

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat Application by) FINDINGS, CONCLUSIONS,
Diamond Rock Construction, Inc.) AND DECISION
to subdivide 3.85 acres into 13)
single-family lots in a subdivision)
known as Moran South Estates) FILE NO. Z16-906PPLT

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant is proposing to plat approximately 3.85 acres into 13 single-family lots. The project will include a public roadway that connects Freya Street between 45th Court and 47th Avenue in southeast Spokane.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

**Applicant/
Owner:** Diamond Rock Construction, Inc.
2602 N. Sullivan Rd.
Spokane Valley, WA 99216

Agent: Todd Whipple
Whipple Consulting Engineers
2528 N. Sullivan Rd.
Spokane Valley, WA 99216

Property Location: The subject property is currently addressed 4510 S. Freya Street.

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

Zoning: The property is zoned RSF (Residential Single Family).

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

Site Description: The site is approximately 3.85 acres in size. The site is relatively flat with less than 2.5% grade. The property is located in the Moran Prairie Special Drainage District. There are no other known critical areas or evidence of historical, archaeological or cultural importance on or next to the site. There are no existing structures within the boundaries of this proposal.

Surrounding Conditions and Uses: The properties to the north, south, and east are zoned RSF (Residential Single Family). The properties to the west are zoned RMF (Residential Multi Family). The surrounding area consists of similarly sized residentially developed lots to the north and south. There are three large, unplatted lots to the east,

two with single family residences on them. There is a large, relatively new apartment complex to the west.

Project Description: The applicant is proposing to plat approximately 3.85 acres into 13 single-family lots. The proposed subdivision will include a public roadway that connects with Freya between 45th Court and 47th Avenue. Lot sizes vary from 8,200 square feet to 11,000 square feet, with the majority of the lots averaging 9,400 square feet. The subdivision will utilize public sewer and water.

PROCEDURAL INFORMATION

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

Notice of Community Meeting: Mailed: July 28, 2016
Posted: August 1, 2016

Notice of Application/Public Hearing: Mailed: June 16, 2017
Posted: June 16, 2017
Publication: June 15 & 22, 2017

Community Meeting: August 16, 2016

Public Hearing Date: July 20, 2017

Site Visit: July 27, 2017

SEPA: A Determination of Non-Significance (DNS) was issued on July 5, 2017. The DNS was not appealed.

Testimony:

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

Susan Moss
Whipple Consulting Engineers
2528 N. Sullivan Rd.
Spokane Valley, WA 99216

Eldon Brown, P.E.
City of Spokane, Engineering Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Todd Whipple
Whipple Consulting Engineers
2528 N. Sullivan Rd.
Spokane Valley, WA 99216

Mike Nilsson, P.E.
City of Spokane, Engineering Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Andy Hoyer
4219 E. 42nd
Spokane, WA 99223

Hal Allert
3407 E. 47th Avenue
Spokane, WA 99223

John Horrocks
3405 E. 47th Avenue
Spokane, WA 99223

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General application received 11-08-16
 - 2B Preliminary Long Plat application received 11-08-16
 - 2C Moran South Project Narrative received 11-08-16
 - 2D Notification Map application issued on 07-22-16
 - 2E Location and Dimension Plan
 - 2F Revised Site Plan dated 05-10-17
 - 2G Original Site Plan dated 10-24-16 and received 02-23-17
 - 2H Special Drainage Districts Moran Prairie area
 - 2I Segregation Request Summary, Spokane County Assessor
 - 2J Certificate of approval of Boundary Line Adjustment
 - 2K Commitment for Title Insurance received 11-08-16
 - 2L Preliminary Long Plat Counter Complete Checklist received 11-08-16
3. Pre-Development Conference notes
4. Engineering Services comments
 - 4A Eldon Brown Memo dated 01-04-17
 - 4B Eldon Brown Memo dated 06-09-17
 - 4C Traffic (Trip) Generation and Distribution Letter by WCE dated 07-20-16
 - 4D Updated Street Plans, Storm Drainage Report, Design Deviation, O&M Manual dated 02-23-17
 - 4E Design Standards Variance Request form dated 05-10-17
5. Integrated Capital Management comments
6. Fire Department comments
7. Spokane Tribe of Indians comments
8. Avista comments
 - 8A Dated 11-14-16
 - 8B Dated 05-26-17
9. Southgate Neighborhood Council comments dated 11-22-16
 - 9A Email dated 04-18-17, follow up to submittal
 - 9B Email dated 05-26-17, follow up to submittal
 - 9C Email dated 07-03-17, follow up comments
10. Notice map
11. Parcel listing and addresses
12. Notice of Community Meeting
13. Notice of Application and Public Hearing
14. Affidavit of mailings
 - 14A Community Meeting dated 07-28-16
 - 14B Combined application and hearing dated 06-16-17
15. Affidavit of posting
 - 15A Community Meeting dated 08-01-16
 - 15B Combined application and hearing dated 06-16-17
16. Request for publication of combined application and hearing dated 06-14-17
17. SEPA Determination of Nonsignificance "DNS" issued 07-05-17

18. Environmental checklist dated 10-27-16
19. Community Meeting sign in sheet
20. Notes of the Community Meeting
21. Letter dated 07-26-16 to Susan Moss from Dave Compton
re: community meeting instructions
22. Email dated 10-24-16 to Dave Compton from Mark Krigbaum
re: verifying application fees
23. Letter dated 11-08-16 to Interested Parties from Dave Compton
re: requesting comments
24. Email dated 12-07-16 to/from Ted Teske and Dave Compton
re: follow up on comments provided by neighborhood
25. Letter dated 12-23-16 to Mark Krigbaum from Dave Compton
re: application materials found technically incomplete
26. WCE transmittal dated 02-23-17
27. Revised Letter dated 03-01-17 to Interested Parties from Dave Compton
re: 2nd request for comments
28. Email dated 03-31-17 to Dave Compton from Susan Moss
re: drainage report
29. WCE Transmittal dated 05-11-17
30. Letter dated 05-12-17 to Interested Parties from Dave Compton
re: 3rd review requesting comments
31. Email dated 05-23-17 to/from Susan Moss/Dave Compton
re: 2nd submittal of the Moran South Preliminary Plat
32. Email dated 06-12-14 to/from Todd Whipple/Dave Compton
re: setting a hearing date
33. Letter dated 06-13-17 to WCE from Dave Compton
re: notice of application and public hearing instructions
34. WCE transmittal dated 06-22-17
35. WCE transmittal dated 06-30-17
36. Public comments
 - 36A Email & Video dated 07-03-17 from Hal Allert regarding stormwater discharge
 - 36B Email dated 09-14-16 from Steve Korcharhook requesting addition to distribution lists
 - 36C Email dated 11-10-16 from Serena McPherson regarding pedestrian access
 - 36D Email dated 06-19-17 from Serena McPherson regarding sidewalks and bike access
 - 36E Email dated 11-11-16 from Jennifer Nelson regarding ROW improvements and pedestrian connections
- A Exhibits received at the hearing:
 - A-1 Hardcopy of Planning's PowerPoint presentation
 - A-2 Letter from WCE dated 07-20-17
 - A-3 Revised Preliminary Plat Map submitted by WCE dated 07-20-17

FINDINGS AND CONCLUSIONS

To be approved, the proposed preliminary plat must comply with the criteria set forth in Spokane Municipal Code section 17G.060.170. The Hearing Examiner has reviewed the plat application and the evidence of record with regard to the application and makes the following findings and conclusions:

1. *The proposal is allowed under the provisions of the land use codes. See SMC 17G.060.170(C)(1).*

The site is zoned Residential Single Family ("RSF"). The applicant proposes to develop the site with single family residences. This proposed use is outright permitted in the RSF zone. See Table 17C.110-1; see also SMC 17C.110.115. In addition, the density of the proposal is approximately 4.51 units per acre, which is consistent with current code requirements. See Exhibit 1, p. 3. The Hearing Examiner concludes that this proposal is authorized by the land use codes.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. See SMC 17G.060.170(C)(2).*

The proposed development is consistent with the pertinent provisions of the Comprehensive Plan. The site is designated as Residential 4-10. This designation allows single-family residences on individual lots. See CP, Chapter 3, p. 35. Land with this designation may be developed with a minimum of 4 units per acre and a maximum of 10 units per acre. See CP, Chapter 3, p. 35. The density of the project fits within this designation, having an approximate density of 4.51 units per acre. See Exhibit 1, p. 3.

In addition, the proposal is generally supported by the goals, objectives and policies of the Comprehensive Plan. The transportation improvements are appropriate, given the surrounding development, even though the proposed roadway will not provide a through-connection. See Exhibit 2B ¶ 2(B). The design respects the quality and nature of the built and natural environment. See CP, Chapter 3, LU 5.1, p. 23. The proposed development will include lots and homes of similar style and nature to the nearby residential neighborhood. Thus, the developer has ensured that the project will be compatible with surrounding uses. See CP, Chapter 3, Policy LU 5.2, p. 23; see also CP, Chapter 3, Policy LU 5.5, p. 24 (discussing the need to ensure compatibility when permitting infill developments). It is designed to blend in with the existing neighborhood. See CP, Chapter 8, Policy DP 1.4, p. 10.

Considering the characteristics and design of the proposal, the Hearing Examiner agrees with the Staff that it 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 November 8, 2016, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 23. In response, the city received comments from various agencies regarding the project. See e.g. Exhibits 4-8. However, 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. Therefore, the Hearing Examiner finds that the project satisfies the concurrency requirements of the municipal code.

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 finds that the property is suitable for the proposed use given its physical characteristics. The project is an infill development; the area surrounding the site has been developed with single-family homes. As a result, the site area is clearly suitable for this type of development. And the project has been designed properly. According to the staff, the project as designed is "most suitable" for this site. See Exhibit 1, p. 4.

There is no evidence in this record suggesting that the physical characteristics of the property make it inappropriate for the proposed improvements. The subject site is relatively flat, with a slope of less than 2.5%. See Exhibit 1, p. 1. The topography does not apparently present a genuine obstacle to development with single-family residences. The development area has sufficient size and a regular shape, which easily accommodates the proposed development. There are no indications of surface water on or in the immediate vicinity of the site. See Exhibit 18 (Environmental Checklist ¶ B(3)(a)(1)). In addition, there are no surface indications of unstable soils. See Exhibit 18 (Environmental Checklist ¶ B(1)(d)). Drainage on the property will be handled through the typical methods identified in the Spokane Regional Stormwater Manual (the "SRSM"). See Exhibit 18 (Environmental Checklist ¶ B(3)(b)). There is no reason to expect that groundwater will be impacted by this project. There are no known cultural or historic resources on this site. See Exhibit 18 (Environmental Checklist ¶ B(13)(a)-(b)). In any case, the Hearing Examiner will include the usual condition that spells out the protocol in the event any such resources are discovered during any ground-disturbing activities.

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 July 5, 2017. See Exhibit 17. The comment period on this DNS expired on July 19, 2017. See *id.* The DNS was not appealed.

On October 27, 2016, the applicant prepared an environmental checklist for the project. The checklist supports the conclusion that no significant environmental impacts will arise from this project. For example, there are no wetlands, surface waters, or other

limiting features. See Exhibit 18, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 18, Environmental Checklist ¶ B(3)(a)(5). No threatened or endangered species were identified on the site. See Exhibit 18, Environmental Checklist ¶ B(4)(c) & B(5)(b). According to the City's GIS system, there is a potential for Rocky Mountain Elk to inhabit or pass through the site. See Exhibit 1, p. 4. Consistent with the overlay zone, if any evidence of habitat is encountered or discovered, the developer will need to make accommodations for that condition. *Testimony of D. Compton*. However, the City did not require any studies or other specific conditions regarding this issue. See *id.* It is possible that the Washington State Department of Fish & Wildlife may require additional study, as is acknowledged by the developer. See Exhibit A-2.

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

The only impacts anticipated from this project arise from construction. However, the construction impacts will not result in significant environmental impacts, and can be adequately mitigated (e.g. dust control, limited work hours, etc.). Further, the construction activity is temporary. Once the construction project ends, the potential impacts from noise, dust, and emissions from vehicles will cease. See e.g. Exhibit 18, Environmental Checklist ¶ B(7)(b)(2) (addressing noise). And the environmental impacts of the completed project, i.e. a relatively small residential development, 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, which cannot be adequately addressed through mitigation, and therefore this criterion for approval has been met.

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

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

The Hearing Examiner concludes that the proposal satisfies the applicable subdivision standards. The Hearing Examiner also adopts and incorporates the staff's analysis of this issue, found on pages 4-6 of the Staff Report. See Exhibit 1. This criterion is met.

7. *The project should be approved with a cul de sac, despite the policies in favor of connectivity between developments.*

The Southgate Neighborhood Council provided some thoughtful comments about the need for connectivity between the proposed development and the surrounding area. See Exhibit 9. In addition, Mr. Andy Hoye appeared at the hearing and testified further about the connectivity issue. *Testimony of A. Hoye*. Mr. Hoye specifically noted that he believed that connections between to the cul de sac and the properties to the west were "physically possible." See *id.* He requested that the Hearing Examiner require a "...provisional, temporary legal easement providing access to that pending review with the westerly private owner..." See *id.* Although the Hearing Examiner agrees that the proposed project does not provide the kind of connections aspired to in the comprehensive plan and elsewhere, the project should nonetheless be approved. There are several reasons the Hearing Examiner reaches this conclusion.

The Hearing Examiner believes that the connectivity policies have application in cases in which either (a) developer controls all the property necessary to make the desired connections, or (b) the connection routes have been previously planned and are therefore readily available for connection when an infill development occurs (e.g. an area-wide trail system). Here, the developer does not own or control the property to the west. *Testimony of A. Whipple*. It is not clear that access across the properties is technically or legally possible, although it may be physically possible. *Testimony of T. Whipple & A. Hoye*. The Hearing Examiner generally agrees with Mr. Compton that the city does not have legal authority to mandate that a developer obtain easements across neighboring property as a condition of development of a subdivision. *Testimony of D. Compton*. Moreover, the area has already developed in a somewhat piecemeal fashion, making it even more problematic to develop the kind of connectivity that is desired. For these reasons, the Hearing Examiner does not believe it is proper to impose a condition that the developer obtain a provisional easement pending something more permanent being granted by a neighbor.

The Hearing Examiner agrees that connectivity is a laudable development objective that should be pursued if possible. However, under the circumstances of this case, the Hearing Examiner does not believe that such goals can be mandated. As a result, the Hearing Examiner concludes that the project should be approved without additional conditions related to connectivity.

8. *The Hearing Examiner concludes that this project should be approved despite other concerns raised by neighboring property owners.*

Some neighboring property owners testified at the hearing, raising various concerns and questions about the project. In particular, several concerns were raised about the drainage of stormwater. *Testimony of H. Allert & J. Horrocks*. There were also a number of questions about how the development would look or impact the existing neighborhood. See *id.* The issues raised included inquiries about fencing, the design of houses, and the potential impact on property values, to name some examples. See *id.*

Although the neighbors raise understandable concerns, none of the issues raised justify the imposition of additional conditions or the denial of the project.

The project includes proper mitigation measures regarding drainage. The project will be developed in accordance with the SRSM, as stated in the project conditions. In addition, as the project engineer explained, overflow from the existing pond will be routed to Tract B, and will be passing predevelopment flows on. *Testimony of T. Whipple*. This will actually result in an improvement for some property owners. For example, Mr. Allert will be able to reclaim some of his land which currently serves as a depository for overflow waters. *See id.* This is true because the system to be installed in this development will capture the overflow waters before they reach Mr. Allert's property. *See id.* In any case, there was no evidence introduced at the hearing that established that the propose drainage system was not adequate to handle stormwater and drainage from the new development.

The owner of the development site has a right to develop and use its property in whatever manner it sees fit, within the bounds of the law. Thus, questions of home design or style are largely within the control of the property owner. The owner may or may not elect to erect fencing—that is an optional feature. The city does not precisely control the type of house that may be constructed, although there are design limitations that the developer must adhere to, such as height restrictions and setbacks. *Testimony of D. Compton*. With the approval of the subdivision, the owner may construct homes on the individual lots, and that will have some impact on the neighbors' views. However, there was no guarantee that the land near the existing homes would remain undeveloped permanently. In addition, there are no decision criteria directly related to the value of surrounding properties. Even if the impact on property values were a factor, there isn't sufficient information in this record to determine whether the values of surrounding properties will go down or up after the development is completed. Ultimately, while the neighbors raise legitimate questions, the property owner has a certain amount of discretion in the development of its property. In the Hearing Examiner's view, the issues raised do not justify additional project conditions.

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:

Approval is for a preliminary plat of a portion of an existing Government Lot for 13 single-family zoned lots. The property is to be developed in substantial conformance with the plans and specifications for the "Moran South Estates" preliminary plat located in southeast sector in the City of Spokane, Spokane County, Washington. The applicant is authorized to prepare a final plat in compliance with the preliminary plat and the conditions of approval placed upon it.

1. A fifteen foot right of way dedication is required along Freya Street. The right of way for Freya Street, adjacent to this proposed plat, is sixty feet. Freya Street is classified as a Principal Arterial in the City's Arterial Street Plan at this location. Right of way required for a Principal Arterial is ninety feet. Thus, fifteen feet of right of way dedication from the proposed plat is required as per the memorandum dated January 4, 2017 from Eldon Brown.

2. The Applicant shall provide a proposed typical cross-section of 46th Avenue with the different right of way widths.
3. Per the City of Spokane Design Standards Section 3.3-2 the minimum right of way radius for the bulb section shall be fifty-six feet (for sidewalk located within the right of way). If the sidewalk is to be located on an easement, the minimum right of way radius is fifty-one feet.
4. In accordance with the City's Financial Guarantee Policy, a financial guarantee will be required for all street and/or stormwater improvements *not* constructed prior to approval of the final plat.
5. Water and sewer services must be installed prior issuance of building permits.
6. Tracts A and B will be maintained by a Homeowner's Association established for this plat. Any stormwater facilities in these Tracts will be operated and maintained in accordance with the accepted stormwater plans and the terms and provisions of all affected statements in the dedicatory language. The Storm Drainage Report dated February 23, 2017 states that "daily maintenance for the onsite drainage facilities will be provided by the Homeowner's association, *with replacement of treatment soil and drainage structures to be maintained by the City of Spokane;*" however, the City of Spokane will not be responsible for maintenance, replacement, construction, or reconstruction of stormwater facilities located in these Tracts.
7. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
8. Notify a tribal archaeologist if any evidence of Native American importance is found during any excavation activity. Pursuant to RCW 27.53.060 it's unlawful to destroy any historic or prehistoric archaeological resources, with this letter City of Spokane is notified that there may be cultural sites in this project.
9. 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. Reference additional comments in file of record.

STATEMENTS TO BE INCLUDED IN THE DEDICATORY LANGUAGE

1. 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.
2. No building permit shall be issued for any lot in this plat until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17.060 "Stormwater Facilities", the Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and the Project Engineer's recommendations have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to the Planning and Development Services for review and acceptance prior to issuance of a building permit.

3. The development of any below-grade structures, including basements, is subject to prior review of a geotechnical evaluation for foundation design to determine suitability and effects from stormwater and/or subsurface runoff. The geotechnical evaluation shall be submitted to Planning and Development Services for review and concurrence prior to the issuance of a building permit. It must address the disposal of stormwater runoff and the stability of soils for the proposed structure. This evaluation must be performed by a geotechnical engineer, licensed in the State of Washington. It must be submitted to the City Building Department and to Planning and Development Services for review and concurrence prior to issuance of any building permit for the affected structure. An overall or phase-by-phase geotechnical analysis may be performed in lieu of individual lot analyses to determine appropriate construction designs.
4. Slope easements for cut and fill, as deemed necessary by Planning and Development Services, in accordance with the City's Design Standards, are hereby granted to the City of Spokane for the construction and maintenance of public streets adjoining this plat.
5. All public improvements (street, sanitary sewer, storm sewer, and water) shall be constructed to City standards prior to the occupancy of any structures served by said improvements.
6. A Transportation Impact Fee will be collected prior to the issuance of a building permit for the affected lot.
7. Only City water and sanitary sewer systems shall serve the plat; the use of individual on-site sanitary waste disposal systems and private wells is prohibited.
8. No portion of Tracts A and B, "Common Open Space", may be used for any residential structure or transferred as a lot to be used for any residential structure. Said Tracts shall be left in open space for the common use and be held in common ownership by the Homeowners' Association established for this plat.
9. Tracts A and B, including any drainage and/or access easements on or to Tracts A and B, will be operated and maintained by a Homeowners' Association established for this plat. The City of Spokane will operate and maintain all storm water lines and structures located in public right of way, *except* for any lines connecting from storm water structures in public streets to drainage tracts or drainage easements. These lines will be maintained by the Homeowner's Association. Property owner(s) will maintain drainage swales or planting strips in public right-of-way, adjacent to their property, with a permanent live cover of lawn turf, with optional shrubbery and/or trees, which do not obstruct the flow and percolation of runoff in the drainage swale, as indicated on the accepted plans.
10. The owners hereby grant the City of Spokane the right of ingress and egress to all drainage easements and tracts adjacent to public right-of way.
11. In accordance with the City's Financial Guarantee Policy, a financial guarantee will be required for all street and storm water 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.

DATED this 1st day of August 2017.



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 1st day of August 2017. **THE DATE OF THE LAST DAY TO APPEAL IS THE 15th DAY OF AUGUST 2017 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.