

**CITY OF SPOKANE HEARING EXAMINER**

**Re:** Application by Storhaug Engineering            )  
to rezone approximately 18.87 acres            ) FINDINGS, CONCLUSIONS,  
from RSF to RSF-C, and to subdivide            ) AND DECISION  
approximately 1.89 acres of that land        )  
into a 13 single-family lots in a plat to        ) FILE NO. Z21-042PPLT  
be known as Corbin Cottages.                )

**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The applicant seeks to rezone of 18.87-acre site from Residential Single-Family (RSF) to Residential Single-Family Compact (RSF-C). The applicant also seeks to subdivide 1.89 acres of that land into 13 single-family lots. The 1.89-acre site is addressed as 516 W. Cora Avenue and is designated under Tax Parcel No. 35064.3613. The remaining parcel is 16.98 acres. That parcel is addressed as 440 W. Cora Avenue and is designated as Tax Parcel No. 35064.3612.

**Decision:** Approved, with *revised* conditions.

**FINDINGS OF FACT**  
**BACKGROUND INFORMATION**

**Applicant/  
Agent:** William Sinclair  
Storhaug Engineering  
510 3<sup>rd</sup> Avenue  
Spokane, WA 99202

**Owner:** Faith Bible Church  
440 W. Cora Avenue (formerly 600 W. Cora Avenue)  
Spokane, WA 99205

**Property Location:** The subject property is located at 516 W. Cora Avenue, Tax Parcel No. 35064.3613, and 440 W. Cora Avenue, Tax Parcel No. 35064.3612. The site was formerly addressed as 600 W. Cora Avenue, and designated as Tax Parcel No. 35064.3611. The site is generally bound by N. Division Street to the east, N. Post Street to the west, W. Glass Avenue to the north, and W. Cora Avenue to the south.

**Legal Description:** The legal description of the property is provided in Exhibit 4.

**Zoning:** The property is zoned RSF

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

**Site Description:** The project proposal encompasses two parcels located at 516 W. Cora and 440 W. Cora Avenue. The parcel addressed as 440 W. Cora Avenue is approximately

16.98 acres and includes the Faith Bible Church and associated parking. The parcel addressed as 516 W. Cora is approximately 1.89 acres and is vacant, undeveloped land. The total site area is approximately 18.87 acres. The site is irregular in shape. The southern boundary of the property fronts along W. Cora Avenue, which provides access to the church. A portion of the northern boundary of the site has frontage along W. Glass Avenue. However, there is a significant increase in grade along the northern boundary of the property. No access exists or is proposed from the site to W. Glass Avenue.

**Surrounding Conditions and Uses:** Residential Single-Family (RSF) zoning is located directly to the north and south of this site. Residential Multi-family (RMF) and Residential Two-Family (RTF) zoning are found east and west of the project site in addition to several categories of commercial zoning along N. Division and N. Monroe Streets. Commercial zoning categories along these arterials include General Commercial (GC-70), Office (O-35), and Center & Corridor (CC2-DC) zones.

Land uses north of W. Glass are single-family residential uses. Uses to the south of W. Cora are a mix of residential single-family uses in addition to institutional uses. Directly west of the project site is a multi-family development, while both multi-family and two-family uses are found directly to the east. Along N. Monroe and N. Division Streets the primary uses are a mix of commercial uses.

**Project Description:** Storhaug Engineering applied for a Type III rezone and preliminary long plat on behalf of Faith Bible Church on June 14, 2021. The proposal is to rezone a total of 18.87 acres from RSF to RSF-C zoning and to create a 13-lot plat (with one common tract and new public right-of-way [ROW]) of approximately 1.89 acres in size for construction of new single-family homes. The RSF-C zoning designation allows somewhat smaller lots, reduced rear setbacks, and additional floor area for attached housing types, thereby facilitating higher density development. However, the maximum density remains at 10 dwelling units per acre (DUs/acre), the same as the RSF zone.

### **PROCEDURAL INFORMATION**

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

**Notice of Community Meeting:** Mailed: May 17, 2021  
Posted: May 17 & 18, 2021

**Notice of Application/Public Hearing:** Mailed: August 19, 2021  
Posted: August 19, 2021

**Second Notice of Application/Public Hearing:** Mailed: September 27, 2021  
Posted: September 27, 2021  
Publication: September 28 & October 5, 2021

**Community Meeting:** June 1, 2021

**Site Visit:** September 22, 2021

**Public Hearing Date:** October 13, 2021

**State Environmental Policy Act (SEPA):** A Determination of Non-Significance (DNS) was issued on September 9, 2021. The DNS was not appealed.

**Testimony:**

Melissa Owen, Assistant Planner  
City of Spokane Planning & Development  
808 W. Spokane Falls Boulevard  
Spokane, WA 99201

William Sinclair  
Storhaug Engineering  
510 3<sup>rd</sup> Avenue  
Spokane, WA 99202  
[william@storhaug.com](mailto:william@storhaug.com)

**Present but did not Testify or Submitted Comments to the Record:**

Roger Habets  
304 W. Dalton Avenue  
Spokane, WA 99205  
[must86@live.com](mailto:must86@live.com)

Mary Robinson  
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Spokane, WA 99205  
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Jerry Storhaug  
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Lynn Powell  
530 W. Glass Avenue  
Spokane, WA 99205  
[Lynn.powell@philips.com](mailto:Lynn.powell@philips.com)

**Exhibits:**

Revised Staff Report, dated 10/08/21, including the following Exhibits:

1. Vicinity Map
2. Zoning Map
3. Land Use Map
4. Application Materials, including:
  - A General Application
  - B Preliminary Long Plat Application
  - C Site Plan
  - D Rezone Application
  - E Project Summary
  - F Trip Generation and Distribution Letter
  - G Sewer, Water, and Stormwater Concept Design

- H Subsurface Explorations and Geotechnical Engineering Studies
- 5. Environmental Checklist
- 6. SEPA DNS
- 7. Request for Agency Comments, including:
  - A City of Spokane Treasury Department
  - B City of Spokane Integrated Capital Management
  - C Spokane Tribe of Indians
  - D Washington State Department of Archaeology & Historic Preservation
  - E City of Spokane Engineering Department
- 8. Noticing Documents, including:
  - A Technically Complete Letter
  - B Notice of Application, SEPA, and Public Hearing
  - C Noticing Affidavits
  - D Title Company Certification
  - E Notice to Neighborhood Councils
  - F Second Notice Noticing Affidavits for October 13, 2021 hearing
- 9. Community Meeting Materials, including:
  - A Community Meeting Instructions
  - B Notice of Community Meeting, June 1, 2021
  - C Community Meeting Participants
  - D Maps
  - E Public Comments via email
  - F Noticing Affidavits
  - G Title Company Certification
  - H Community Meeting Instructions
  - I Notice of Community Meeting, March 18, 2021
  - J Community Meeting Participants
  - K Maps
  - L Public Comments via email
  - M Noticing Affidavits
  - N Meeting Recording, June 1, 2021
  - O Meeting Recording, March 18, 2021
- 10. Public Comments
- 11. Predevelopment Final Comments

**Exhibits submitted at the hearing:**

- 12. Planning Services Presentation
- 13. Applicant's 10/12/21 Response to Revised Staff Report dated 10/8/21

**FINDINGS AND CONCLUSIONS**

To be approved, the proposed preliminary plat must comply with the criteria set forth in Section 17G.060.170 SMC. 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 Applicant proposes to rezone its property from RSF to RSF-C. The RSF-C zone is an implementing zone for the City of Spokane Land Use Plan Map. See Staff Report, p. 4. As a site-specific rezone that implements the CP, the proposal is quasi-judicial and can be considered at any time. See SMC 17G.02.020. A rezone application is governed by the procedures for Type III applications, as set forth in 17G.060 SMC. See *id.*; *Testimony of M. Owen*.

The Applicant also proposes to subdivide a 1.89-acre portion of its property into 13 single-family residential lots. The proposed use (single-family residential) is outright permitted in both the RSF and RSF-C zones. See Table 17C.110-1; see also SMC 17C.110.115. The project is proposing a density of 9.29 DUs/acre. See Staff Report, p. 4. As the City determined, the net density of the project fits within the 4-10 units per acre allowed under the development standards. See *id.* In addition, 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 *id.*

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 CP. The site is designated as Residential 4-10. This designation allows single-family residences on individual lots and attached (zero-lot line) single-family residences. See CP, Chapter 3, p. 3-40. Land with this designation may be developed with a minimum of 4 DUs/acre and a maximum of 10 DUs/acre. See *id.* The density of the project fits within this designation, as discussed above.

The proposal is generally supported by the goals, objectives, and policies of the CP. The site is within the Urban Growth Area (UGA) and is designated for precisely this type of development. With respect to urban land within the City, this proposal is a natural progression in residential development, consistent with the long-term plans for the area. See CP, Chapter 3, Goal LU 5, p. 3-26 (promoting development that is complementary 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 proposal will provide additional housing on a vacant parcel situated in the middle of a residential area. A residential development in this location will blend well with the existing neighborhood, consistent with the design policies of the CP. See CP, Chapter 8, Policy DP 1.2, p. 8-5 (stating that new development should be compatible with the context of the area and improve the surrounding neighborhood). In addition, the proposed development is in close proximity to more than one Centers and Corridors area as well as a commercially zoned area. See Staff Report, p. 6. The proposal is, therefore, consistent with the policy of placing residential uses near places of employment, daily-needs services, and the like. See *id.*; see e.g. CP, Chapter 6, Policy H2.4, p. 6-12.

So long as the project conditions are satisfied, public services and facilities will be adequate to serve the proposed development. This fulfills Policy LU 1.12, Public Facilities and Services. See CP, Chapter 3, Policy LU 1.12, p. 3-14. In addition, the project promotes the efficient use of land by focusing growth in areas where adequate facilities and services are available. See CP, Chapter 3, Policy LU 3.1, p. 3-17.

Considering the characteristics and design of the proposal, the Hearing Examiner agrees with the Staff that it is consistent with the CP. Therefore, this criterion is satisfied.

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

On July 6, 2021, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 7. In response, the City received comments from various agencies regarding the project. See *id.* None of the commenting agencies or departments reported that concurrency was not satisfied. See Staff Report, p. 5. Existing facilities and infrastructure are either currently adequate, or those facilities will be improved by the developer in order to properly serve the development.

For example, the proposal will connect to existing public sewer and water facilities located in W. Cora Avenue. See *id.*, p. 6. The developer is responsible for all costs associated with design and construction of sanitary sewer, street, and water improvements necessary to connect to the proposed plat. See *id.*

The Hearing Examiner concludes that, with the proposed conditions, the project satisfies this criterion for approval.

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 concludes that the property is suitable for the proposed use, given its physical characteristics. The development area is of sufficient size to accommodate the project, as is demonstrated by the layout shown on the proposed plat. Similarly, the shape and location of the site do not pose genuine limitations on its use and development.

There is no evidence in this record suggesting that the physical characteristics of the property make it inappropriate for the proposed improvements. The SEPA checklist and geotechnical report identify limited areas of steep slopes (60%) at the northern boundary of the site. See Staff Report, p. 7. However, the area proposed for development has slopes that range from 0-5% in grade. See Exhibit 5 (Environmental Checklist ¶ B(1)(b)). The areas with steep slopes will not be disturbed by the project. See *id.* In addition, any development in geologically hazardous areas or the associated buffers must comply with SMC 17E.040.100. See Staff Report, p. 7; see also Condition 5. These standards are designed to prevent adverse impacts to geologically hazardous areas as well as the surrounding properties. See SMC 17E.040.100. The remainder of the site is generally

flat and appears suitable for development of single-family residences. See Staff Report, p. 7.

There are no indications of surface water on or in the immediate vicinity of the site. See Exhibit 5 Environmental Checklist ¶ B(3)(a)(1)). Stormwater drainage on the property will be handled through the typical methods identified in the Spokane Regional Stormwater Manual (SRSM). See Exhibit 5 (Environmental Checklist ¶¶ A(14)(a)(1) & B(3)(c)(1)). No groundwater will be withdrawn as the project will be connected to the public water system. See Exhibit 5 (Environmental Checklist ¶ B(3)(b)(1)). There is no reason to expect that groundwater will be impacted by this project.

There are no known historic or cultural features on the development site. See Exhibit 5 (Environmental Checklist ¶ B(13)). However, the Spokane Tribe of Indians identified the area as having high potential for cultural resources. See Exhibit 7C. Upon considering the proposal and the site history, the Tribe requested that the developer include an inadvertent discovery plan (IDP) in its scope of work for this project. The Washington State Department of Archaeology and Historic Preservation (WSDAHP) similarly requested that an IDP be implemented for this proposal. See Exhibit 7D. Based upon these recommendations, the project conditions include the requirement that the developer prepare an IDP for this project. See Condition 2.

Various City departments and agencies reviewed the SEPA checklist for physical characteristics of the property and no other comments indicated that the site is unsuitable for development. See Exhibit 1, p. 7.

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 DNS on September 9, 2021. See Exhibit 5. The appeal period for the DNS expired on September 23, 2021. See *id.* The DNS was not appealed.

On June 30, 2021, the Applicant prepared an environmental checklist for the project. The checklist supports the conclusion that no significant environmental impacts will arise from this project or will occur without sufficient mitigation. For example, there are no wetlands, surface waters, or other limiting features. See Exhibit 5 (Environmental Checklist ¶ B(3)(a)(1)). The property does not lie within a 100-year floodplain. See Exhibit 5 (Environmental Checklist ¶ B(3)(a)(5)). No threatened or endangered species were identified on the site. See Exhibit 5 (Environmental Checklist ¶ B(4)(c) & B(5)(b)). The project is not anticipated to create any significant noise or light, beyond that associated with normal residential uses. See Exhibit 5 (Environmental Checklist ¶ B(7)(b) & B(11)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 5 (Environmental Checklist ¶¶ B(3)(a)(6), B(3)(b)(2) & B(3)(c)(2)). No environmental hazards are anticipated to arise due to this project. See Exhibit 5 (Environmental Checklist ¶ B(7)(a)).

The Applicant will be required to implement onsite controls for stormwater and surface drainage generated from the development. See SMC 17D.060.010 *et seq.* As discussed previously, all stormwater will be collected, treated, and discharged in accordance with the SRSM. See Exhibit 5 (Environmental Checklist ¶ B(3)(c)(2)).

The project will result in additional traffic, and certain improvements will be required to support the proposed development. For example, the developer will be constructing a new public road providing access from the lots to W. Cora Avenue. The City will be collecting traffic impact fees for this project. See Condition 16(l). 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 road improvements and impact fee contributions.

There will be some impacts due to construction activity. See *e.g.* Exhibit 5 (Environmental Checklist ¶ B(2)(a) & B(7)(b)(2)). 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. In addition, the environmental impacts of the completed project 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 public health, safety, and welfare. The record does not contain evidence that this project is antithetical to the community's interests. The proposal is designed and will be required to satisfy the applicable City standards for drainage, streets, and other public ways; proper disposal of stormwater; 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. The developer will be required to make the connections to the water and sewer systems, in accordance with City standards. 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 that convinced the Hearing Examiner that there would be significant impacts on 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. See Staff Report, pp. 8-9. This criterion is met.



7. *The Hearing Examiner concludes that this project should be approved despite the concerns raised in public comments.*

There was no public testimony at the hearing on this proposal. However, there were written comments that raised some concerns about the project.

The primary concern raised in public comments was traffic. One neighbor stated that there was already a great deal of traffic in this neighborhood. See Exhibit 10 (E-mail of R. Habets 8-27-21). He was concerned about the current condition of Cora, as well as the additional wear and tear that would result from more traffic. See *id.* Another neighbor pointed out that Cora is often used as a short-cut, and that drivers are frequently seen driving well over the speed limit on that road. See Exhibit 10 (E-mail of M. Robinson). She suggested that a roundabout should be installed as a traffic-calming measure. See *id.*

The Hearing Examiner concludes that the project should not be further conditioned or denied based upon traffic impacts. The Hearing Examiner reaches this conclusion for several reasons. The developer's traffic engineer prepared a trip generation and distribution letter (TGDL) for consideration by the City. See Exhibit 4F. The TGDL demonstrated that the project would add 14 PM peak hour trips to the roads. See *id.* No agency or department reported that the transportation system was insufficient to handle the traffic anticipated from the proposed subdivision. There was no testimony from an opposing traffic expert suggesting that Cora or any other roads lacked sufficient capacity to serve the proposed use. There was a general allegation Cora needed some repairs, but no specific information was submitted to clarify this statement. Evidence was also lacking that this proposal creates any safety hazards. As a result, there is no basis to require this developer to make significant road improvements, like the addition of a roundabout.

In addition, the developer cannot legally be required to fix or pay for pre-existing deficiencies in the road system. See *Benchmark Land Company v. City of Battle Ground*, 146 Wn.2d 685, 695, 49 P.3d 860 (2002). The developer can be required to pay for impacts to the road system specifically attributable to a development. However, in this case, the developer will be required to pay traffic impact fees to account for any such impacts. See Condition 16(l). Nothing more can legally be required, based upon this record.

Another criticism was that the church had not disclosed its specific intentions with respect to the remainder of the property being rezoned. See Exhibit 10 (E-mail of R. Habets 8-27-21). However, there is no requirement to submit specific development plans in order to qualify for a rezone. Undeveloped land can be developed in any way allowed by the zoning. That said, there really isn't much mystery about the future use of the land, since the rezone will only change the property from RSF to RSF-C. The allowed, limited/conditional, and prohibited uses are the same in both the RSF and RSF-C zones. See Exhibit 10 (E-mail of M. Robinson). The housing types allowed are the same. See *id.* And the permitting density range is the same. See *id.* There are some differences, of course, but those differences only allow a developer to pursue projects at the higher end of the permitted density range. In short, the proposed rezone does not result in markedly different uses or impacts than could occur under the existing zoning. Finally, in this case, the proposed development primarily takes advantage of reduced rear setbacks. *Testimony of W. Sinclair.* In other respects, the proposal is essentially the same as a standard RSF subdivision. See *id.*

There were other objections to the project, but in the Hearing Examiner's view, those concerns were not germane to the decision criteria. The Hearing Examiner concludes that the project conditions and applicable development standards adequately address the potential impacts of the project.

8. *The Hearing Examiner declines to revise proposed Condition 3 (concerning separated sidewalks and street trees). The Hearing Examiner agrees to revise Condition 8 (concerning access and utility easements).*

The Applicant requested revisions to Conditions 3 and 8, as proposed by the Staff. Condition 3 mandates that the developer install separated sidewalks and street trees within planting strips between the sidewalk and the adjacent road. Condition 8 provides that a five-foot access easement shown on the preliminary plat should be expanded to 15 feet, in order to accommodate utilities.

The Applicant requested that the existing, attached sidewalk along W. Cora Avenue remain in place and that street trees be planted behind this existing sidewalk rather than in a planting strip. See Exhibit 13; *Testimony of W. Sinclair*. The Applicant proposed that maintenance of those street trees, which would be in private property rather than public ROW, would be ensured by an agreement between the property owners and the City. See *id.* The Applicant suggested this revision because the sidewalks on this road are not separated from the road. See *id.* Creating separated sidewalks would, therefore, be inconsistent with the neighboring properties. See *id.* The Applicant also pointed out that separating the sidewalk in this location, while keeping the sidewalk in the ROW, would leave only a 2-foot planting strip, which is not sufficient for street trees. See *id.*

The Applicant's request is understandable and practical. The sidewalks surrounding the development site are adjacent to the road. The existing sidewalks are also in good condition. However, the Hearing Examiner must decline the request, under the circumstances.

Separated sidewalks are required for new residential development. *Testimony of M. Owen*. The municipal code states that sidewalks must be a minimum of 5 feet wide and installed between the planting zone for street trees and building facades or parking lot screening. See SMC 17C.110.410(B)(1). The code further provides that street trees are required along all residential streets, and "shall be planted between the curb and the walking path of the sidewalk." See SMC 17C.200.050(B)(1)-(2). The Hearing Examiner reviewed the provisions relating to sidewalks and street trees, and was unable to find any language granting the Hearing Examiner discretion to alter these requirements. The Hearing Examiner only has the authority expressly granted to him by the applicable ordinances. See *Chausee v. Snohomish County Council*, 38 Wn.App. 630, 639, 689 P.2d 1084 (1984). The Applicant argued that separating the sidewalk would result in two-foot planting strips, a space insufficient for street trees. However, Staff pointed out that this problem can be addressed by easement. *Testimony of M. Owen*. The municipal code supports this position. The code notes that the minimum sidewalk width must be maintained "even if part of the width is located on private property." See SMC 17C.110.410(B)(1).

There are also good policy reasons to decline the Applicant's request. The Hearing Examiner notes that the existing sidewalk was installed about 30 years ago, based upon comments at the hearing. The standards were undoubtedly different at that time. The

Hearing Examiner questions whether it is appropriate to perpetuate former development standards at the expense of the current standards. Such an approach would appear to undermine the City's Council's intent in periodically updating its development standards.

The Applicant also requested that the conditions reference a 5-foot easement for public access and a 10-foot easement for utilities, rather than simply requiring a 15-foot easement for public access. See Exhibit 13; *Testimony of W. Sinclair*. The total amount of easement granted would remain 15 feet. See *id.* The Applicant desired to make a distinction between easement granted for utilities and maintenance and easement granted for public access. The Staff characterized this request as unusual, but did not have objections to the proposal. Testimony of M. Owen. Similarly, the Hearing Examiner does not see any reason that this request cannot or should not be accommodated. Therefore, the Hearing Examiner has revised Condition 8 accordingly.

### **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 *revised* conditions:

1. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
2. *Per the comments submitted by the Spokane Tribe of Indians and WSDAHP, an IDB shall be implemented into the scope of work. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the City of Spokane shall be immediately notified, and the work in the immediate area will 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 WSDAHP before excavating, removing or altering Native American human remains or archaeological resources in Washington.*
3. Separated Sidewalks with street trees are required along the new proposed street and along W. Cora Avenue adjacent to parcel 35064.3613.
4. The compact lot development standards in Table 17C.110-3 apply to the housing types allowed in Table 17C.110-2 on sites throughout the RSF-C zone.
  - a. Future Attached housing will need to meet standards found in section 17C.110.310, Attached Housing, Detached Houses on Lots Less than Forty Feet Wide, and Duplexes.
  - b. The design standards of SMC 17C.110.310 apply to projects using the compact lot standards in Table 17C.110-3 in order to complement and reinforce positive residential character.
5. *All development within geologically hazardous areas and associated buffers must satisfy the performance standards set forth in SMC 17E.040.100.*
6. Prior to Final Plat, *the plat map shall be updated* to include:

- a. The new parcel number for the land associated with the platting action to parcel number 35064.3613.
  - b. Replat of a portions of WHITINGS 2ND ADD
7. All easements whether existing or proposed must be shown on the face of the final plat. Easements that are blanket in nature must be referenced in a Surveyor's Note.
8. *A 10-foot utility easement shall be provided on the back side of the sidewalk, adjacent to the 5-foot public access easement.* Applicable dedication language will need to be included on the final plat.
9. Addresses must be shown on the face of the final plat. Address permits can be applied for by emailing [addressing@spokanecity.org](mailto:addressing@spokanecity.org).
10. Preliminary conceptual utility and access plans have been reviewed. No further conceptual plans need to be submitted for this preliminary plat.
  - a. The developer will be responsible for all costs associated with design and construction of sanitary sewer, street, and water improvements necessary to serve the proposed plat.
  - b. Construction plans shall be submitted to Development Services for review and acceptance. The sanitary sewer and water systems, including individual services connections to each lot, shall be constructed and accepted for service prior to the City Engineer signing the final plat.
  - c. The water system shall be designed and constructed in accordance with City standards. A pressure of 45 pounds per square inch (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.
  - d. A PDF of an overall water plan and hydraulic analysis must be submitted to Developer Services for review and acceptance. The hydraulic analysis must include supporting calculations for domestic and fire flows.
11. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities," the SRSM, 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 SRSM,

Special Drainage Districts, City Design Standards, and the Project Engineer's recommendations, based on the drainage plan accepted for the final plat, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Engineering Services - Developer Services for review and acceptance prior to issuance of a building permit.

- b. Prior to construction, a grading and drainage plan shall be submitted to Developer Services for review and acceptance.
  - c. An erosion/sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to Developer Services for review and acceptance prior to construction.
  - d. If drywells are utilized, they will be tested to ensure 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 (WSDOE). Proof of registration must be provided prior to plan acceptance.
12. 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. Centerline monuments must be placed at every intersection, the beginning and end of every horizontal curve, and the center of each cul-de-sac. If street improvements are bonded for, a \$250.00 deposit will be required for each monument not installed prior to plat finalization.
  - e. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
  - f. 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.

13. Plan review fees for sanitary sewer, water, street, and stormwater improvements will be determined at the time of plan submittal and must be paid prior to the start of review. Inspection fees for sanitary sewer, water, street, and stormwater improvements will be determined at the time of plan submittal and must be paid prior to the start of construction.
14. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet).
15. 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. Water and sewer improvements cannot be bonded for.
16. The Following statements will be required in the dedication of the final plat (additional statements may need to be added to the final plat and will be determined during final plat review).
  - a. 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 Engineering Services - Developer Services prior to the issuance of any building and/or grading permits.
  - b. 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 Engineering Services Department and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department.
  - c. 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.
  - d. 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.
  - e. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities," the SRSM, 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.

- f. 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 SRSM, 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.
- g. 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.
- h. Slope easements for cut and fill, as deemed necessary by Developer Services in accordance with City Design Standards, are granted along all public ROWs.
- i. Only City water and sanitary sewer systems shall serve the plat; the use of individual on-site sanitary waste disposal systems and private wells is prohibited.
- j. 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.
- k. 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.
- l. GFC charges and Transportation Impact Fees will be collected prior to the issuance of a building permit for the affected lot.
- m. With respect to any increased stormwater flows accruing as a result of any development, each property owner, on its own behalf and the behalf of its successors in interest, fully accepts without reservation, the obligation to obstruct and artificially contain and collect all natural or artificially generated or enhanced drainage flows across or upon said owner's property. The purpose of this requirement is to avoid causing or potentially contributing to flooding, erosion, or stormwater loads on other private or public properties and the public sewer system.

- n. Each property owner, on its own behalf and the behalf of its successors in interest, acknowledges and accepts full responsibility to maintain drainage facilities within all drainage easements, and to maintain and protect any on-site stormwater control facilities. Under no circumstances does the City of Spokane, its officers or agents, accept any responsibility to maintain on-site stormwater control facilities, drainage courses or drainage pipes on private lots within this development or otherwise within drainage easements or flood plain areas.
- o. If any archaeological resources, including sites, objects, structures, artifacts, and/or implements, are discovered on the project site, all construction and/or site disturbing activities shall cease until appropriate authorities, agencies, and/or entities have been notified in accordance with Chapters 27.44 and 27.53 RCW.

DATED this 3<sup>rd</sup> day of December 2021.



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 rezones and 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 6<sup>th</sup> day of December. **THE DATE OF THE LAST DAY TO APPEAL IS THE 20<sup>th</sup> DAY OF DECEMBER 2021, 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.