

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat Application by) FINDINGS, CONCLUSIONS,
Whipple Consulting Engineers to) AND DECISION
re-plat 8 vacant lots in the)
Waterford at Grapetree into 13)
single-family lots) FILE NO. Z18-835PPLT

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant, Whipple Consulting Engineers, on behalf of the property owner, Appletree Court, LLC, is proposing to subdivide 8 vacant lots into 13 lots for residential single family development. These lots are part of a previously approved PUD (Waterford at Grapetree, File No. Z2003-55-PP/PUD, final File No. Z0500119-PUD) that was approved for 60 single family lots. This re-plat would create 4 additional single family lots, resulting in 64 lots total in the PUD.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

**Applicant/
Agent:** Todd Whipple
Whipple Consulting Engineers
21 S. Pines Rd.
Spokane Valley, WA 99206

**Property
Owner:** Appletree Court, LLC
P.O. Box 141749
Spokane, WA 99214

Property Location: The subject property is located at 2418, 2414, 2410, 2406, 2403, 2409, and 2415 S. Appletree Court, in the City of Spokane, Washington.

Legal Description: The legal description of the property within the subdivision is provided in Exhibit 5. An abbreviated legal description and parcel number for each of the lots included in this re-plat 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 property being proposed for a re-plat consists of eight vacant lots within the Waterford at Grapetree plat/PUD. The eight vacant lots collectively are about approximately 3.78 acres in size. This 3.78 acre area is a portion of the 16.8 acres (approximately) within the Waterford at Grapetree. The eight vacant lots are surrounded by single family residences on all four sides. There are no other known critical areas or evidence of historical, archaeological or cultural resources on or next to the site. [site]

Surrounding Conditions and Uses: All surrounding properties are zoned RSF (Residential Single Family). There is property which is zoned RMF (Residential Multi Family) to the east, across Southeast Boulevard. There is also property to the south with Office/Office Retail zoning (Grapetree Village).

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 Application/Public Hearing: Mailed: January 3, 2019
Posted: January 4 & 9, 2019
Published: January 3 & 10, 2019

Community Meeting: A community meet was not required for this project. See Exhibit 6.

Public Hearing Dates: December 13, 2018 and January 24, 2019

Site Visits: January 17 and February 6, 2019

SEPA: An MDNS was issued on August 7, 2003, prior to the approval of the Waterford at Grapetree, File No. Z2003-55-PP/PUD. Because the proposed re-plat only adds four lots to the subdivision, the Planning Department did not require the applicant to prepare a new Environmental Checklist. The Planning Department determined that the previous environmental review was sufficient for purposes of evaluating this proposal.

Testimony:

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

Todd Whipple
Whipple Consulting Engineers
21 S. Pines Rd.
Spokane Valley, WA 99206

Shawn Elston
2425 S. Crestline St.
Spokane, WA 99203

Una I. Zeck
2305 S. Crestline St.
Spokane, WA 99203

Exhibits:

1. Planning Services Staff Report
 - 1A Amended Staff Report received on 01-23-19
2. Application, including:
 - 2A General application
 - 2B Preliminary Long Plat application
 - 2C Plat Narrative
 - 2D Preliminary Plat Re-Plat map dated 09-20-18
 - 2E Notification Map application
3. Request for Comments letter dated 10-10-18
 - 3A Development Services dated 10-25-18
 - 3B Treasury Accounting dated 10-29-18
 - 3C Department of Ecology dated 10-26-18
4. Hearing Examiner's decision Z2003-55-PP/PUD dated 10-03-03 and reconsideration decision dated 11-13-03
5. Amended and Restated Declaration Establishing CC&Rs record date 08-28-17
6. Notice of Community Meeting not required
7. Notice of Application Instructions dated 11-12-18:
 - 7a Notice of Application instructions dated 12-18-18
 - 7A Notice of Application & Public Hearing
 - 7A-1 Application & Public Hearing for hearing on 01-24-19, with site plan
 - 7B Notice Map
 - 7B-1 Notice Map for hearing on 01-24-19
 - 7C Address Listing
 - 7C-1 Address Listing for hearing on 01-24-19
 - 7D Affidavit of Mailings dated 11-19-18
 - 7D-1 Affidavit of Mailings dated 01-03-19, for hearing on 01-24-19
 - 7E Affidavit of Posting Combined Application and Hearing dated 11-19-18
 - 7E-1 Affidavit of Posting Combine Application and Hearing dated 01-04-19, for hearing on 01-24-19
 - 7F Affidavit of Sign Postings Combined Application and Hearing dated 11-16-18, with photos of signs
 - 7F-1 Affidavit of Sign Postings Combined Application and Hearing dated 01-09-19, with photos of signs, for hearing on 01-24-19
 - 7G Affidavit of Publication dates 01-03 & 01-10-19
8. Public Comments
 - 8A Scott Bradley, undated, opposing project
 - 8B Shawn Elston, dated 11-23-18, opposing project
 - 8C Greg & Melissa Luna received 12-07-18, opposing project
 - 8D Barbara Thaler, dated 1-23-18, opposing project
 - 8E Una Irelan Zeck, dated 11-25-18, opposing project, with responses dated 11-26-18 from Donna deBit
 - 8F Una Irelan Zeck, dated 11-28-18, opposing project
- A Exhibits received at the hearing:
 - A-1 Hardcopy of Planning's PowerPoint presentation dated 01-24-19
 - A-2 Letter from Whipple Consulting Engineers dated 12-10-18 for 12-13-18
- hearing
 - A-3 Construction Plans presented at 01-24-19 hearing
- B Public comments received prior to hearing on 01-24-19
 - B-1 Brian Lamarche, dated 01-22-19, opposing project

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 proposal is to re-plat several lots that are already a part of an approved PUD/preliminary plat. The lots were already approved for single-family residential use, consistent with the RSF zoning. See Table 17C.110-1; see also SMC 17C.110.115. The zoning continues to allow that use. The proposal reconfigures the 8 vacant lots into 13 lots, increasing the total number of lots in the subdivision by 4 lots. See Exhibit 1A, pg. 2. The proposed lots will range in size from 6,877 square feet to 19,546 square feet. See *id.* This satisfies the minimum lot size requirements of the zone. See Table 17C.110-3. In addition, the density of the subdivision, as reconfigured, is only increasing from 3.6 units per acre to 3.8 units per acre, which is consistent with the density range for this type of development. See Exhibit 1A, pg. 4.

The alteration of a final plat is governed by RCW 58.17.215. See SMC 17G.080.020(D)(1). According to state law, an applicant seeking to alter an approved subdivision shall submit an application for that purpose. See RCW 58.17.215; see also 17G.080.020(D)(3)(a) (stating that a new application is required to alter a final plat). Notice and a public hearing are required to consider an application to modify a final plat. See RCW 58.17.215. The statute further provides, in relevant part, as follows:

The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

See RCW 58.17.215 (emphasis added).

The requirements of RCW 58.17.215 have been satisfied. The applicant submitted a new application to modify the existing plat. Notice of a public hearing on the matter was properly provided, and the hearing was conducted in due course. Previous to the hearing, the Touchmark at Grapetree Homeowners Association unanimously agreed to amend their covenants to increase the allowed single-family lots from 60 to 64. See Exhibit 1A, pg. 4. The amended covenants were recorded on August 23, 2017. See *id.*

The applicant has satisfied the requirements for approval of a modification to the existing plat. The proposed alteration will also be required to satisfy the applicable development standards, as incorporated into the conditions of approval. 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. 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 original PUD/plat was approved with a density of 3.6 units per acre, which is below the minimum figure. See Exhibit 1A, pg. 4. The approval of the alteration will increase the density to 3.8 units per acre, making the project more consistent with the density standards. In any case, the project is reasonably consistent with the four-unit minimum. See *id.* In addition PUDs are allowed to round up to the next whole number when calculating density. See *id.*

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 CP, Chapter 3, Goal LU 5, p. 3-26 (promoting development which is complementary and compatible with other land uses); see also CP, Chapter 3, Policy LU 5.5, p. 3-27 (discussing the need to ensure compatibility when permitting infill developments). The project changes the subdivision from 60 lots to 64 lots. In the Hearing Examiner's view, this is not a radical departure from the original proposal. The nature and intensity of the project is not materially different than the residential development that was originally approved.

Considering the characteristics and design of the proposal, the Hearing Examiner agrees with the Staff that it is consistent with the Comprehensive Plan. See Exhibit 1A, pg. 4. Therefore, this criterion is satisfied.

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

On October 10, 2018, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 3. In response, the city received limited comments regarding the project. See e.g. Exhibits 3A-3C. However, the staff confirmed that it received no communications suggesting that concurrency was not satisfied. See Exhibit 1A, p. 4. In addition, there is no evidence in the record that public services would not be adequate to serve the development. 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 site was already determined to be suitable for residential development. No new information was presented suggesting that the site is not compatible with the proposed use. The site plan submitted in support of the modified plat demonstrates that the site can accommodate residential lots of the proper size and shape. There is no evidence that the soils or drainage conditions have materially changed since the original application was approved. See Exhibit 1A, pg. 5. There are no natural conditions on the site that present a genuine obstacle to development, such as wetlands or surface waters. No historic or cultural features exist on the site. See *id.*

The topography of the site has been affected by the depositing of basalt rock and fill dirt on some of the vacant lots. However, the basalt rock and fill will be removed in order to prepare the site for new homes. *Testimony of T. Whipple.* This will restore the site to its natural topography. See *id.*

Under the circumstances, the Hearing Examiner agrees with the Staff that this criterion for approval of the plat modification 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 Hearing Examiner agrees with the Staff that the proposed development does not have significant adverse impacts on the environment or the surrounding properties. See Exhibit 1A, pg. 5. A DNS was issued for the original subdivision on August 7, 2003. See *id.* No evidence was presented to suggest that the environmental review for the original project was inadequate or did not already consider the impacts likely to arise from the proposed re-plat of eight of the lots within the subdivision. Ultimately, the project will only add 4 lots to the total. The addition of only 4 lots will not likely to have a significant or materially different impact than the project as originally proposed. See *id.* Given this background, the Planning Department understandably determined that a new threshold determination was not required under SEPA. Extensive conditions have been incorporated into this decision to control or mitigate the potential impacts of the development. The Hearing Examiner concludes that to the extent some impact are anticipated, those impacts are sufficiently addressed in the project conditions. Therefore, this criterion for approval is satisfied.

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 proposed re-plat 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 5-6 of the Staff Report. See Exhibit 1A. This criterion is met.

7. The Hearing Examiner concludes that the proposed re-plat should be approved despite the concerns raised neighboring property owners.

A number of objections and criticisms were raised about the proposal, both in written comments and in public testimony. The primary concerns raised in the public comments are discussed below.

Rock and Fill Material. One neighboring property owner wrote to highlight his concerns about the substantial amount of fill material that has been deposited at the site. See Exhibit 8A. He recounted the dumping of a large amount of boulders and rock from other work sites around the South Hill. See *id.* This activity continued intermittently over several years. Ultimately, this activity has created a "30-40 ft. high wall of large rock, about 100 yards long" parallel to Crestline and "as close as 30 ft. from the property lines of houses on Crestline." See *id.* The neighbor then stated his concern that this "very large amount of non-compactable material is going to be the base for setting houses." See *id.* He was also concerned about boulders rolling onto neighboring properties. See *id.*

During the site visit, the Hearing Examiner witnessed the large pile of rock and dirt along the western border of the project site. There is no question that this material must be removed in order to prepare the site for the construction of new residences. *Testimony of T. Whipple.* This will be a requirement before a building permit can be obtained. Homes simply cannot be constructed on uncompacted fill or loose rock or boulders. The contractor will need to take steps to protect the neighboring property as the rock and fill material is removed. The developer is aware of this concern. See Exhibit A-2. The Hearing Examiner has also added a condition to address the issue. See Condition No. 19. The Hearing Examiner concludes that the rock and fill material will be removed as part of the development, and that safety can be ensured during that process. As a result, this concern is adequately addressed.

Traffic Impacts. Several comments were made objecting to the additional traffic arising from the development of the Waterford at Grapetree. See Exhibit 8B. There were objections to the addition of any more traffic or noise. See *id.*, see also Exhibits 8C, 8D & 8F. There were particular concerns about the heavy traffic on Crestline. *Testimony of S.*

S. Elston & U. Zeck. There was also some worry about whether there was sufficient access for emergency vehicles in the event of a fire or other emergency. See Exhibit 8D.

The Waterford at Grapetree was already approved for 60 lots. The traffic that arises from the original 60 lots was already accounted for when the project was originally approved. The only traffic properly at issue in this case is the traffic arising from the additional 4 lots. However, the traffic that can be anticipated from 4 additional lots is so low that the project does not trigger any new traffic analysis. See Exhibit 2B. The city did not require any additional traffic analysis under the circumstances. The only expert testimony on the matter concluded that the re-plat would have no impact on the transportation system. *Testimony of T. Whipple.* There was no expert testimony showing that the traffic arising from the re-plat was significant or had material impacts on the capacity of the transportation system. Ultimately, the record does not support the claim that the project will result in significant traffic impacts.

With respect to fire safety, the reconfiguration of the lots does not change the nature or quality of the access by the fire department. There was no evidence introduced demonstrating that the re-plat degraded the access, slowed down response times, or diminished the level of service. No comments from the City Fire Department suggested that the re-plat created any genuine concerns in this regard. There was no expert testimony questioning the design of the re-plat or demonstrating that the project created safety hazards. And the project conditions require proper fire access and the placement of hydrants to serve the properties. See Condition Nos. 15 & 17.

Given the foregoing, the Hearing Examiner concludes that the project will not have significant or material impacts due to traffic or lack of emergency access.

Density and Development Standards. A common point was that the area homes are on large lots, with ample landscaping. See Exhibit 8C. The re-plat, by contrast, would result in houses being constructed only 10 feet apart with minimal landscaping. See *id.*; see also Exhibit 8D. The smaller lots, it was maintained, were out of character with the neighborhood. See Exhibits 8B & 8C. It was also suggested that resulting lots are be too small and may be substandard for the zone. See Exhibit 8F; *Testimony of U. Zeck.* The proposed design led at least one neighbor to characterize the project as "ultra-high density." See Exhibit 8D; *Testimony of S. Elston.*

The Hearing Examiner has reviewed the plans for the proposed development and respectfully disagrees with the claim that the project is high density or deviates from the applicable development standards. The re-plat will change the density of the project from 3.6 units per acre to 3.8 units per acre. See Exhibit 1A, pg. 2. In reality, the proposed density is actually slightly *below* the *minimum* density for the RSF zone, which is 4 units per acre. See Table 17C.110-3. The RSF zone is a "low density" classification which allows between 4 and 10 units per acre. See SMC 17C.110.030(B). Higher density classifications allow 15-30 units per acre or sometimes more. See Table 17C.110-3. It is clear that the proposal is not "high density" under the development standards.

The proposed lots are between 6,877 square feet to 19,546 square feet in size. See Exhibit 1A, pg. 2. The proposed lots well exceed the 4,350 square foot minimum for lots in the RSF zone. See Table 17C.110-3. The proposed lots are at least 55 feet wide and 125 feet deep. See Exhibit 2D. The standards for width and depth are also easily satisfied by this project. The minimum lot width is 40 feet, and the minimum lot depth is 80

feet. See Table 17C.110-3. City Staff confirmed that none of the lots are substandard. *Testimony of D. deBit.* The Hearing Examiner concludes that the proposed layout of lots is consistent with the development standards.

The setbacks proposed for the development are also consistent with the development standards. In the RSF zone, for a lot with a width of greater than 40 feet, the side lot line setback is 5 feet. See Table 17C.110-3. Although there were a number of objections to the construction of houses 10 feet apart, that separation is explicitly allowed by the development code. See *id.*

Storm Water and Drainage. One area resident emphasized that drainage was a major concern surrounding this development. See Exhibit 8F. The primary objections were that the drainage from the new houses along the western boundary of the plat would flow to the yards of the homes along Crestline. See *id.* Due to the additional development, and the natural topography, even more water would drain to the west, it was contended. See *id.*; *Testimony of U. Zeck.*

The Hearing Examiner does not believe that drainage issues warrant either denial or additional conditions for this proposal. Although the concerns about drainage were certainly understandable, there was no evidence that the drainage issues could not be addressed through the typical mitigation measures. Drainage facilities have already been developed to handle the storm water within the Waterford at Grapetree. The municipal code provides that all storm water from the project must be disposed of on-site. See SMC 17D.060.010 *et seq.* The code requirements for handling drainage have been incorporated into the project conditions. See Condition No. 11. Those conditions are rather extensive and require that drainage, sediment, and erosion control plans be in place, and that those plans be reviewed and approved. See *id.*

The Hearing Examiner concludes that the concerns about drainage from this project are adequately addressed by the project conditions and the requirements of the municipal code.

Light, Views, and Noise. Neighboring property owners objected to the construction of houses on "very small lots with houses only 10 feet apart." See Exhibit 8C. They also contended that the new homes would result in rooflines which would block views. See *id.*; see also Exhibit 8B. This type of construction would reduce the light and views, according to the neighbors. They also asked for relief from the ongoing construction noise, apparently the result of the many years over which this project has taken place. See Exhibits 8B & 8C.

The development is required to satisfy the setback and height requirements of the development code. The side lot setback for these lots is 5 feet. See Table 17C.110-3. The height restriction, meanwhile, is 35 feet. See *id.* These are the development standards that govern building separation and rooflines. The Hearing Examiner does not have the authority to impose more restrictive standards. In addition, there are no development standards with respect to views. *Testimony of D. deBit.* As the development standards are written, the height and setback standards are the only standards that, in effect, operate to preserve the views from neighboring land.

The Hearing Examiner is certainly sympathetic to the neighbors' complaints about construction noise. However, some nuisance from construction activity seems

unavoidable. For example, construction noise will certainly be present when a home is being built. The record did not contain specific information about the levels of noise, the specific sources of noise, whether the noise levels exceeded legal limits, the hours of operation, or any other specifics. The record is inadequate to provide the Hearing Examiner with justification to impose additional conditions directed at noise.

Under the circumstances, any questions about noise should be handled by application of the noise ordinance, rather than by additional project conditions. See SMC 10.08D.010 *et seq.* Further, the Hearing Examiner is concerned that placing strict limits on construction activity would only make the construction projects take even longer to complete. This seems counterproductive given that the neighbors really want the construction work to end as soon as possible.

The Hearing Examiner concludes that imposing additional restrictions to address noise is not warranted or 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 re-plat subdividing 8 vacant lots within the Waterford at Grapetree into 13 lots for residential single family use in substantial conformance with the plans, drawings, illustrations, and specifications for the for the "Waterford at Grapetree Re-Plat" on file in the Department of Planning Services. The applicant is authorized to prepare a final plat in compliance with the preliminary plat and the conditions of approval placed upon it.
2. The final plat shall include the following:
 - a. The description "PLANNED UNIT DEVELOPMENT" shall be included on the face of the plat.
 - b. The plat shall show the existing topography at a two-foot maximum interval.
 - c. Any easements, both public and private, shall be shown on the face of the plat.
 - d. The datum plane shall be stated on the face of the plat.
 - e. The conditions of the adjacent properties, platted or unplatted, and if platted, giving the name of the subdivision as well as the names and address of record owners and taxpayers of each parcel adjoining the subdivision.
 - f. The location and, where ascertainable, sizes of all structures, overhead and underground utilities, and other features upon, over or under the land proposed to be subdivided, and identify any which are to be retained or removed.
3. The minimum curb radius for a cul-de-sac bulb shall be fifty feet; the minimum right of way radius for a cul-de-sac bulb shall be fifty-six feet. If the sidewalk is to be located on an easement, the minimum right of way radius is fifty-one feet. The preliminary re-plat

shows a right of way radius of fifty feet. This may affect maneuvering capabilities of emergency and refuse services.

4. Addresses must be shown on the face of the final plat. The addresses will need to be applied for and paid for prior to additional water and/or sewer services placements. There is a permit fee of \$10.00 for each new address and a \$25.00 fee for changes to existing addresses to be paid prior to the final plat approval. Please contact our Permit Specialists for addressing assistance at (509) 625-6999 or at permitmanager@spokanecity.org.
5. Construction plans for sewer systems and services must be designed by a Professional Engineer, licensed in the State of Washington, and submitted to Development Services for review and acceptance prior to construction.
6. The developer will be responsible for all costs associated with design and construction of sanitary sewer necessary to serve the proposed plat.
7. The sanitary sewer improvements shall be designed and constructed in accordance with City standards.
8. Construction plans shall be submitted to Development Services 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.
9. Construction plans for the water system and services must be designed by a Professional Engineer, licensed in the State of Washington, and submitted to Development Services for review and acceptance prior to construction.
 - 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 Development Services for review and acceptance. The hydraulic analysis must include supporting calculations for domestic and fire flows.
 - d. In addition to the hydraulic analysis, construction plans shall be submitted to Development Services for review and acceptance. The water system, including individual service connections to each lot, shall be constructed and accepted for service prior to the City Engineer signing the final plat.
 - e. Any unused water taps will need to be disconnected at the water main.
10. General Facility Charges for new or upsized connections must be paid at the time of water and sewer permits.

11. 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 Development Services 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 Development Services 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.
12. 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.

13. 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
14. 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.
15. Frontage improvements will be required for all streets to include paving, curb, separated sidewalk, street drainage and street trees.
16. In accordance with the City's Financial Guarantee Policy, a financial guarantee will be required for all street, drainage, and erosion / sediment control improvements not constructed prior to approval of the final plat.
17. All dedicatory, conditions, and covenants associated with the Final Plat of Waterford at Grapetree apply to this re-plat.
18. 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.
19. The developer will ensure that the boulders, rock, and other fill material that has been deposited on the site of the new homes is removed and the ground is returned to its natural topography. The developer and its agents or contractors will take the commercially reasonable steps to ensure that no boulders, rock, or other fill material migrate onto or damage neighboring property or create a safety hazard for neighboring property.

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 Development Services 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 Development Services Center 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. No garages shall be permitted within twenty feet from the front property line.
11. A 10 foot easement for utilities, including cable television, is hereby granted along all street frontages to the City and its permittees.
12. Utility easements shown on 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.
13. 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 Development Services Center.
14. 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 Development Services Center and having adequate pressure for domestic and fire uses, as determined by the Water Department.
15. 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 Development Services Center.
16. 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.

17. 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.
18. 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.
19. The City of Spokane does not accept the responsibility of maintaining the stormwater drainage facilities on private property nor the responsibility for any damage whatsoever, including, but not limited to, inverse condemnation to any properties due to deficient construction and/or maintenance of stormwater drainage easements on private property.
20. 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 Developer 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 Developer 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.
21. All private improvement (sanitary sewer, water, stormwater, and street) constructed within the boundaries of the PUD shall be installed to serve the residential unit for which the Certificate of Occupancy is sought in accordance with the plans accepted by the City of Spokane.
22. The WATERFORD AT GRAPETREE, as created by document filed on the 5th day of December 2006 under Secretary of State U.B.I. number 602674337, and its successors, as owners of the private streets and common areas, will be responsible for the maintenance of these private streets and common areas, including snow removal, and for maintenance of sewer, water, and drainage facilities located therein and additional easements shown hereon. The City shall bear no responsibility for such maintenance and shall not be a party to any legal action for failure to provide street, sewer, or water service with the private streets within the boundaries of this plat/PUD. In addition to the private streets, the Waterford at Grapetree shall be responsible for street maintenance of 25th Avenue from Crestline to the plat boundary as shown on the face of the Final Plat of Waterford at Grapetree, as recorded December 11th, 2006 (Auditor's document #5471328). Street maintenance activities include, but are not limited to, snow removal, street cleaning, sweeping, flushing, and sign maintenance. The City will operate and maintain all underground utilities owned by the City to include public sanitary sewer, public water mains, and public storm lines in that portion of 25th Avenue right of way as well as pavement replacement.

23. All lots within this plat are subject to private covenants and restrictions for Waterford at Grapetree a Planned Unit Development as recorded under Auditor's Document Number 5471329.
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 19th day of February 2019.



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 19th day of February 2019. **THE DATE OF THE LAST DAY TO APPEAL IS THE 5th DAY OF MARCH 2019 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.