

CITY OF SPOKANE HEARING EXAMINER

Re: Application for Preliminary Plat) FINDINGS, CONCLUSIONS,
Modification by Indian Trail & Barnes) AND DECISION
Road, LLC)
) FILE NO. Z1300061-PPLT

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant is proposing to re-plate an existing plat of approximately 5.13 acres into 15 lots: 13 lots for single family homes in the RSF zone and 2 lots in an Office zone.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: Indian Trails & Barnes Road, L.L.C.
9027 N. Indian Trails Road
Spokane, WA 99208

Owner: Same as Applicant.

Agent: Land Use Solutions & Entitlement
Attn: Dwight Hume
9101 N. Mt. View Lane
Spokane, WA 99218

Property Location: The property is generally located at the northeast corner of Indian Trails Road and Barnes Road, in the Indian Trail neighborhood in north Spokane. The property is situated east of Indian Trail, north of Barnes Road, and south of Lamar Avenue.

Legal Description: The abbreviated legal description of the property is provided in Exhibit 2A. The parcel numbers of the project site are 26221.0312 through 26221.0324 and 26221.0401 through 26221.0403.

Zoning: The property is zoned RSF (Residential Single Family) and Office-35 (Office with 35 foot height limit).

Comprehensive Plan Map Designation: The property is designated as R 4-10 (Residential 4-10 units per acre) and Office.

Site Description: The site of the proposed use is relatively flat. Slopes at the site do not exceed 16%. There are no known critical areas. There is no evidence of historical, archaeological or cultural resources on or next to the site. There are no structures within the boundaries of this proposal.

Surrounding Conditions and Uses: The land to the north and east of the site is zoned RSF and is currently developed with residential uses similar to those proposed by the applicant. The land to the south and west is zoned O-35 (Office). To the west, across the proposed roadway to be named Woodridge Drive and Indian Trail Road, is a large (approximately 7 acres) vacant parcel. To the south and across Barnes Road lie the Indian Trail Community Church, a city-owned library, and a privately owned vacant parcel. To the southwest and across Indian Trail Road is the Sundance Shopping Center which is zoned CC2-NC (Center & Corridor, Type 2 – Neighborhood Center).

Project Description: The applicant is proposing to re-plat an existing plat of approximately 5.13 acres into 15 lots, including 13 lots in the residential zone and 2 lots in an office zone. The proposed re-plat will be configured as follows: 13 lots for single-family homes; 1 office-zoned lot to be sold to a neighbor who intends to use the property to expand an existing single-family use on neighboring property; and 1 office-zoned lot to be developed for a veterinary clinic and office purposes. Lot sizes vary from 7,200 square feet to 13,315 square feet for the thirteen residentially zoned lots and 12,639 square feet to 1.65 acres for the two office zoned lots. Public sewer and water will serve the development.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (“SMC”) 17C.110, Residential Zones; SMC 17C.120, Commercial Zones; and SMC 17G.060.170, Decision Criteria.

Notice of Community Meeting: Mailed: July 29, 2013
Posted: July 29, 2013

Notice of Application/Public Hearing: Mailed: December 3, 2013
Posted: December 5, 2013

Community Meeting: August 13, 2013

Public Hearing Date: January 9, 2014

Site Visit: January 10, 2014

SEPA: Determination of Non-Significance (DNS) was issued on December 24, 2013. The DNS was not appealed.

Testimony:

Dave Compton, City Planner
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Ryan B. Brown, Managing Partner
Indian Trails & Barnes Road, L.L.C.
9027 N. Indian Trails Road
Spokane, WA 99208

Taude A. Hume
Parsons, Burnett, Bjordahl, Hume LLP
505 W. Riverside, Suite 500
Spokane, WA 99201

Peter Kruse
Ramer & Associates
P.O. Box 18779
Spokane, WA 99228

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General application
 - 2B Preliminary Long Plat application
 - 2C Receipt for payment of Notification Map application
 - 2D Site Plan for replat
 - 2E Site plan for Indian Trail Animal Hospital
 - 2F Title report
 - 2G Ordinance amending the land use from R4-10 & R10-20 to Office dated 11-05-12 amending the Comprehensive Plan.
 - 2H Resolution approving development agreement
 - 2I Preliminary Long Plat Counter Complete Checklist
3. Pre-Development Conference notes
4. Engineering Services comments
5. Avista comments
6. Spokane Tribe of Indians comments
7. Notice map
8. Parcel listing
9. Notice of Community Meeting
10. Notice of Application and Public Hearing
11. Affidavit of mailings
 - 11A Community Meeting dated 07-29-13
 - 11B Combined application and hearing dated 12-03-13
12. Affidavit of posting
 - 12A Community Meeting dated 07-29-13
 - 12B Combined application and hearing dated 12-05-13
13. Request for publication of combined application and hearing dated 12-13-13
14. Affidavit of sign removal dated 08-13-13
15. SEPA Determination of Nonsignificance "DNS" issued 12-24-13
16. Environmental checklist dated 09-05-13
17. Community Meeting sign in sheet
18. Minutes of the Community Meeting
19. Details of Community Meeting in lieu of meeting tape
20. Replat McCarrol Addition Fact Sheet handout for Community Meeting
21. Hearing File Preparation Checklists
22. Email dated 05-31-13 to Dave Compton from Ken Pelton
re: predev
23. Emails dated 05--01-13 to/from Dave Compton and Dwight Hume
re: Indian Trail Vet Clinic status
24. Email dated 06-26-13 to Dave Compton from Dwight Hume
re: pre-application

25. Letter dated 07-11-13 to Dwight Hume from Dave Compton
re: community meeting instructions
 26. Email dated 08-12-13 to Dave Compton from Dwight Hume
re: plat for 15 lot and vet clinic
 27. Letter dated 10-15-13 to Interested Parties from Dave Compton
re: requesting comments
 28. Email dated 10-24-13 to Dave Compton from Dwight Hume
re: community meeting summary
 29. Emails dated 11-01 through 11-11-13 to/from Dwight Hume and James Richman
re: developer agreement
 30. Letter dated 11-26-13 to Dwight Hume from Dave Compton
re: notice of application and public hearing letter
 31. Email dated 12-06-13 to Curt Fackler from Dwight Hume
re: notice of hearing.
 32. Hardcopy of Planning's PowerPoint presentation
re: notice of hearing.
- A Exhibits received following hearing, in response to Hearing Examiner request.
- A-1 Email dated 01-09-2013 from E. Johnson to D. Compton
re: Fee for monuments
 - A-2 Fully executed copy of Development Agreement with attachments

FINDINGS AND CONCLUSIONS

To be approved, the proposed re-plat must comply with the criteria set forth in Spokane Municipal Code section 17G.060.170. The Hearing Examiner has reviewed the proposed re-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 majority of the site is zoned Residential Single Family ("RSF"). The remainder of the site is zoned Office ("O-35"). The applicant proposes to develop the residentially zoned areas with single family residences. The office zoned portion of the site is configured into two lots. One office lot will be developed with a veterinary clinic. The other lot will be sold to neighbor to expand an existing residential use. As briefly explained below, the land use codes authorize this proposal.

The proposed residential use is outright permitted in the RSF zone. See Table 17C.110-1. The density of the proposal is also consistent with the land use codes. See Exhibit 1, p. 4. The proposed veterinary clinic constitutes an office use, which not surprisingly is an allowed use on Office zoned property. See Table 17C.120-1. The structure, as proposed, satisfies the fundamental restrictions in that zone, such as the height limitation. See Table 17C.120-2. In addition, satisfaction of the design requirements of the Office zone will be a condition of approval. As for the Office lot that is to be sold to a neighbor, there is nothing in the Office classification that

prevents that undeveloped property from being used for residential purposes. See Testimony of D. Compton.

The Hearing Examiner concludes that the proposed uses, both residential and office, are plainly authorized by the applicable land use codes. As a result, this criterion is satisfied.

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 elements of the Comprehensive Plan. More specifically, the proposal squarely fulfills the intent of the Residential 4-10 and Office land use designations. Further, the proposal is supported by the goals, objectives and policies of the Comprehensive Plan, in particular with regard the land use element to the plan. As a result, the Hearing Examiner concludes that this criterion for approval is satisfied.

The residential portion of the site is designated as Residential 4-10. The density of the project fits within this designation, having an approximate density of 4.8 units per acre. See Exhibit 1, p. 4. In addition, the design of the re-plat is intended to create a residential neighborhood similar to the developed residential areas nearby. The Hearing Examiner concludes that the proposed development is similar to and compatible with the residential neighborhoods to the north and east of the site.

The site for the proposed veterinary clinic is designated as Office under the Comprehensive Pan. The proposed clinic plainly fits within the meaning of an office use. Further, as discussed below, the Hearing Examiner concludes that this proposed use, or something very similar, was contemplated at the time that Office designation for this site was established. As a result, there can be little doubt that the proposal is consistent with the Comprehensive Plan's land use designations.

Goal LU 1 of the Comprehensive Plan seeks to foster a harmonious blend of opportunities for living and working, as well as to carefully manage both residential and non-residential development and design. See CP, Section 3.4, Goal LU 1, p. 9. Policies LU 1.3 and 1.5 elucidate this goal. Policy LU 1.3, entitled "Single Family Residential Areas, seeks to protect the character of single-family residential neighborhoods by focusing higher-intensity land uses in designated centers and corridors. See CP, Section 3.4, Policy LU 1.3, p. 10. Policy LU 1.5, meanwhile, encourages new office uses to be directed to centers and corridors designated on the land use map. See CP, Section 3.4, Policy LU 1.5, p. 11.

The proposal is consistent with the foregoing goal and associated policies. The residential uses have been approved before, via the former plat. The proposed residential uses are also similar to and compatible with the residential neighborhoods near the site, as noted above. The office use is situated near other office-zoned properties and on the arterial, which is appropriate for a proposed office structure. Further, the design of the veterinary clinic is sensitive to the existence of nearby residences, both in terms of limited size and height, as well as in terms of site design (e.g. parking lot location, landscaping features, etc.). See e.g. Exhibit 2E.

When the 2012 comprehensive plan amendments were being considered, the planning staff specifically addressed the application of Policies 1.3 and 1.5 to the development site. In the staff report prepared prior to adoption of the amendments contains the following noteworthy remarks:

The proposal presented by the applicant is generally consistent with Policy LU 1.5 and LU 1.3 of the Comprehensive Plan based on the following:

- The area to the west of the site, on the west side of Indian Trails designated “Center and Corridor Core” on the land use plan map of the Comprehensive Plan. The area immediately to the west and south of part of the site is designated “Office.” The proposed change to the land use plan map results in an increase in the amount of land designated “Office” adjacent to existing land designated for office use and in close proximity of a designated center.
- ...The proposal results in the continuation of the “Office” designation along the east side of Indian Trail road that is presently broken up by the existing “Residential 10-20” designation of part of the site. The proposal also provides a transitional land use designation between the higher density commercial uses on the west side of Indian Trail Road, a principal arterial, and the single family residential area on the east side of Indian Trail Road.
- ...the proposal provides some protection to the character of the single family neighborhood because it provides a transitional land use as mention in Policy 1.5. It also is intended to direct higher density uses toward the designated neighborhood center.

See Exhibit 2G (Staff Report on Comprehensive Plan pp. 5-6). The Hearing Examiner finds that the above analysis is persuasive, as well as being germane to this application. The proposal in this case appears to be precisely the kind of use that was contemplated during the plan amendment process. The goals and policies of the Comprehensive Plan are properly reflected and addressed by this proposal.

The Hearing Examiner concludes that the proposal is consistent with the Comprehensive Plan. Therefore, this criterion is satisfied.

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

On October 15, 2013, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 27. No comments were received in response to that request. The staff confirmed that it received no communications suggesting that concurrency was not satisfied. See Exhibit 1, p. 4. In addition, there is no evidence in the record that the project transgresses any concurrency requirements.

Given the lack of substantive comments from departments and agencies with jurisdiction, the Hearing Examiner must conclude that concurrency standards are satisfied. The concurrency provisions of the municipal code state that a lack of response by a notified facility or service

provider shall be construed as a finding that concurrently is met. See SMC 17D.010.020(B)(1). In addition, the Request for Comments advises that a lack of comment by any referral agency will be considered acceptance of the application as technically complete and meeting concurrency requirements. See Exhibit 27.

The Hearing Examiner finds that the project satisfies the concurrency requirements of the municipal code. Therefore, this criterion for approval of the conditional use permit 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 Hearing Examiner agrees with the staff that the "...site area is suitable for development of both residential and office uses as proposed." See Exhibit 1, p. 4.

The property is relatively flat. Slopes at the site do not exceed 16%. The density of the proposed residential use is consistent with the zoning and land use designation, at 4.8 units per acre. The proposed density is also comparable to the residential neighborhoods nearby, to the north and east. There is no density limitation on the office portion of the site, but the applicant is only proposing one building. That building will be relatively low profile (less than 35 feet in height), and the site plan shows that attention was given to ensuring the use is compatible with its surroundings. In addition, the office use is certainly compatible with the office-zoned property located to the north and east of the site. There is nothing about the size, shape, or topography of the site that would make the proposal problematic.

Nor is there information in this record showing that any problems are anticipated due to soil types, drainage characteristics, the existence of ground or surface water, or the like. There are no known environmental conditions (such as critical areas) that might restrict site development, as is further discussed below. In addition, there are no known natural, historic, or cultural features of the site that are in need of protection. In any event, the conditions of approval will require that such resources be protected, should any be uncovered during the construction phase.

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 December 24, 2013. See Exhibit 15. The comment period on this DNS expired on January 6, 2014. See id. No comments

in opposition to the DNS were submitted on or before that comment deadline. The DNS was not appealed.

Approximately three months prior to the issuance of the DNS, on September 5, 2013, 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, the site is flat with stable soils. See Exhibit 16, Environmental Checklist ¶ B(1)(a)-(d). There are no wetlands, surface waters, or other limiting features. See Exhibit 16, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 16, Environmental Checklist ¶ B(3)(a)(5). No threatened or endangered species were identified on the site. See Exhibit 16, Environmental Checklist ¶ B(4)(c) & B(5)(b).

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 acknowledged this requirement. See Exhibit 16, Environmental Checklist ¶ B(3)(c)(1) & ¶ B(1)(h). The specific design of drainage control measures will be reviewed at the time of permitting. The other potential impacts of this project are those typical of construction projects, such as dust and vehicle exhaust. See Exhibit 16, Environmental Checklist ¶ B(2)(a). However, mitigation measures imposed at the time of permitting, such as watering for dust control, can control such impacts. See e.g. Exhibit 16, Environmental Checklist ¶ B(2)(c).

The site is located within the Aquifer Sensitive Area and the Aquifer Critical Area Recharge Zone, and therefore is subject to the requirements of SMC Chapter 17E.010 Critical Aquifer Recharge Areas-Aquifer Protection. See Exhibit 16, Environmental Checklist ¶ A(13). As pertinent to this project, aquifer protection will take the form of the stormwater controls described above. No other mitigation measures would appear to be necessary for aquifer protection, given the nature of the project. For example, no critical materials will be stored, handled, or used on site where a spill or leak may result in surface or groundwater pollution. See Exhibit 16, Environmental Checklist ¶ A(14)(a)(4). If project conditions were necessary for aquifer protection, those conditions should have been included as part of the threshold determination. See SMC 17E.010.010(F)(3). However, as discussed above, the lead agency issued an unqualified DNS for this project, which was not appealed. There was no testimony presented or evidence submitted at the hearing or made part of the record suggesting that the project poses a risk of pollution to the aquifer.

There are no significant impacts anticipated from noise or odor, although there will be some impacts due to construction activity. Building an office building and developing 13 single-family residences is a substantial construction project. These activities will have the effects that naturally accompany construction work. 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 16 (Environmental Checklist ¶ B(2)(a) and B(7)(b)(2)) (addressing emissions and noise). And the environmental impacts of the completed project, i.e. an office building and some residences, are minor. This is undoubtedly the reason the city issued a DNS for the proposal.

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, 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 is consistent with the approval criteria for subdivisions. The residential portion of the site was previously approved as a residential subdivision. As the applicant contended, the subdivision criteria were deemed satisfied for the previous proposal, which was similar in scope and concerned the same location. The proposed office uses are appropriate for other reasons, as is discussed above. In any case, a brief review of the subdivision criteria, as applicable to this case, demonstrates that these standards are satisfied.

The proposal makes adequate provisions for the public health, safety, and welfare. 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 of negative effects on the public health, safety, or welfare. On the other hand, there was evidence that revising the design of the intersection of Woodridge and Barnes Road will improve safety relative to what was contemplated under the previous plat. The Traffic Engineering department agreed that the redesign of that intersection was preferable, even noting that the previous design would not be allowed under current standards. See Exhibit 1, p. 5.

STA bus stops are located at Indian Trail and Barnes Road, as well as another nearby location. The STA did not comment on this project. There is no reason to suspect that the existing transit system is not fully capable to service this development. The same is undoubtedly true for the school system. District 81 also did not comment on this proposal. It must be assumed, therefore, that the schools have the capacity to provide services to the families that presumably will occupy the residential portion of the development, in particular given that the proposal is for only 13 single-family residences.

The proposal does not provide common space for public use (e.g. common areas or parks). See Exhibit 1, p. 5. The code does not mandate that such public amenities be provided as a condition of approval. That said, there are public spaces available in the area. See id. There are two parks located nearby for use of the public and future users and residents of the development site. And the design of the project satisfies the mandatory design standards.

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. As stated above, the site will be served by public sewer and water.

The Hearing Examiner concludes that the proposal satisfies the applicable subdivisions standards. The Hearing Examiner also adopts and incorporates the staff's analysis of this issue, found on pages 5-7 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. The Hearing Examiner approves the application of Indian Trail & Barnes, LLC, to re-plat a portion of an existing long plat named McCarroll Addition. As approved, the reconfigured portion of property contains 13 lots zoned residential and 2 lots zoned office. The project shall be developed in accordance with the plans and specifications contained in the application documents (including the preliminary plat) submitted in support of the project. Any changes to the application must be submitted to Planning Services for its review and approval. If Planning Services finds the proposed changes to be substantial, then the changes shall be forwarded to the Hearing Examiner for review and approval.
2. The applicant is authorized to prepare a final plat in accordance with the preliminary plat and the conditions of approval placed upon it. Any modifications to the proposed phasing of the final plat shall be reviewed and approved by the City Hearing Examiner.
3. An existing 8-inch public sanitary sewer line in Woodbridge Drive is the nearest available sewer line which could provide sewer service to the project.
 - a. The applicant will be responsible for all costs associated with the design and construction of sanitary sewer improvements necessary to serve the proposed plat.
 - b. The sanitary sewer system shall be designed and constructed in accordance with City Standards.
 - c. Construction plans shall be submitted to Developer Services 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.
4. An existing 8-inch public water main in Woodbridge Drive is the nearest available water main which could provide water service to the project. The water pressure of this water line is 86 psi at the hydrant near the end of the line.
 - a. The applicant 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 a point in the system during a fire situation. Pressures over 80 psi will require that pressure relief valves be installed at applicant expense.

- c. Two copies of an overall water plan and hydraulic analysis must be submitted to Developer Services for review and acceptance. The hydraulic analysis must include supporting calculations for domestic and fire flows.
 - d. In addition to the hydraulic analysis, construction plans shall be submitted to Developer Services 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.
 - e. Currently there is an 8-inch water main that extends 110 feet north of Barnes Road, into the old Woodbridge Drive. There is an existing fire hydrant on this line. The water main supplies water to a house. This water main shall be removed and capped at the main in Barnes Road. The fire hydrant and the water main serving the house shall be relocated and separately tapped to the main in Barnes Road.
5. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities," the 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.
- 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 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 Engineering Services – Developer Services for review and acceptance prior to issuance of a building permit.
 - b. All stormwater facilities necessary to serve the proposed plat shall be designed and constructed in accordance with City Standards.
 - c. Prior to construction, a grading and drainage plan shall be submitted to Developer Services 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 Developer Services 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 applicant will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.

6. 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. Signing and striping plans, where appropriate, shall be included as part of the design submittal.
- b. The intersection of the old Barnes road and Woodridge Drive shall be eliminated. The elimination of that intersection shall include the following:
 - i. Removal and relocation of the curb and sidewalk along Barnes Road.
 - ii. Removal of the (2) ADA ramps.
 - iii. Removal of the Stop and Street Signs.
 - iv. Removal of the centerline survey monument located in the old Woodridge and Barnes intersection.
 - v. Removal of the sidewalk on the west side of parcel no. 26221.0311.
- c. Frontage improvements will be required along Woodridge Drive and shall be as follows:
 - i. Match the existing asphalt at the north end.
 - ii. Extend a 40-foot wide pavement section from Lamar Avenue to the proposed cul-de-sac including curb on both sides and a 5-foot sidewalk on the east side.
- d. Existing Woodridge Drive right-of-way shall be blocked just south of the cul-de-sac and north of Indian Trail Road.
- e. Show existing lot lines north of the proposed plat, where Woodridge will tie in to the existing Lamar Avenue.
- f. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.
- g. Any grades exceeding 8% must be shown on the preliminary plat.
- h. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
- i. All street identification and traffic control signs required due to this project must be installed by the applicant 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.

- j. The applicant will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
7. 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 Developer Services for review and acceptance prior to construction.
8. 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.
9. A \$250.00 deposit will be required for each monument to be installed as part of the final plat.
10. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet).
11. 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 plat.
12. All parking areas and driveways shall be hard surfaced and it shall be so stated on the face of the plat.
13. 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.
14. Any trenches or excavations must comply with Washington Industrial Safety and Health Act WAC 296-155 Part "N," Laws and Guidelines. No City of Spokane employee will be permitted to enter such trenches or excavations to perform work unless those trenches or excavations are in compliance with WISHA regulations.
15. Dust emissions during construction and excavation projects must be controlled in accordance with the Spokane Regional Clean Air Agency.
16. This approval does not waive the applicant's obligation to comply with all of the requirements of the Spokane Municipal Code including the Uniform Codes, as well as requirements of City Departments and outside agencies with jurisdiction over land development.
17. 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.
18. The applicant shall adhere to all conditions of approval outlined in Ordinance C34931 and the Development Agreement approved by the City Council. Ordinance C34931 is included in the materials identified in the record as Exhibit 2G. The Development Agreement is included in the record as Exhibit A-2.

19. The final plat shall include the dedicatory language specified on pages 11-12 of the Staff Report in the record as Exhibit 1. That dedicatory language is incorporated by reference into these conditions of approval.

20. 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.

DATED this 21st day of January 2014.



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 21st day of January 2014. **THE DATE OF THE LAST DAY TO APPEAL IS THE 4th DAY OF FEBRUARY 2014 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.