

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat Application by) FINDINGS, CONCLUSIONS,
Dennis Trainor for a 49-lot) AND DECISION
subdivision to be known as)
Sconier's II.) FILE NO. Z17-358PPLT

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant is requesting approval of a preliminary plat to subdivide approximately 10.93 acres into 49 lots, to be known as Sconier's II.

Decision: Approved, with conditions.

**FINDINGS OF FACT
BACKGROUND INFORMATION**

**Applicant/
Agent:** Dennis Trainor
P.O. Box 6305
Spokane, WA 99217

**Property
Owners:** Sconiers Development, LLC
14012 E. Black Road
Chattaroy, WA 99003

Tim & Cathy Riddle
1701 W. Strong Road
Spokane, WA 99208

Property Location: The subject property is located east of Austin Road and south of Strong Road, in northwest Spokane, Washington. The property is commonly known as 8300 N. Austin Road and 1711 W. Strong Road, and also includes part of 1701 W. Strong Road.

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 gently slopes down to the southeast. The parcels are approximately 10 acres when combined. The southern lot contains a single family residence which will remain. The remainder of the site is undeveloped. There are no known water features on the site and it does not lie within any floodplains.

Surrounding Conditions and Uses: The subject property is surrounded by RSF (Residential Single Family) zoning on all perimeters. The site is bound by Summerhill PUD on the east and south. To the north of the east portion of the proposed plat is the first addition of Sconier's plat that was approved under File No. Z0800030/PP. Also to the north are three existing single family homes.

Project Description: The development site consists of two whole parcels and one partial parcel. The applicant is proposing to create a 49-lot subdivision on approximately 10 acres. The development will be served by public water and sewer.

PROCEDURAL INFORMATION

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

Notice of Community Meeting: Mailed: April 26, 2017
Posted: April 27, 2017

Notice of Application/Public Hearing: Mailed: July 11, 2017
Posted: July 13, 2017
Published: July 13, & 20, 2017

Community Meeting: May 18, 2017

Public Hearing Date: August 17, 2017

Site Visit: August 15, 2017

SEPA: Determination of Non-Significance (DNS) was issued on July 31, 2017. The DNS was not appealed.

Testimony:

Donna deBit, City Planner
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Dennis Trainor
P.O. Box 6305
Spokane, WA 99217

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

Cathy Riddle
1701 W. Strong Road
Spokane, WA 99208

Tim Riddle
1701 W. Strong Road
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 Preliminary Plat map dated 05-2017
 - 2E Title Guarantee
 - 2F Aerial view of proposed Sconier's II
3. Pre-Development Conference notes
4. Fire Department comments
5. Planning & Development comments
6. Spokane Tribe of Indians comments
7. Department of Ecology comments
8. Avista comments
9. Mead School District comments
10. Notice map
11. Parcel listing
12. Address listing
13. Notice of Community Meeting
14. Notice of Application and Public Hearing
15. Affidavit of mailings
 - 15A Community Meeting dated 04-26-17
 - 15B Combined application and hearing dated 07-11-17
16. Affidavit of posting
 - 16A Community Meeting dated 04-27-17
 - 16B Combined application and hearing dated 07-13-17
17. Affidavit of publication Notice of Application and Public Hearing dated 07-20-17
18. SEPA Determination of Nonsignificance "DNS" issued 07-31-17
19. Environmental checklist dated 05-29-17
20. Community Meeting sign in sheet
21. Letter dated 04-19-17 to Dennis Trainor from Donna deBit
re: community meeting instructions
22. Letter dated 06-22-17 to Interested Parties from Donna deBit
re: requesting comments
23. Letter dated 07-07-17 to Dennis Trainor from Donna deBit
re: notice of application and public hearing instructions
- A Exhibits received at the hearing:
 - A-1 Hardcopy of Planning's PowerPoint presentation
 - A-2 Email dated 08-12-17 to Donna deBit from Bob Walker
re: road development

FINDINGS AND CONCLUSIONS

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

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

The site is zoned Residential Single Family ("RSF"). The applicant proposes to develop the site with single family residences. This proposed use is outright permitted in the RSF zone. See Table 17C.110-1; see also SMC 17C.110.115. The density of the proposal is also consistent with code requirements. See Exhibit 1, p. 3. So long as the project adheres to the applicable development standards, 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 proposal is generally supported by the goals, objectives and policies of the Comprehensive Plan (CP). The subdivision has a proposed density of 4.8 units per acre, which is consistent with the Residential 4-10 designation. See Exhibit 1, p. 3. The proposed development will include lots and homes of similar style and nature to the nearby residential neighborhoods. The project is designed to blend in with the existing neighborhood. See CP, Chapter 8, Policy DP 1.4, p. 10. 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); see also CP, Chapter 8, Policy DP 3.8, p. 14 (same). Considering the characteristics and design of the proposal, the Hearing Examiner concludes 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 June 22, 2017, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 22. Various departments briefly commented on the project. See Exhibits 4-9. None of the commenting departments suggested that concurrency was not achieved. See Exhibit 1, p. 4. The Mead School District ("MSD"), however, did emphasize that "MSD has reached the overcrowding mark" and thus it had "very little space to house new students." See Exhibit 9. The MSD also stated that Prairie View Elementary is at capacity, necessitating "bussing new children to other locations in the District." See *id.* Even so, MSD's comment was more in the nature of a notification than a request for conditions on the project. The MSD made it clear that it was "not adverse" to the development. See *id.* There was no contention that the District, as a whole, could not accommodate the students who might live in the future subdivision. See *id.*

The Hearing Examiner concludes that the proposed subdivision 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 per the site plan submitted with this application." See Exhibit 1, p. 4. The property is essentially flat, having a gentle slope of 1-2%. See Exhibit 19 (Environmental Checklist ¶ B(1)(a)). The steepest slopes at the site are only 2%. See *id.* 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, 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. In addition, there are no known natural, historic, or cultural features of the site that are in need of protection. See Exhibit 1, p. 4. The Spokane Tribe of Indians recommended that a cultural survey be conducted at the site. See Exhibit 6. However, the Spokane Tribe of Indians did not submit any evidence that historic or cultural resources are likely to exist on this site. See *id.* In the absence of something more specific, the Hearing Examiner concludes that the conditions of approval are sufficient to protect such resources, if any are discovered.

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).*

On July 31, 2017, the City issued a Determination of Nonsignificance ("DNS") for the proposed plat. See Exhibit 18. The DNS was not appealed.

On or about May 24, 2017, 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 19, Environmental Checklist ¶ B(1)(a)-(d). There are no wetlands, surface waters, or other limiting features. See Exhibit 19, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 19, Environmental Checklist ¶ B(3)(a)(5). Storm water will be treated and discharged through swales, consistent with storm water regulations. See Exhibit 19, Environmental Checklist ¶ A(14)(a)(1). The Engineering Department acknowledged that an acceptable concept drainage plan has been submitted by the applicant. *Testimony of E. Brown.* Only minor

grading will take place on the site. See Exhibit 19, Environmental Checklist ¶ B(1)(e). No threatened or endangered species were identified on the site. See Exhibit 19, Environmental Checklist ¶ B(4)(c) & B(5)(b).

There are no significant impacts anticipated from noise or odor, although there will be some impacts due to construction activity. 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 19, Environmental Checklist ¶ B(2)(a) and B(7)(b)(2) (addressing emissions and 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, 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 of negative effects on the public health, safety, or welfare.

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

DECISION

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

1. Approval is for a preliminary plat for 49 lots to be developed in substantial conformance with the plans and specifications on file in the Department of Planning Services for the "Sconiers II" preliminary plat. The applicant is authorized to prepare a final plat in compliance with the preliminary plat and the conditions of approval placed upon it.

2. Hydrant spacing shall not be more than 500', unobstructed along the path of travel. Fire hydrants are required to be 250' of property lines and within 400' of all points around a building along an acceptable path of travel.

3. Fire department access must be provided to within 150' of any point around the outside of the structures. Site fire access requirements include road width (min. 36' wide to allow for parking on both sides); roads with widths of less than 28' will not allow parking on either side. Fire apparatus turning radius is 50' external, 28' internal. Dead-end roads longer than 150' need fire apparatus turn-arounds. Turn-arounds will meet IFC and Spokane Municipal Code requirements. Maximum slope for fire apparatus is 10%.

4. The Fire Code does not allow more than 30 dwelling units on a single fire access lane. Prior to the issuance of the permit for the 31st dwelling on a street, a second access must be installed and functional.

5. Once the sanitary sewer is completed and accepted by the City of Spokane for Sconiers' Final City Plat, it may be available to extend on Oak Street if City of Spokane Design Standards can be met.

- a. The developer will be responsible for all costs associated with design and construction of sanitary sewer necessary to serve the proposed plat.
- b. The sanitary sewer improvements shall be designed and constructed in accordance with City standards.
- c. Construction plans shall be submitted to Planning & Development for review and acceptance. The sanitary sewer system, including individual connections to each lot, shall be constructed and accepted for services prior to the City Engineer signing the final plat.

6. Once the Water system is completed and accepted by the City of Spokane for Sconiers', it may be available to extend down through Sconiers' II if City of Spokane Design Standards can be met.

- a. The developer will be responsible for all costs associated with design and construction of water improvements necessary to serve the proposed plat.
- b. The water system shall be designed and constructed in accordance with City standards. A pressure of 45 psi minimum at the property line is required for service connections supplying domestic flows. Pressures shall not drop below 20 psi at any point in the system during a fire situation. Pressures over 80 psi will require that pressure relief valves be installed at developer expense.
- c. Two copies of an overall water plan and hydraulic analysis must be submitted to Planning & Development 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 Planning & Development for review and acceptance. The water system, including individual service connections to each lot, shall be constructed and accepted for service prior to the City Engineer signing the final plat.
7. Parcel 26244.0006 appears to be included in this preliminary plat, but is shown to be owned by C. A. & T. L. Riddle. Ownership of the property should be shown on the preliminary plat unless the property is purchased by the owner of the proposed preliminary plat.
8. The preliminary plat shall include a legal description per SMC 17G.080.050(C)(2) and 17G.080.040(B)(2).
9. Show the widths of streets, rights-of-way, and easements (both public and private).
10. Show the location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features upon, over or under the land proposed to be subdivided, and identify any which are to be retained or removed.
11. This plat lies within the Northwest Transportation Impact Fee Area. Each lot will be subject to a Transportation Impact Fee at the time of building permit review.
12. Investigation, research and survey indicate that Austin Road has not been developed within the dedicated right-of-way. Subsequent surveys adjacent to Austin Road have relied upon rebar placed in the public right-of-way by the City of Spokane Water Department. The rebar did not depict the centerline of the roadway, but instead were intended to mark the location of a City of Spokane water line. The survey for this plat appears to rely upon the constructed location of Austin Road and the location of the City's water main for the purpose of dedicating adjacent right-of-way and legally describing the boundaries of this final plat. Austin Road is currently platted as a forty foot right-of-way adjacent to this plat but is intended to be an arterial and subject to the City Arterial Street Standards. The intended width of Austin Road, as an arterial, is sixty-five feet (32.5 feet on either side of the centerline). This may require dedication of right-of-way on this plat. The City makes no representation concerning location of built or dedicated Austin Road. The Austin Road alignment for this plat is based on the City of Spokane preliminary concept plan, obtained from the City of Spokane Water Department and previously filed East Bluffs City Short Plat and Avey City Short Plat.
13. Addresses must be shown on the face of the final plat. The addresses will need to be applied for and paid for prior to water or sewer services placement. There is a permit fee of \$10.00 for each new address to be paid prior to the final plat approval. For any questions regarding addressing, please contact Joelle Eliason at (509) 625-6385.
14. Provide proposed street names. Please review Spokane Municipal Code 17D.050A "Roadway Naming and Addressing," and specifically SMC 17D.050A.060 "Roadway Naming Standards."

15. 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.

16. Construction plans for public street, sewer, water and storm water systems must be designed by a Professional Engineer, licensed in the State of Washington, and submitted to Planning & Development for review and acceptance prior to construction.

17. General Facility Charges must be paid at the time of water and sewer permits.

18. This plat lies within the Five-Mile Prairie Special Drainage District. The development of any below grade structures, including basements, in the plat is subject to review of geotechnical evaluation for foundation design to determine suitability and affects from storm water and/or subsurface runoff. The geotechnical evaluation is required to be performed for each lot with below grade level structures and submitted for review and acceptance to the City of Spokane Planning & Development Department prior to the issuance of a building permit. An overall or phase by phase geotechnical analysis may be performed in lieu of individual lot analysis to determine appropriate construction designs.

19. 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 Standard, and the Project Engineer's recommendations, based on the drainage plan accepted for the final plat, have been complied with.
- b. A surface drainage plan shall be prepared for each lot and shall be submitted to Planning & Development for review and acceptance prior to issuance of a building permit.
- c. An erosion / sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to Planning & Development for review and acceptance prior to construction.
- d. 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.
- e. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.

20. 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. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.
- c. Any grades exceeding 8% must be shown on the preliminary plat.
- d. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
- e. All street identification and traffic control signs required due to this project must be installed by the developer at the time street improvements are being constructed. They shall be installed and inspected to the satisfaction of the City's Construction Management Office in accordance with City standards prior to the occupancy of any structures within the plat.
- f. The developer will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.

21. Frontage improvements on Austin Road include full improvements (see item 21 above) including transitions for one-half of Austin Road abutting the proposed plat as well as a minimum twelve feet strip paving for a driving lane on the other half of Austin Road

22. A \$250.00 deposit will be required for each monument to be installed as part of the final plat. Monument pins with cases shall be installed at these locations in accordance with the City's Standard Plans. At a minimum, monumentation shall be provided in the following locations:

- a. At the center of each cul-de-sac
- b. At point of curvature on all horizontal curves
- c. At point of tangency on all horizontal curves
- d. On the roadway centerline at the end of every plat

23. Easements for public utilities shall be provided adjacent to any right-of-way. Such easements shall be the minimum necessary to provide public facilities. Insofar as possible, the easements shall be continuous and aligned from block to block within the subdivision and adjoining subdivision.

24. Frontage improvements will be required for all streets to include paving, curb, separated sidewalk, street drainage and street trees.

25. The minimum curb radius for a cul-de-sac bulb shall be fifty feet plus the radius of a center island, if used. The minimum right-of-way radius for the bulb section shall be fifty-six feet plus the radius of a center island, if used. If the sidewalk is to be located on an easement, the minimum right-of-way radius is fifty-one feet.

26. Utility easement strips have not been identified. Please identify and include 10' dry utility easements across frontage of all lots within the plat.

27. 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.

28. 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.

29. 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.

30. 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.

STATEMENTS TO BE INCLUDED IN THE DEDICATORY LANGUAGE

1. This plat is not in an irrigation district.
2. Only City of Spokane Water shall serve the plat; the use of individual on-site wells is prohibited.
3. Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Planning & Development prior to the issuance of any building and/or grading permits.
4. Only City of Spokane Sewer shall serve the plat; the use of individual on-site sanitary disposal systems is prohibited.
5. All street identification and traffic control signs required by this project will be the responsibility of the developer.
6. A Transportation Impact Fee will be collected prior to the issuance of a building permit for the affected lot.
7. All parking areas and driveways shall be hard surfaced.

8. A surface drainage plan shall be prepared for each lot and shall be submitted to the City of Spokane Planning & Development Department for review and acceptance prior to the issuance of a building permit on said lot.

9. All stormwater surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities." 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 17D.060 "Stormwater Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, and the City Design Standards have been complied with.

10. The property owner shall maintain the drainage swale / planting strip in the public right-of-way, adjacent to the property owner's property, with a permanent live cover of lawn turf, with optional shrubbery and / or trees, which do not obstruct the flow and percolation of storm drainage water in the drainage swale as indicated by the approved plans. The land in this plat is not in a designated drainage channel or designated flood plain and has no ponding areas.

11. This plat lies within the Five-Mile Prairie Special Drainage District. The development of any below grade structures, including basements, in the plat is subject to review of geotechnical evaluation for foundation design to determine suitability and affects from storm water and/or subsurface runoff. The geotechnical evaluation is required to be performed for each lot with below grade level structures and submitted for review and acceptance to the City of Spokane Planning & Development Department prior to the issuance of a building permit. An overall or phase by phase geotechnical analysis may be performed in lieu of individual lot analysis to determine appropriate construction designs.

12. No garages shall be permitted within twenty feet from the front property line.

13. All parking areas and driveways shall be hard surfaced.

14. Slope easements for cut and fill, as deemed necessary by the City of Spokane Planning & Development Department, in accordance with the City Design Standards, are granted along all public right-of-ways.

15. A 10 foot easement for utilities, including cable television, is hereby granted along all street frontages to the City and its permittees.

16. Utility easements shown hereon the described plat are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance and operation of utilities and cable television, together with the right to inspect said utilities and to trim and/or remove brush and trees which may interfere with the construction, maintenance and operation of the same.

17. Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Planning & Development – Engineering Services prior to the issuance of any building and/or grading permits.

18. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private sanitary sewer system complying with the requirements of the Planning & Development Department.

19. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private water system complying with the requirements of the Planning & Development Department and having adequate pressure for domestic and fire uses, as determined by the Water Department.

20. Prior to the issuance of any building permits, the lots shall be served by fire hydrants and shall have appropriate access to streets as determined by the requirements of the City Fire Department and the Planning & Development Department.

21. All required improvements serving the plat, including streets, sanitary sewer, Stormwater, and water, shall be designed and constructed to City standards by the developer prior to the occupancy of any structures within the development.

22. Prior to the issuance of any building permits, the lots shall be served by fire hydrants and shall have appropriate access to streets as determined by the requirements of the City Fire Department and the Engineering Services Department.

23. Water mains and fire hydrants must be installed at the developer's expense, in locations approved by the City Fire Department and in accordance with applicable State and Federal provisions.

24. Ten foot (10') utility easements for "Dry" utilities (electric, gas, phone, fiber, cable TV) as shown on the herein described plat are hereby dedicated for the use of serving utility companies for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities, together with the right to prohibit changes in grade over installed underground facilities and the right to prohibit, trim and/or remove trees, bushes, landscaping, without compensation and to prohibit brick, rock or masonry structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Storm drain dry wells, drainage swales and water meter boxes shall not be placed within the "Dry" easements; however, lateral crossings by storm drain, water and sewer lines are permitted. Serving utility companies are also granted the right to install utilities across future acquisition areas, tracts and common areas.

DATED this 23rd 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 23rd day of August 2017. **THE DATE OF THE LAST DAY TO APPEAL IS THE 6th DAY OF SEPTEMBER 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.