of Nonsignificance
- 16. Environmental Checklist
- 17. Community Meeting sign in sheet
- 18. Hearing File Preparation Checklist
- 19. Letter dated 07-10-08 to Andrew Worlock from Hearing Examiner
 - re: RSF standards
- 20. Email dated 08-11-10 to Marla French from Joe Frank
 - re: application for notification map
- 21. Letter dated 09-09-10 to Greenstone and Planning from Hearing Examiner
 - re: procedural questions
- 22. Memo dated 09-13-10 to Joe Frank from Marla French
 - re: community meeting instructions
- 23. Letter dated 12-23-10 to Interested Parties from Marla French
 - re: request for comments
- 24. Letter dated 01-31-11 to Joe Frank from Marla French
 - re: SMC 17C review comments
- 25. Letter dated 02-07-11 to Joe Frank from Marla French
 - re: SMC 17C review comments
- 26. Letter dated 02-09-11 to Planning staff from Joe Frank
 - re: response to technically complete comments
- 27. Memo dated 02-21-11 to Engineering & Traffic staff from Marla French
 - re: technically complete
- 28. Letter dated 02-22-11 to Joe Frank from Marla French
 - re: notice of application, SEPA & public hearing instructions
- 29. Correspondence dated 03-14-11 from home owners of Sundance Village to Planning Department
 - re: request for covenants on project
- 30. Letter dated 03-29-11 to Hearing Examiner from Joe Frank
 - re: requesting continuance of hearing
- A Submittals at time of hearing:

- A-1 Hard copy of Greenstone's presentation submitted at 03-31-11 hearing
- A-2 Greenstone comments on Staff Report
- A-3 Proposed language to address the number of lots on Linden Lane

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 the subdivision of land as proposed by the applicant for residential development. In this case, the zoning is RSF. The RSF zone allows densities at a minimum of 4 units per acre up to a maximum of 10 units per acre. The applicant proposes a density of 4.27 units per acre which falls within the guidelines. 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 Hearing Examiner finds that this criterion has been met and in so doing hereby adopts and incorporates the findings set forth in the Planning Services Staff Report Exhibit #1, pages 3 and 4.

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 area appears suitable for development. It was originally platted for 56 single family lots and it will now be re-platted to include 86 single family lots. There is nothing in the topography or drainage characteristics of this site which would prohibit this particular development. No historical or cultural features are known to exist within the site area.

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.

No significant environmental impacts were noted in the record. The applicant filed a checklist under the State Environmental Policy Act and a DNS was issued by the City on March 18, 2011. An additional comment period was proposed by the Department of Ecology and that ended on April 14, 2011. There were no significant adverse environmental impacts noted. There were some suggestions from the neighbors to the north regarding additional landscaping and fencing, and the applicant is apparently working with that group in order to try to alleviate their concerns, but they were not significant.

6. 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.

The Hearing Examiner hereby adopts and incorporates the Planning Services Department findings on this criterion which are in the Planning Services Staff Report, Exhibit #1, pages 5 and 6.

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 with an existing PUD overlay zone for up to 86 single family lots on approximately 19 acres. The proposal is to be developed substantially in accordance with the plans, applications and site plans for the preliminary re-plat of "Tudor House" which is in the record listed under Exhibit #2. It is to be known as Ponderosa Ridge 3rd Addition. The applicant is authorized to prepare a final plat in conformance with the preliminary plat and the overlay PUD zone 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 layouts of streets, sidewalks and the alleyway shall be substantially as depicted on the site plan, except where these conditions modify those placements.

2. Water service is private but 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. Others will be private. 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.

3. The sanitary sewer service will be private but shall be provided by the City of Spokane. Sanitary sewer systems necessary to serve the proposed subdivision will be designed and constructed to City standards. Construction plans shall be submitted to Engineering Services – Developer Services for review and acceptance. The developer will be responsible for all costs associated with constructing sewer improvements necessary to serve the plat. Review and permit fees are applicable and shall be calculated at the time of submittal. Construction of the sewer lines to the proposed lots must be completed and available to the lots prior to the issuance of building permits and prior to the City Engineers signing the final plat.

4. 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.

5. 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.

6. 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.

7. 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.

8. The stormwater system, utilities outside the public right-of-way, private roads and alleyways, 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.

9. The private streets and alleyways serving this plat/PUD must be designed and constructed to City standards except where modifications are approved by the City Engineer. Sidewalks shall serve each lot. Garages must be set back at least 20 feet from the back of the sidewalk,

and 18 feet from the edge of the private alleyway. 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.

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

11. Concurrency for transportation is certified. The applicant has agreed to pay an impact fee of \$22,476.00 to mitigate traffic impacts. A minimum 20-foot radii are required at all residential street intersections. Wheelchair ramps are required to be constructed at intersections.

12. 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 final plat of Ponderosa Ridge 3rd Addition and the Hearing Examiner will defer to the Engineering Services Department for dedicatory language.

13. 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.)

14. 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.

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

16. 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.

17. 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.

18. 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.

19. The required front, side, flanking side, and rear yards shall be shown on the face of the final plat and final plat dedication. They shall comply with RSF standards.
20. The area (in square feet) and street address of each lot shall be shown on the face of the final plat.
21. The final plat will contain sufficient information to review closure of the plat.
22. All parking areas and driveways shall be hard surfaced and it shall be so stated on the face of the plat.
23. All conditions of the original plat/PUD decision are adopted and incorporated herein unless superseded by these conditions.
24. Prior to submitting the final plat to the City, the platlor shall consult with Engineering Services as to what language must be contained within the dedicatory language on the face of the final plat.
25. 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:

26. 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.

27. 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:

28. 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.
29. 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.

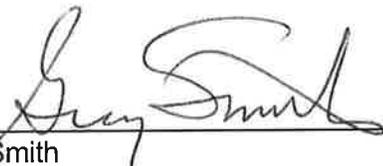
30. The lots to be sold shall be adequately served by a fire hydrant and appropriate access streets as determined by the requirements of the City of Spokane Fire Department and City Transportation Department. This condition shall be stated on the face of the final plat.

D. Prior to the Issuance of Certificates of Occupancy:

31. 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.

32. 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 20th day of April 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 20th day of April 2011. **THE DATE OF THE LAST DAY TO APPEAL IS THE 4th DAY OF MAY 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.