

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat Application by) FINDINGS, CONCLUSIONS,
MSSK Holdings, LLC to subdivide) AND DECISION
4.95 acres into 26 single-family)
lots, regarding property located at)
8301 N. Austin Road) FILE NO. Z18-592PPLT

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant is proposing to plat approximately 4.95 acres into 26 single-family lots.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant/ MSSK Holdings, LLC
Owner: c/o Shannon Bragg
944 E. 30th Avenue
Spokane, WA 99203

Property Location: The subject property is currently addressed 8301 N. Austin Road. The property is designated under Tax Parcel No. 26244.0097.

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

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 4.95 acres in size. The site is generally flat with a slight slope to the south and west. The steepest slope on the site is approximately 2% in grade. The site is rectangular in shape. There are no existing structures within the boundaries of this proposal. There are no water features on the site and it does not lie within a floodplain.

Surrounding Conditions and Uses: The properties to the north, south, east, and west are zoned RSF (Residential Single Family). To the north, there are single-family residences on larger lots. To the south is the residential subdivision known as Evans Addition. The subdivisions known as Sconier's I & II have already been approved for the land to the east. Thus, those properties will soon be developed with single-family residences. There are single family homes immediately to the west. A short distance farther to the west is the location of Sky Prairie Park.

Project Description: The applicant is proposing to plat approximately 4.95 acres into 26 single-family lots. Lot sizes vary from 5,907 square feet, at the smallest, to 8,341 square feet, at the largest. All new infrastructure necessary to serve the plat will be installed by the developer, including streets, sidewalks, utilities, and swales. The density of the completed subdivision will be 5.25 units per acre.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code ("SMC") 17C.110, Residential Zones; SMC 17G.080.050, Subdivisions; and SMC 17G.060.170, Decision Criteria.

Notice of Community Meeting: Mailed: June 4, 2018
Posted: June 4, 2018

Notice of Application/Public Hearing: Mailed: August 27, 2018
Posted: August 27, 2018
Publication: September 6, & 13, 2018

Community Meeting: June 19, 2018

Public Hearing Date: September 20, 2018

Site Visit: September 19, 2018

SEPA: A Determination of Non-Significance (DNS) was issued on September 4, 2018. The DNS was not appealed.

Testimony:

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

Shannon Bragg
944 E. 30th Avenue
Spokane, WA 99203

Seth Maefsky
Keller Williams Realty
1015 N. Calispel
Spokane, WA 99201

Mamdouh Elaarag, P.E.
9702 W. Masters Lane
Cheney, WA 99004

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General application
 - 2B Preliminary Long Plat application
 - 2C Preliminary Plat map dated 05-24-18
 - 2D Commitment for Title Insurance

3. Planning & Development comments
4. Department of Ecology comments
5. Avista comments
6. Mead School District 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 06-04-18
 - 11B Combined application and hearing dated 08-27-18
12. Affidavit of posting/publication
 - 12A Community Meeting dated 06-04-18
 - 12B Combined application and hearing dated 08-27-18
 - 12C Affidavit of Publication for 09-06 & 13 -18
13. SEPA Determination of Nonsignificance "DNS" issued 09-04-18
14. Environmental checklist dated 06-20-18
15. Community Meeting sign in sheet
16. Community Meeting Minutes
17. Letter dated 05-23-18 to Seth Maefsky from Donna deBit
 - re: community meeting instructions
18. Letter dated 06-29-18 to Interested Parties from Donna deBit
 - re: requesting comments
19. Letter dated 08-15-18 to Shanann Bragg 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

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 approximately 5.25 units per acre, which is consistent with current code requirements. See Exhibit 1, p. 3.

The project will be required to satisfy the other development standards outlined in the municipal code, such as setbacks, lot size, and building coverage, to name a few examples. See Exhibit 1, p. 3. However, it should be pointed out that the lots adjacent to the Evan's Addition to Five Mile Heights must be at least 7,200 square feet in size, pursuant to the transitional requirements of SMC 17C.110.200(C)(1). See *id.* For the remainder of the project, the minimum lot size is 4,350 square feet. See *id.*

The proposed use is outright permitted under the zoning code. The project is authorized under the land use codes, so long as the development standards are followed. Therefore, this criterion for approval is met.

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. 3-40. Land with this designation may be developed with a minimum of 4 units per acre and a maximum of 10 units per acre. See *id.* The density of the project fits within this designation, having an approximate density of 5.25 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 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 *id.*; see also CP, Chapter 3, Policy LU 5.5, p. 3-27 (discussing the need to ensure compatibility when permitting infill developments). There were no reports that the public infrastructure was not sufficient to accommodate the development. Public services and facilities near the site appear to be sufficient, or will be made so through mitigation measures, making the proposal consistent with Policy LU 1.12, Public Facilities and Services. See CP, Chapter 3, Policy LU 1.12, p. 3-14.

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 June 29, 2018, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 18. In response, the city received comments from various agencies regarding the project. See *e.g.* Exhibits 3-6. However, the staff determined that adequate facilities exist to serve the proposed project. See Exhibit 1, p. 4. The staff also noted that commenting service providers indicated that "there were no major issues with providing service to this site." See *id.* In addition, there is no evidence in the record suggesting that the project transgresses any concurrency requirements. Therefore, the Hearing Examiner finds that this criterion for project approval 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 finds that the property is suitable for the proposed use given its physical characteristics. The area surrounding the site has been developed or

will be developed with single-family homes. The proposal is to develop single-family lots, similar to those already in the neighborhood. The Hearing Examiner agrees with the staff's conclusion that the site area is suitable for the proposed development.

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 approximately 2%. See Exhibit 14 (Environmental Checklist ¶ B(1)(b)). 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 14 (Environmental Checklist ¶ B(3)(a)(1)). In addition, there are no surface indications of unstable soils. See Exhibit 14 (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 14 (Environmental Checklist ¶ B(3)(c)-(d)). 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 14 (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 September 4, 2018. See Exhibit 13. The appeal period for this DNS expired on September 18, 2018. See *id.* The DNS was not appealed.

On June 20, 2018, 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 14, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 14, Environmental Checklist ¶ B(3)(a)(5). No threatened or endangered species were identified on the site. See Exhibit 14, 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 noted that drainage waters will be directed to grassy swales for treatment. See Exhibit 14 (Environmental Checklist ¶ B(3)(c)(1)). The stormwater will then be discharged to the existing storm water pipe in Austin Road. See *id.*

The project will result in additional traffic, and certain improvements will be required to support the proposed development. For example, the developer will be

required to make frontage improvements to Austin Road. See Exhibit 1, p. 6. In addition, the City will be collecting impact fees based upon the schedules in SMC 17D.075.180, or based upon an independent fee calculation pursuant to SMC 17D.075.050. See Exhibit 1, p. 5. The impact fee will be collected for each single-family residence and must be paid prior to issuance of the building permit. See *id.* Thus, to the extent there are impacts from traffic, those impacts are being mitigated via the impact fee system.

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 14, Environmental Checklist ¶¶ B(2)(a) and B(7)(b) (addressing dust, emissions, and noise). And the environmental impacts of the completed project, i.e. a relatively small residential development, are minor. This is undoubtedly among the reasons 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 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 5-7 of the Staff Report. See Exhibit 1. This criterion is met.

7. *The Hearing Examiner concludes that the project conditions properly address the improvement of Austin Road, despite the objections made to the planned improvement to that road.*

In the only public comment on this project, Mr. Walker objected to any proposal which only improved a part of Austin Road. See Exhibit 20. For example, he would object to a condition which required the developer to improve only the half of Austin Road

abutting the proposed development. *See id.* Similarly, he also objected to the idea of paving only from the development to Strong Road. *See id.* Instead, he was in favor of either “the proper development of the full unpaved road” or that no changes be made to the unpaved road. *See id.*

While Mr. Walker’s objections are understandable, the Hearing Examiner does not believe that an all-or-nothing approach is in the public interest. Public budgets do not currently allow for the full improvement of the entirety of Austin Road. *Testimony of E. Brown.* This necessarily results in what might be labeled a “piecemeal” approach. *See id.* While this may not be the most optimal approach, it does provide a mechanism for the incremental improvement of Austin Road as development occurs. *See id.* The Hearing Examiner believes this is the preferable, if not ideal, strategy to improvement Austin Road, at least in the short term.

In addition, there are good reasons to conclude that Austin Road will be significantly improved, despite the use of piecemeal measures. The plat for Sconier’s II is in the final plat stage now. *Testimony of E. Brown.* A condition of development for that plat is the improvement of the eastern half of Austin Road, just across from the proposed development. *See id.* It is probable that the eastern half of Austin Road will be improved before the improvements are made for Five Mile Grove. *See id.*

There are also legal reasons for the piecemeal approach. A developer can only be held responsible to make improvements necessitated by the impacts of the proposed project. The developers of a neighboring plat are already responsible for some improvements to Austin Road. One cannot legally justify requiring the developer of Five Mile Grove to be responsible for the improvements that were already assigned to other projects, let alone to improve the entirety of Austin Road on its own.

In an ideal world, all public infrastructure would be installed in advance of any project approval or permit. As a practical matter, that is rarely possible. An incremental approach is therefore utilized, and has certainly been successful in the past. The Hearing Examiner believes such an approach is appropriate in this case.

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 26 dwelling units to be developed in substantial conformance with the plans, drawings, illustrations, and specifications for the “Five Mile Grove” preliminary plat located in northwest 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.
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. Street frontage improvements for the proposed street and Austin Road are required to include curb, full pavement section, separated sidewalk with plant strip and street trees, all proposed driveway approaches, and street drainage.
 - a. Frontage improvements on Austin Road include full improvements including transitions for one-half of Austin Road abutting the proposed plat and, if needed under the circumstances as determined by the Engineering Department, a minimum twelve-foot strip of paving for a driving lane on the other half of Austin Road.
 - b. The intended width of Austin Road, as a collector arterial, is 65 feet (32.5 feet on either side of the centerline). Currently, the westerly half of the right-of-way for Austin Road is only 30 feet. As a result, the developer shall dedicate an additional 2.5 feet of right-of-way to ensure that there is a full 32.5 of right-of-way west of the centerline of Austin Road.
4. Addresses must be shown on the final plat. Address permits can be applied for at the City of Spokane permit center or by calling (509) 625-6300.
5. Parkway Avenue will need to be renamed to Parkway Court because the street is less than 600 feet in length and because it's a dead end.
6. An agreement with the City of Spokane will need to be reached in order to discharge stormwater from Parkway Court into the City's storm system in Austin Road.
7. There is an existing 18-inch cast iron water main in Austin Road that can be used to bring water onsite. A distribution main will need to be brought down Parkway with individual connections tapped into each lot.
 - 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 the developer's expense.
 - c. 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.
8. The nearest existing public sanitary sewer which could provide service to the proposed plat is an existing 8-inch PVC main located at the east end of W. Stonewall Ave just west of Austin Road.
 - a. The developer will be responsible for all costs associated with design and construction of sanitary sewer improvements necessary to serve the proposed plat and the sewer system shall be designed and constructed to city standards.

- b. Construction plans shall be submitted to Planning & Development 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.
9. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Spokane 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. Pre-development flow of any off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm must be provided.
 - 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 Spokane 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 Planning & Development for review and acceptance prior to issuance of a building permit.
 - b. Since the proposed plat is located in the Five Mile Special Drainage District, basements are **not** recommended. The development of any below grade structures (including basements) in the plat is subject to review of a geotechnical evaluation for foundation design to determine suitability and affects from stormwater 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 concurrence to the City of Spokane Building Department and Developer Services prior to issuance of a building permit. An overall geotechnical analysis may be performed in lieu of individual lot analyses to determine appropriate construction designs.
 - c. Prior to construction, a grading and drainage plan shall be submitted to Planning & Development 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 Planning & Development 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 developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.

10. 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. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.
 - b. 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.
 - c. The developer will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
11. 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.
12. 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.
13. Civil engineered plans and profiles shall use NAVD88 datum plus 13.13 ft.
14. Centerline survey monuments will be required to be installed at the center of the cul-de-sac as well as at the centerline intersection of Parkway and Austin.

STATEMENTS TO BE INCLUDED IN THE DEDICATORY LANGUAGE

1. Ten foot utility and drainage easements as shown here on the described plat are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance, protection, inspections and operation of their respective facilities together with the right to prohibit structures that may interfere with the construction, reconstruction, reliability and safe operation of the same.
2. 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.
3. 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 and Hydroelectric Services Department.
4. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Storm water Facilities", the Spokane 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. Pre-development flow of off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm shall be provided.

5. 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 Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and the Project Engineer's recommendations, based on the drainage plan accepted for this final plat, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Developer Services for review and acceptance prior to issuance of a building permit.
6. This plat is located within the Five Mile Prairie Special Drainage District. 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 & Development for review and concurrence prior to the issuance of a building permit. It must address the disposal of storm water 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 & Development 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.
7. Slope easements for cut and fill, as deemed necessary by Planning & Development in accordance with City Design Standards, are granted along all public right of ways.
8. All public improvements (street, sewer, storm sewer, and water) shall be constructed to City standards prior to the occupancy of any structures served by said improvements.
9. No building permit shall be issued for any lot in the plat until evidence satisfactory to the City Engineer has been provided showing that sanitary sewer and water improvements, constructed to City standards, have been provided to the lot in question.
10. A Transportation Impact Fee will be collected prior to the issuance of a building permit for the affected lot.
11. 10' "Dry" utility easements (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, roots, landscaping, without compensation when affecting utilities within the easements. This provision also prohibits the placement of brick, rock or masonry structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Storm drain dry wells, swales and/or water meter boxes shall not be placed within the "Dry" easements; however, lateral crossings by storm drain, water and sewer lines are permitted. Serving utilities are also granted the right to cross border easements. Should the developer or subcontractor ditch beyond the limits of the platted easement strips shown hereon, the easement shall then be identified by the actual physical location of the installed utilities.

DATED this 27th day of September 2018.



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 27th day of September 2018. **THE DATE OF THE LAST DAY TO APPEAL IS THE 11th DAY OF OCTOBER, 2018, 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.