

## **CITY OF SPOKANE HEARING EXAMINER**

**Re:** Preliminary Plat Application by )  
Raspberry Acres, LLC to subdivide ) FINDINGS, CONCLUSIONS,  
approximately 6.43 acres into 31 new ) AND DECISION  
single-family lots on property located )  
at 2155 W. Strong Road. ) FILE NO. Z21-078PPLT

### **SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The Applicant is proposing to subdivide approximately 6.43 acres into 31 single-family lots in a plat to be known as "Raspberry Acres."

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

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

**Applicant/  
Owner:** Raspberry Acres, LLC  
c/o Seth Maefsky  
18114 N. Austin Road  
Spokane, WA 99208

**Property Location:** The subject property is located on parcel number 26244.0085, addressed as 2155 W. Strong Road, in the City of Spokane, Washington.

**Legal Description:** The legal description of the property is provided in Exhibit 3E.

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

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

**Site Description:** The property is located on the south side of Strong Road, west of Austin Road. The property is approximately 6.43 acres in size. The site is generally flat with a slight slope to the south and west. The steepest slope on the site is 2%. The property is irregular in shape. Neither the shape nor the topography pose any genuine obstacles to subdivision or development. The property has frontage and access to both Austin Road and Strong Road.

**Surrounding Conditions and Uses:** All zoning in the vicinity is RSF. The adjacent land use in all directions is low-density single family. Single-family residences on large lots are located to the immediate north, east, and west. The project site is also close to subdivisions similar to the proposal. Directly to the south is the Five Mile Grove and Evans Addition subdivisions. To the southeast is the Sconier's II subdivision. Sky Prairie Park is located to the southwest of the site.

**Project Description:** The applicant is proposing to subdivide a 6.43 acre parcel into 31 single-family lots. The proposal will include infrastructure to support the development (e.g. water, sewer, streets, curb, and sidewalk).

### **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: February 24, 2021  
Posted: February 26, 2021

**Notice of Application/Public Hearing:** Mailed: June 30, 2021  
Posted: June 30, 2021  
Publication: June 29 and July 6, 2021

**Community Meeting:** March 18, 2021

**Site Visit:** July 13, 2021

**Public Hearing Date:** July 15, 2021

**State Environmental Policy Act (SEPA):** A Determination of Non-Significance (DNS) was issued on June 29, 2021. The DNS was not appealed.

#### **Testimony:**

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

Seth Maefsky  
Raspberry Acres, LLC  
18114 N Austin Road  
Spokane, WA 99208

Eldon Brown, Principal Engineer  
City of Spokane Engineering  
808 W. Spokane Falls Boulevard  
Spokane WA 99201

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

Joshua & Sarai Orth  
[josh@exitrenorth.com](mailto:josh@exitrenorth.com)

Alan Zeugb  
9115 N. Cedar Rd.  
Spokane, WA 99208

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

Adam Hayden  
City of Spokane Engineering  
808 W. Spokane Falls Boulevard  
Spokane WA 99201

Kandace Watkins, Legislative Assistant  
City of Spokane  
808 W. Spokane Falls Boulevard  
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Kathy Miotke  
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Collette Bariletti  
[Collette.bariletti@gmail.com](mailto:Collette.bariletti@gmail.com)

**Exhibits:**

1. Planning Services Staff Report dated 07/12/21
2. SEPA Checklist and DNS dated 02/19/21
3. Application, including:
  - A General Application
  - B Preliminary Long Plat Narrative
  - C Preliminary Long Plat Application
  - D Notification Map Application
  - E Title Guarantee
  - F Drainage Report
  - G Geotechnical Report
  - H Preliminary Plat Maps
4. Community Meeting Materials, including:
  - A Community Meeting Instructions
  - B Notice of Community meeting
  - C Community Meeting Notes, including list of participants
  - D Affidavit of Individual Notice of Community Meeting on 02/24/21
  - E Affidavit of Public Notice of Community Meeting on 02/26/21
  - F Affidavit of Sign Removal on 05/04/21
  - G Community Meeting Recording
5. Request for Agency Comments dated 05/25/21, including:
  - A Washington State Department of Ecology (WSDOE) dated 06/07/21
  - B Washington State Department of Archaeology and Historic Preservation (WSDAHP) dated 06/07/21
  - C Planning and Development Engineering dated 06/11/21
  - D Technically Incomplete Application Notification dated 06/16/21, including Applicant's responses
6. Notice of Application and Public Hearing Instructions dated 06/21/21, including:
  - A Notice of Application and Public Hearing on 07/15/21
  - B Affidavit of Individual Notice of Hearing mailed on 06/25/21
  - C Affidavit of Public Notice of Hearing posted on site on 06/28/21
  - D Affidavit of Publication on 06/29/21 and 07/06/21
7. Public Comments
8. Planning Services Presentation

**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 site is zoned 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 project is proposing a density of 4.82 units per acre. See Staff Report, p. 3. As the City concluded, the net density of the project fits within the 4-10 units per acre allowed under the municipal code. 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. 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 density range, as discussed above.

In addition, 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. The proposed development will include lots and homes of similar style and nature to the nearby residential neighborhood. See CP, Chapter 3, Goal LU 5, p. 3-26 (promoting development that is complementary with other land uses). 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); *see also* 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).

There were no reports that the public infrastructure was not sufficient to accommodate the development. See Paragraph 3. 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, as conditioned, 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. See Staff Report, p. 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 May 25, 2021, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 5. In response, the City received comments from various agencies regarding the project. See e.g. Exhibits 5A-5D.

None of the commenting agencies or departments reported that concurrency was not satisfied. See Staff Report, p. 5. To the extent any deficiencies exist in public infrastructure, those conditions are addressed by the project conditions. See e.g. Condition 9 (frontage improvements). 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 subject site is relatively flat, the highest slope being approximately 2% in grade. See Exhibit 2 (Environmental Checklist ¶ B(1)(b)). The topography does not apparently present a genuine obstacle to development with single-family residences.

There are no indications of surface water on or in the immediate vicinity of the site. See Exhibit 2 Environmental Checklist ¶ B(3)(a)(1)). Storm water drainage on the property will be handled through the typical methods identified in the Spokane Regional Stormwater Manual (SRSW). See Exhibit 2 (Environmental Checklist ¶¶ A(14)(a)(1) & B(3)(c)(1)). All future runoff will be treated in the swales before being discharged to the existing stormwater pipe in Austin Road. See Exhibit 2 (Environmental Checklist ¶ B(3)(c)(1)). No groundwater will be withdrawn as water will be supplied by the local water purveyor. See Exhibit 2 (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 2 (Environmental Checklist ¶ B(13)). However, the Washington State Department of Archaeology and Historic Preservation (WSDAHP) advised that its predictive model indicates a high probability of encountering cultural resources within the proposed project area. See Exhibit 5B. WSDAHP recommended that a cultural survey be completed for this site. See *id.* Based upon this recommendation, the project conditions require the developer to enlist the services of an archaeologist to conduct a cultural survey of this site prior to any ground disturbing activities. See Condition 3.

Various City departments and agencies reviewed the SEPA checklist for physical characteristics of the property and no other comments were received indicating the site is unsuitable for development. See Exhibit 1, p. 5.

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 June 29, 2021. See Exhibit 2. The appeal period for the DNS expired on July 13, 2021. See *id.* The DNS was not appealed.

On June 15, 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 that cannot not be adequately mitigated. For example, there are no wetlands, surface waters, or other limiting features. See Exhibit 2, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 2, Environmental Checklist ¶ B(3)(a)(5). No threatened or endangered species were identified on the site. See Exhibit 2, 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 2 (Environmental Checklist ¶ B(7)(b) & B(11)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 2 (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 2 (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 above, all stormwater will be collected, treated, and discharged in accordance with the SRSM. See Exhibit 2 (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 required to make frontage improvements to Strong Road and Austin Road. See Staff Report, 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 Staff Report, 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 road improvements and impact fee contributions.

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 2 (Environmental Checklist ¶ B(2)(a) & B(7)(b)(2)). 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 storm water; and the like. All the pertinent facilities, such as streets, street trees, curbing, sidewalks, swales, etc., must be designed and constructed in accordance with City standards.

The project conditions require the developer to make the necessary improvements, such as extending water and sewer (ensuring that public water and sewer serve this development) and making improvements to the frontage roads. 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, found on pages 5-7 of the Staff Report. This criterion is met.

7. *The Hearing Examiner concludes that this project should be approved despite concerns raised by area residents. Under the circumstances of this case, additional project conditions are not warranted.*

There were a number of public comments regarding this project. See Exhibit 7. The primary concerns about the proposed development included (1) the potential conflict between vehicle traffic from the subdivision and the adjacent bike path, and (2) the need to improve Austin Road to handle the additional traffic load. See E-mails of J. Orth, C. Bariletti, & R. Fairfax. There were also concerns about potential environmental impacts such as the loss of wildlife habitat, ensuring consistency of the project with the Five Mile Prairie Neighborhood Pedestrian/Bike Study, and the need for additional parkland. See e.g. E-mail of K. Blyth & Letter of K. Miotke; *Testimony of S. Orth*. Each of these concerns is discussed below.

The City will be reviewing the potential impact to the bike/pedestrian path as part of its review of the plans to improve Strong Road. *Testimony of E. Brown*. Additional requirements may be imposed to address the impact of traffic exiting the subdivision and crossing the bike/pedestrian path. See *id*. The developer agreed to work with City Engineering to mitigate the potential impact, and agreed to take reasonable steps (e.g. installing stop signs) identified by the City to address the issue. *Testimony of M. Elaarag*. City Engineering suggested that further analysis was needed, and thus the proposed project conditions are open-ended. *Testimony of E. Brown*.

The Hearing Examiner believes the concerns about impacts to the bike/pedestrian path are adequately addressed. Vehicles, bicycles, and pedestrian already must share Strong

Road. There are also roads (including Austin) and driveways that intersect with Strong and the associated bike/pedestrian pathway. Ms. Orth is correct that a 32 lot subdivision has a greater effect than any individual driveway. However, some degree of “conflict” is inevitable given the location and design of the bike/pedestrian pathway. The Hearing Examiner concludes that the issue is best addressed in the discretion of City Engineering, in particular given that the developer has stipulated to following Engineering’s recommendations to address the concern.

City Engineering explained the developer is being required to make full, half-road improvements to Austin Road along the easterly frontage of the site. *Testimony of E. Brown*. In addition, the developer has agreed to extend the pavement to the south to connect the paved surface with the improvements made for Five Mile Grove, a development to the south. *See id.* City Engineering determined that no more could legally be required of the developer, under the current standards, in particular given that the project also has direct access to the Strong Road and will be making improvements to that public road as well. *See id.* The Hearing Examiner agrees with this reasoning. A single developer can only be required to make improvements necessary to address the impacts of its project. There is no legal basis to require this developer to pave Austin Road from the project frontage all the way to Strong Road, for example. The impacts of this project do not justify such a requirement.

There were concerns raised about environmental impacts such as the loss of wildlife habitat and damage to the Austin Ravine. *See* E-mail of K. Blyth & Letter of K. Miotke. However, the City considered the potential environmental impacts through the SEPA process. A DNS was issued for this project, and no appeal was filed. There is no specific evidence that this proposal will have adverse effects on any environmentally sensitive areas. There is no information explaining how this project would impact the Austin Ravine, for example. In addition, no information was provided to demonstrate that the site contains priority wildlife habitat. There were no comments from the Washington State Department of Fish and Wildlife, for example, or any other agencies raising a concern about habitat loss. There was no testimony by a qualified biologist or other expert to establish that the project would impact wildlife. As a result, the record does not support conditioning or limiting this project on such grounds.

Two public comments emphasized that the proposed development should incorporate the requirements of the Five Mile Prairie Neighborhood Pedestrian/Bike Study, also known as the Five Mile Walkability Study. *See* E-mail of K. Blyth & Letter of K. Miotke. There was no testimony or evidence, however, identifying any part of this proposal that was not consistent with that study. The Assistant City Planner explained that the proposal satisfied all applicable requirements because it includes separated sidewalks throughout the development. *Testimony of D. deBit*. The Assistant Planner could not identify a design feature or condition of the project that deviated from the study’s recommendations. *See id.* The public comments do not identify any shortcoming of the proposed development, and there was no public testimony clarifying what modifications should be made to the proposal or what additional conditions should be imposed. Under the circumstances, the Hearing Examiner is inclined to approve the project conditions as written.

Finally, there was a suggestion that the developer should be required to dedicate a portion of the site as a “pocket park” for public use. *See* E-mail of K. Blyth. However, there is no requirement that a plat set aside public open space or area for parks. In addition, there is no evidence that the project causes any material impacts to the park system, such that this

kind of mitigation measure is necessary. Given the development standards that apply in this case, there is no legal basis to require the developer to create a pocket park in this development.

### **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. Development should adhere to plans, drawings, illustrations, and/or specifications on file in the Development Services Center.
2. Hydrant spacing shall not be more than 500 feet, unobstructed along the path of travel. Fire hydrants are required to be 250 feet of property lines and within 400 feet of all points around a building along an acceptable path of travel.
3. There is a high probability of encountering cultural resources within the proposed project area. The scale of the proposed ground disturbing actions would destroy any archaeological resources present. A professional archaeological survey of the project area *shall* be conducted prior to ground disturbing activities. The developer should also consult with the concerned Tribes' cultural committees and staff regarding cultural resource issues.
4. The North/South Street can be called Orchard Court between the intersection of Walker Avenue and the end of the cul-de-sac. The section between Strong Road and Walker Avenue must be called Orchard Street.
5. Any connection to the Austin Ravine Regional Stormwater System in Austin Road will require a special connection agreement. The agreement would potentially stipulate that discharge is limited to 20 gallons per minute per acre and flow volume of up to 80% annual precipitation volume per acre. A capital cost of \$6,360 per gross acre would be applicable. The monthly maintenance rate is currently \$10 per residential lot. If an agreement is obtained, applicable dedicatory language would need to be added to the final plat detailing the lots in this plat are a party to this.
6. 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.
7. 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).
8. All easements whether existing or proposed must be shown on the face of the final plat. If an easement is blanket in nature it must be referenced in a Surveyor's Note.
9. Frontage improvements will be required along both Austin Road and Strong Road.
  - a. Austin Road: Full half-street improvements, including separated sidewalk, curb, gutter, streets trees, and stormwater management, plus one drive lane will need to be installed along the plat frontage. Additional strip paving will be required from the south edge of the plat to the north edge of the improvements that were done for Five Mile Grove.
  - b. Strong Road: Improvements to Strong Road will be required from the west boundary of the proposed plat to the most recent improvements at Cannon Street. The existing improvements to Strong Road are off-centered in the

right-of-way (ROW). Because of this, full improvements may not be feasible along Strong Road. Final layout can be determined during plan review.

10. The preliminary conceptual utility plan shows a public gravity sewer in Orchard and Walker, connecting into Austin Road and then flowing down to Parkway. *The developer shall* submit additional plan and profile (P&P) or elevation information confirming how sewer will be served. If a force-main is required, additional engineering comments will be provided.
  - a. The developer will be responsible for all costs associated with design and construction of sanitary sewer improvements necessary to serve the proposed plat.
  - b. The sanitary sewer system shall be designed and constructed in accordance with City standards.
  - c. Construction plans shall be submitted to Development Services 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.
11. There are 18-inch transmission mains in both Strong and Austin that could provide water service by connections via distribution mains as shown in the preliminary conceptual utility plan. (Comment: Water may allow connection directly to transmission mains 18 inches in size without requiring separate distribution lines.)
  - 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 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.
  - c. Two copies 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.
  - d. In addition to the hydraulic analysis, construction plans shall be submitted to Developer 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.
12. 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. Because 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 Developer Services 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 Developer Services 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.
13. Public streets, including paving, curb, sidewalk, signs, storm drainage structures/facilities, and swales/planting strips with trees 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.

14. 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 Development Services for review and acceptance prior to construction.
15. Plan review fees for sanitary sewer, water, street, and storm water improvements will be determined at the time of plan submittal and must be paid prior to the start of review.
16. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet).
17. 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.
  - a. 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.
  - b. Water and sewer improvements cannot be bonded for.

#### **STATEMENTS TO BE INCLUDED IN THE DEDICATORY LANGUAGE**

1. Ten foot utility and drainage easements as shown hereon 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 Engineering Services – Developer Services 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 Engineering Services Department and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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 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 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.
9. Slope easements for cut and fill, as deemed necessary by Developer Services in accordance with City Design Standards, are granted along all public right of ways.
10. 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.
11. 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.
12. 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.
13. A General Facility Charge (GFC) and Transportation Impact Fees will be collected prior to the issuance of a building permit for the affected lot.
14. 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.
15. 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.

16. The City of Spokane is not a guarantor of public improvements with respect to protection of property from flooding or damage from stormwater, excessive groundwater levels, soil erosion, movement, or related risks. Property owners, acting on their own behalf and the behalf of their successors in interest and assigns, forever waive any claim for loss, liability, or damage to people or property because of stormwater or drainage problems and related risks against any governmental entity arising from platting or permit approvals, or the construction and maintenance of public facilities and public property within the plat or subdivision. This waiver is intended to include application to the City of Spokane, its officers and agents, and includes any claims for loss or for damage to lands or property adjacent to or otherwise affected by any street or public way or easement by the established construction, design, and maintenance of said streets or public ways or easements, including the construction, drainage, and maintenance of said streets, not by way of limitation. Property owners, on their own behalf and the behalf of their successors and assigns, further stipulate and agree that this waiver decreases property value in an amount at least equal to one dollar or more and intend and agree that it run with the land.
17. Ten-foot "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 23<sup>rd</sup> day of July 2021.



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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 26<sup>th</sup> day of July. **THE DATE OF THE LAST DAY TO APPEAL IS THE 9<sup>th</sup> DAY OF AUGUST 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.