

**CITY OF SPOKANE HEARING EXAMINER**

**Re:** Preliminary Plat Application by Spokane )  
Townhomes LLC to subdivide ) FINDINGS, CONCLUSIONS,  
approximately 14.25 acres into 56 ) AND DECISION  
single-family lots on property located at )  
2500 W. 17<sup>th</sup> Avenue in the RSF zone. ) FILE NO. Z21-223PPLT

**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The Applicant is proposing to subdivide approximately 14.25 acres into 56 single-family lots in a plat to be known as “Crystal Ridge South.” The proposal includes one common tract of approximately 4.1 acres and a stormwater tract of approximately 8,909 square feet. Public utilities and public streets (including sidewalks)<sup>1</sup> will serve the development.

**Decision:** Approved, with conditions.

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

**Applicant/  
Owner:** Konstantin Vasilenko  
Spokane Townhomes LLC  
19914 N. Hazard Road  
Spokane, WA 99208

**Property Location:** The subject property is located at 2500 W. 17<sup>th</sup> Avenue (parcel no. 25252.0032), Spokane, Washington.

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

**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 site, which encompasses one parcel, is approximately 14.25 acres in size. The site is undeveloped. The property generally slopes to the east. There are some steep slopes on the site. The project site is generally bound by Fish Lake Trail to the east, which runs parallel to US-195. The BNSF railway is located to the west. A private street, 17<sup>th</sup> Lane, runs along the north side of the proposed plat. State-owned land is located to the south of the proposal.

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<sup>1</sup> Engineering Services approved a design variance, reducing the public street width from 60 to 50 feet and allowing sidewalks to be installed in easements, prior to the hearing on this application. See Exhibit 4d. The decision of Engineering Services was not appealed and is not before the Hearing Examiner.

**Surrounding Conditions and Uses:** RSF zoning is located directly to the north, south, and east (across US-195) of the site. Residential multi-family (RMF) is located directly to the west of the project site (across the BNSF rail facility). The land use designations of property surrounding the subject site are generally residential in nature. Land designated Residential 15-30 is located to the west of the subject site, while land designated Residential 4-10 is located to the north of the property. Land designated Conservation Open Place, which includes Fish Lake Trail, is found directly adjacent to the property on the east and south of the site. Constructed uses in the area are primarily residential and there are also larger portions of land that remain undeveloped along with the BNSF rail line to the west and US-195 to the east.

### **PROCEDURAL INFORMATION**

**Authorizing Ordinances:** Spokane Municipal Code (SMC) 17C.110, Residential Development; SMC 17G.080, Subdivisions; and SMC 17G.060.170, Decision Criteria.

**Notice of Community Meeting:** Mailed: August 23, 2021  
Posted: August 20, 2021

**Notice of Application/Public Hearing:** Mailed: June 4, 2022  
Posted: June 4, 2022  
Publication: June 2 & 9, 2022

**Community Meeting:** September 8, 2021

**Site Visit:** July 17, 2022

**Public Hearing Date:** July 13, 2022

**State Environmental Policy Act (SEPA):** A Mitigated Determination of Non-Significance (MDNS) was issued on June 24, 2022. The appeal period for the MDNS expired on July 8, 2022. The MDNS was not appealed.

#### **Testimony:**

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

Mamdouh Elaarag  
9702 W. Masters Lane  
Cheney WA 99004  
melaarag@yahoo.com

Bill White  
T-O Engineers  
bwhite@to-engineers.com

Greg Figg  
Washington State Department of Transportation  
figgg@wsdot.wa.gov

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

Konstantin Vasilenko  
Spokane Townhomes LLC  
19914 N. Hazard Road  
Spokane, WA 99208

## Exhibits:

Planning Services Staff Report dated 07/07/22

1. Vicinity Map
2. Zoning Map
3. Land Use Map
4. Application Materials
  - a. General Application, Project Narrative, and Type III Preliminary Long Plat Application
  - b. Preliminary Plat Map (revised Jan 3, 2022)
  - c. Critical Areas Checklist
  - d. Approved Design Standards Variance
5. Technical Reports Documents including:
  - a. Traffic Impact Analysis (TIA; technical memo dated 04/15/2022)
  - b. Trip Generation Letter – Transportation threshold analysis
  - c. Geohazard Evaluation (supplement dated 01/10/2022)
  - d. Geotechnical Report
  - e. Preliminary Utility Plan (revised Jan 6, 2022)
  - f. Preliminary/Conceptual Drainage Report
6. SEPA Checklist (updated 01/14/2022 with staff comments to reduce phasing to one phase)
7. MDNS
8. Request for Agency Comments (1<sup>st</sup> Review, October 22, 2021) including request for more information with comments from:
  - a. State of Washington Department of Archaeology & Historic Preservation (WSDAHP; letter dated 10/25/2021)
  - b. City of Spokane – Integrated Capital Management, Inga Note (email chain ending 10/25/2021)
  - c. Fairchild Air Force Base (email dated 10/25/2021)
  - d. Spokane Tribe of Indians letters (letter dated 10/26/2021)
  - e. Washington State Department of Transportation (WSDOT), Greg Figg (email 11/02/2021)
  - f. Washington State Department of Ecology (WSDOE; letter dated 11/03/2021)
  - g. City of Spokane Street Department (email dated 11/03/2021)
  - h. City of Spokane – Integrated Capital Management, Inga Note (follow-up email chain ending 11/09/2021)
  - i. WSDOT, Greg Figg (follow-up email chain ending 11/09/2021)
  - j. City of Spokane – Planning Comments
  - k. City of Spokane – Engineering Memo
  - l. Resident Comments prior to notice of Application (three emails dated 11/02/2021 and 11/12/2021)
9. Request for Agency Comments (2<sup>nd</sup> Review, January 18, 2022) including request for more information with comments from:
  - a. City of Spokane – Engineering (email dated 01/21/2022)
  - b. City of Spokane Street Department (email dated 01/28/2022)
  - c. City of Spokane – Integrated Capital Management, Inga Note (follow-up email chain ending 01/17/2022)
  - d. WSDOT, Greg Figg (follow-up email chain ending 01/31/2022)
  - e. City of Spokane Planning – comments incorporated into this letter for additional information

- f. Resident comments prior to Notice of Application (a total of 12 emails/comments enclosed)
- 10. Request for Agency Comments (3<sup>rd</sup> Review – WSDOT TIA review, April 22, 2022)
- 11. Technically Complete Letter dated May 17, 2022 including updated comments associated with 3<sup>rd</sup> request for comments:
  - a. City of Spokane – Integrated Capital Management, Inga Note (05/03/2022)
  - b. WSDOT, Greg Figg (05/03/2022)
  - c. City of Spokane Planning – comments incorporated into this letter for additional information.
  - d. Prior comment packages (RFC no. 1 & 2 comment packages included for continued reference)
- 12. Noticing Documents including:
  - a. Public Comment (includes package of comments received notice of application and throughout the platting process)
  - b. Combine Notice of Application/SEPA/Hearing
    - i. Public Notice Sign/Posting/Mailing Instructions
    - ii. Public notice Letter with Map
    - iii. Parcel List
    - iv. Newspaper Notice Details (for hearing)
  - c. Affidavits and other proof of notice documents
    - i. Individual Notice
    - ii. Public Notice
    - iii. Newspaper Notice (for Hearing)
    - iv. Copy of Emails to NC representatives
- 13. Virtual Community Meeting Documents including:
  - a. Virtual Meeting Sept. 8, 2021
    - i. Public Notice Sign/Posting Mailing Instructions
    - ii. Public Notice Letter
    - iii. Community Meeting Summary (no audio recording)
    - iv. Affidavits
- 14. Predevelopment Final Comments
- 15. Staff 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 density range of the proposal is 5.135 to 8.22 dwelling units per acre (DUs/acre). See Staff Report, pp. 4-5. Therefore, the net density of the project fits within the 4-10 DUs/acre allowed under the municipal code. See *id.* The

proposed development also satisfies the minimum lot size and frontage requirements for the RSF zone. See Staff Report, p. 4. In addition, the proposed development will be required to satisfy all other applicable development standards (building height, setbacks, parking, lot coverage, etc.), which will be verified at the building permit stage. 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 and is designated for precisely this type of development. The proposed development will include lots and homes of similar style and nature to the surrounding residential development. See CP, Chapter 8, Policy DP 1.4, p. 10 (encouraging project designs that blend with existing neighborhoods); 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). With respect to urban land within the City, this proposal is a natural progression in the 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).

No public agencies or departments reported that the public infrastructure was insufficient to accommodate the development. See Paragraph 3. There were substantive concerns about impacts to the US-195 corridor. However, those concerns were properly addressed through project conditions. See Paragraph 5. 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. 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 22, 2021, and January 18, 2022, requests for comments on the application were circulated to all City departments and outside agencies with jurisdiction. See Exhibits 8-9. On April 20, 2022, a request for follow-up comments on the TIA was sent to WSDOT. See Exhibit 10. 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. 7. To the extent any deficiencies exist

in public infrastructure, those conditions are addressed by the project conditions. See e.g. Condition 3a (addressing traffic impacts). 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 and shape to accommodate the project, as is demonstrated by the layout shown on the proposed plat. See Exhibit 5, p. 9. The location of the site does not pose genuine limitations on its use and development. The site is located adjacent to 17<sup>th</sup> Avenue and near other, similar developments/uses (Crystal Ridge First Addition).

The site generally slopes to the east with some steep slopes, the highest slope ranging from approximately 7% to vertical. See Exhibit 6, p. 5 (Environmental Checklist ¶ B(1)(b)). Thus, the presence of geologically hazardous areas presents challenges for development of the site. However, the applicant submitted a geotechnical report in support of the proposed development. See Exhibit 5c-d. That report concludes that the project is viable as designed, given the site conditions. See *id.*; *Testimony of M Elaarag*. Thus, the site is suitable for development and drainage facilities. *Testimony of M Elaarag*.

A geotechnical engineer will supervise the project, such as road construction, to ensure that the development is safe and the work is completed consistent with soil conditions. *Testimony of M Elaarag*. The proposal is subject to extensive conditions related to geohazardous conditions, including the requirement that the development comply with SMC Chapter 17E.040, Spokane Geologically Hazardous Areas. See Condition 7a-f. The project may be subject to additional mitigation measures upon receipt and review of additional analysis related to geohazardous conditions. *Testimony of M. Owen*. The Hearing Examiner concludes that the project, as conditioned, properly addresses the steep slopes and soil conditions of the site.

There are no indications of surface water on or in the immediate vicinity of the site. See Exhibit 6 (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 6 (Environmental Checklist ¶ B(3)(c)). No groundwater will be withdrawn as the project will be served by city water. See Exhibit 6 (Environmental Checklist ¶ B(3)(b)(1)); see *also* Staff Report, p. 10. In addition, public wastewater will be collected and routed to the public sewage treatment facility. See Exhibit 6 (Environmental Checklist ¶ B(3)(b)(2)). There is no reason to expect that groundwater will be impacted by this project. See e.g. Exhibit 6 (Environmental Checklist ¶ B(3)(c)(2)).

There are no known historic or cultural features on the development site. See Exhibit 6 (Environmental Checklist ¶ B(13)). However, the WSDAHP advised that its predictive model indicates a high probability of encountering cultural resources within the proposed project area. See Exhibit 8, pp. 15-16. Both WSDAHP and the Spokane Tribe of Indians

recommended that a cultural survey be completed for this site. See *id.*; see also Exhibit 8, p. 19. 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 24.

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 Staff Report, p. 8.

The Hearing Examiner concludes that the property is suitable for the proposed use, given the conditions and characteristics of the site. As a result, this criterion is satisfied.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.060.170(C)(5).*

On or about August 9, 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. For example, there are no wetlands, surface waters, or other limiting features. See Exhibit 6 (Environmental Checklist ¶ B(3)(a)(1)). The property does not lie within a 100-year floodplain. See Exhibit 6 (Environmental Checklist ¶ B(3)(a)(5)). No threatened or endangered species were identified on the site. See Exhibit 6 (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 6 (Environmental Checklist ¶ B(7)(b) & B(11)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 6 (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 6 (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.*; see also Staff Report, p. 8. All stormwater must be collected, treated, and discharged in accordance with the SRSM. See Dedication L.

One of the primary concerns about this project is the potential traffic impacts. The evidence in this record, however, demonstrates that the potential traffic impacts of this project are adequately addressed.

The project is a 56-lot subdivision that is anticipated to reach full occupancy by 2024. See Exhibit 5, p. 2. The project will result in 610 daily trips, including 45 AM peak trips and 56 PM peak trips. See *id.*, p. 4. Most drivers will utilize one or two routes: (1) 16<sup>th</sup> Avenue/US-195; or (2) Sunset Boulevard/Government Way. See *id.*, p. 9. The Sunset Highway/Government Way route has sufficient capacity to handle the traffic from this project, even without transportation improvements. See *id.*, p. 8. The concern about impacts, therefore, relate to 16<sup>th</sup> Avenue/US-195, which currently operates at a level of service (LOS) of F. See *id.* In addition, no additional PM peak hour trips are allowed, northbound (NB) on US-195, because of safety concerns and capacity issues at the intersection of NB US-195 and eastbound (EB) I-90. See Condition 3a; *Testimony of Figg*.

To address the safety/capacity issues, the developer will be required to contribute to a transportation improvement project. See Condition 3a. The traffic impact fees for this development are estimated at over \$100,000. *Testimony of B. White*. These funds or a portion of them will contribute to improvements, privately funded by multiple developers, which will restrict the eastbound intersection of 16<sup>th</sup> Avenue and US-195 to right-turn only. *Testimony of B. White & G. Figg*. Thus, travelers using that intersection will only be able to head south on US-195.

Restricting traffic to right-turn only will bring the intersection up to an acceptable LOS. See Exhibit 5, p. 8. This restriction will also prevent drivers from going north on US-195, thereby preventing additional trips to the intersection of NB US-195 and EB I-90. *Testimony of B. White & G. Figg*. It is possible for drivers heading south on US-195 to turn around at the Cheney-Spokane bridge or the J-turn farther to the south. *Testimony of B. White*. However, there is no incentive to do so, given the distance and the option to take the alternate route to Lindeke/Sunset Boulevard/Government Way in order to travel to the south or to downtown. See *id.* The ultimate result of this transportation improvement will be a net reduction in trips going north on US-195 to the intersection of NB US-195 and EB I-90. *Testimony of G. Figg*. This is true because left-hand turns at 16<sup>th</sup> Avenue and US0195 will not be allowed. This affects all travelers, not just the future residents on Crystal Ridge South.

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 6 (Environmental Checklist ¶ B(7)(b)(1) (concerning construction noise)). In addition, the environmental impacts of the completed project are minor.

Various departments and agencies reviewed the proposal and concluded that there were no significant environmental impacts that could not be reasonably mitigated. The City examined the environmental checklist, and ultimately issued an MDNS on June 24, 2022. See Exhibit 7. The appeal period for the MDNS expired on July 8, 2022. See *id.* The MDNS was not appealed.

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, with the exception of approved design deviations. There were some concerns about impacts to the US-195 corridor, as previously discussed. Other than those issues, there were no other 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 9-11 of the Staff Report. This criterion is met.

### **DECISION**

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

1. Crystal Ridge South will be developed in compliance with any additional performance and development standards documented in comment or required by City of Spokane, Spokane County, Washington State, and any Federal agency.
2. The development should adhere to the plans, drawing, illustrations, and/or specifications on file in the Planning and Development Services Center and with comments received regarding the project from City Departments and outside agencies with jurisdiction.
3. The proposal should comply with the issued SEPA MDNS:
  - a. Per the traffic analysis, vehicular traffic from this project is expected to add 7 AM trips and 3 PM trips to the NB US-195 to EB I-90 ramp. WSDOT has commented that no additional peak hour trips may be added to the ramp due to safety concerns. Crystal Ridge South is required to complete an improvement to the US-195 corridor that will reduce the impact of its traffic on NB US-195 to EB I-90 ramp ("Mitigation Project"). Crystal Ridge South may not final plat any lots until a financial commitment is in place (secured by a letter of credit or bond), which has been approved by the City, providing for the design and construction for the Mitigation Project, which shall be under contract for construction within one year from recording of the final plat. The details of the mitigation project will be agreed upon by the developers, the City, and WSDOT. The applicant's contributions to funding the design and construction of the mitigation project will qualify for a credit against transportation impact fees per SMC 17D.075.070.

Please note that City's impact fees are assessed at time of permit application for new home construction. The fee assessed under SMC 17D.075 will be those in place at time of permit application and collected prior to the issuance of building permit for the affected lot.

#### **Integrated Capital Management (ICM) – Transportation Conditions:**

4. Construct a paved 10-foot-wide shared-use pathway connection between Crystal Ridge South and the Fish Lake Trail. The paved shared-use path should be located in approximately the middle of the subdivision if that works for the topography

pursuant to comment email from Inga Note dated 05/03/2022 included in the application record. Please note that this condition will be reviewed and verified during the engineering/civil plan review and final plat process.

Planning Department:

5. Final plat map requirements are found in 17G.080.050.
6. The final plat procedures are the same in form as the short plat review procedures as provided in 17G.080.040.
7. The development shall comply with standards associated with SMC Chapter 17E.040 Spokane Geologically Hazardous Areas. We understand, based on the additional information from the geotechnical expert, that additional detail such as providing recommended setbacks from steep slopes on the plat map will be identified and addressed during future, more detailed work associated with engineering/civil plans for the site. Verification of and compliance with Geologically Hazardous Areas, general performance standards found in 17E.040.100 will be completed during the engineering/civil plan and final plat review and approval process.
  - a. When the Director determines that the significant adverse impact of a use or activity located in a geologically hazardous area cannot be mitigated through standards identified in SMC 17E.040.100, the project proponent shall prepare a geohazard mitigation plan to identify construction standards for the proposal.
  - b. Land proposed for development includes areas of steep slopes that require a preliminary evaluation/report and mitigation plan as necessary in compliance with Geologically Hazardous Areas, general performance standards found in 17E.040.100 pursuant to Geohazard Evaluation, Preliminary report (17C.040.090).
  - c. The geological evaluation completed appears to address stormwater and stormwater mitigation; however, additional investigation and reporting should document the extent and nature of geohazards on the subject and shall provide mitigating measures and an assessment of geohazards associated with the proposal. As evaluation of the site progresses, please update the report to include additional information regarding:
    - i. Vegetation, including trees, shrubs, and forbs in the project area, and all critical areas addressed in the report shall be documented and evaluated for relation to slope integrity, stability, and erosion control. Vegetation management plans shall adhere to best management practices (BMPs) and should identify opportunities to retain or augment existing native vegetation for slope stability, erosion, and sedimentation control.

Additional Application requirements are found in 17E.040.080.

- d. Submittals for construction activities will need to demonstrate how requirements under 17E.040.100, Geologically Hazardous Areas, general performance standards are being met for those elements placed in geologically hazardous areas and associated buffers.
- e. Per Section 17E.040.120, Subdivision and Dedication Notice, the division of land in landslide hazard areas is subject to the following:
  - i. Land that is located wholly within a landslide hazard area or its buffer may not be subdivided. Land that is located partially within a landslide hazard area

may be subdivided provided that each resulting lot has sufficient buildable area outside of, and will not affect, the landslide hazard.

- ii. Access roads and utilities may be permitted within the landslide hazard area if the City of Spokane determines that no feasible alternative exists.
    - iii. Dedication Notice: Final subdivisions located within geologically hazardous areas shall contain language in the plat dedication to indicate lots or portions of lots that are affected by geologic hazards.
  - f. Show building setback lines on lots, parcels, and tracts so as to indicate suitable areas for construction of structures or improvements. Please continue to show the setbacks recommended in the geological evaluation of the property on the face of the final plat map and engineering/civil documents. This will also meet the request from Bobby Halbig with the City of Spokane Streets Department who requested that setbacks be added to the preliminary plat related to the geological hazard evaluation (email dated 01/28/2022). Due to additional review that is required to develop engineering/civil plans for construction of streets, utilities, etc., this condition will be reviewed and verified at the time of engineering/civil plan submittal and final plat approval.
8. If retaining walls will be required for development of this site, please provide additional information about retaining walls proposed for this development. Proposed retaining walls should be included for review at time of engineering plan submittal. Please also note that:
- a. Retaining walls require a separate permit (fence permit for walls 4 feet tall or less; building permit for walls more than 4 feet tall). Note: height of walls are measured from the bottom of the base on which the walls are set to the top of the soil being retained.
  - b. Retaining walls will count toward lot coverage if over 2.5 feet in height.
9. The International Building Code Chapter 16, Structural Design; Chapter 18, Soils and Foundations; and Appendix J, Grading, as now or hereafter amended, shall be used when activities and uses are proposed within or partly within geologically hazardous areas.
10. If grading is proposed that will alter the site from the natural grade, please note that:
- a. Structures and improvements shall minimize alterations to the natural contour of the slope and the foundation shall be tiered where possible to conform to existing topography. Terracing of the land shall be kept to a minimum to preserve natural topography where possible. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation. All development should be designed to minimize impervious lot coverage.
  - b. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited. Removal of vegetation, including trees, shrubs, grasses, and forbs shall be the minimum required for construction. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.

11. Erosion Hazard Areas as listed by the Natural Resources Conservation Service (NRCS) pose severe erosion potential and are susceptible to sheet and rill erosion. Erosion control plans should include applicable standard BMPs for cuts, fills, roads, and building areas. Vegetation should be retained in areas that do not require grading.
12. The remainder parcel that is not intended for use as a building lot, stormwater treatment, etc. can be identified as a "Tract B" and will need to be owned and managed by a home owner's association or other similar entity. Verification of this requirement will be completed at time of final plat submission.
13. Please work with Development Services Staff during the civil plan approval process to investigate a possible location for a public sidewalk on land associated with Crystal Ridge South that will provide a connection between Nettleton and Cochran Streets near 17<sup>th</sup> Lane.
14. Separated sidewalk and street trees are required for all new streets.
  - a. We recommend that a landscape/street tree plan be submitted for review and approval by Planning, Urban Forestry, and Streets at time of engineering/civil plan review and final plat application submittal process.
  - b. Landscape plans are required for developments of more than 7,000 square feet of lot area. Landscape plans shall be prepared and stamped by a licensed landscape architect, registered in the state of Washington as per 17C.200.020. Requirements for landscaping are stated in chapter 17C.200 SMC, Landscaping and Screening.
15. We recommend that the final plat application materials be submitted at the same time as the engineering plan submittals to ensure coordination and consistency with the conditions of approval for this plat.
16. Setbacks: for lots with sidewalks in easements a minimum 15-foot front yard setback to living space from the back of walk is required instead of a 15-foot setback from the property line.
17. The final plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2) including, but not limited to the following:
  - a. The certification of the Hearing Examiner, on behalf of the city council, as follows:
 

"This plat has been reviewed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner's approval of preliminary plat #-PP.

\_\_\_\_\_  
Hearing Examiner"

Engineering Department:

18. Centerline survey monuments will be required to be installed in the locations identified in Section 3.7-13 of the Design Standards.
19. A design variance has been granted allowing 50-foot right of ways with sidewalks located on easements. These narrower streets will require further analysis during Engineering plan review and may require an auto-turn maneuverability analysis showing the effect of the streets on fire response vehicles. No parking on one side of the street may also be required.

20. All easements, existing or proposed, must be shown on the face of the final plat. If blanket in nature they must be referenced in a Surveyor's Note.
21. Lot plans, following the criteria outlined in the SRSM Appendix 3C, must be submitted for review after infrastructure plans have been approved for construction.
22. 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.
23. Both streets are necessary for fire access to this plat and the following statement must be added to the plat dedication, "*Gates or fencing cannot be constructed across any streets in this plat without prior approval from the City Engineer.*"

WSDAHP and Spokane Tribe of Indians:

24. Pursuant to letters from Sydney Hanson with WSDAHP on 10/25/2021 and Spokane Tribe Historic Preservation Officer (STHPO), Randy Abrahamson, on 10/26/2021, the following conditions apply:
  - a. A professional archaeological survey meeting WSDAHP's standards for Cultural Resource Reporting of the project area be conducted prior to ground disturbing activities.
  - b. Submittal of the survey report to WSDAHP and STHPO to for review and assessment prior to ground disturbing activities is required.
  - c. That any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the SOI Professional Qualification Standards in Architectural History.

WSDOE:

25. Compliance with letters from multiple programs within the WSDOE (letters dated 11/03/2021 and 06/15/2022), including but not limited to requirements for a Construction Stormwater General Permit. Per the aforementioned letters, if all construction-related stormwater is retained on site during construction and there is not discharge of turbid water or sediment tracked off site during construction, the project may not require a Construction Stormwater General Permit. Discharging without a permit is a violation of RCW 90.48.160.

Statements to be included in the Final Plat Dedication:

- A. Sidewalk easements, as platted and shown hereon, which are for the purpose of installing, operating, and maintaining pedestrian walkways, are hereby granted for public use.
- B. All parking areas and driveways shall be hard surfaced.
- C. The development of any below-grade structures, including basements, is subject to review of a Geotechnical Evaluation for foundation design to determine suitability and the effects 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 acceptance by Developer Service prior to the issuance of a building

permit. An overall or phase-by-phase Geotechnical Analysis may be performed in light of individual lot analysis to determine appropriate construction designs.

- D. 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.
- E. General Facility Charges and Transportation Impact Fees will be collected prior to the issuance of a building permit for the affected lot.
- F. Utility easements, including cable television, shown on the herein described plat are hereby granted to the City of Spokane, its permittees, and the 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 that will reduce the existing coverage over installed underground facilities and the right to trim and/or remove trees, bushes, landscaping and to prohibit structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Serving utility companies are granted the right to install utilities across sidewalk and drainage easement as needed to access utility easements from the road right of way.
- G. This plat will be served by the City of Spokane sanitary sewer and water systems only. Individual on-site sewage systems and private water wells are prohibited.
- H. The lots to be sold shall be connected to a functioning public water system complying with the requirements of the Engineering Department and having adequate pressure for domestic and fire uses as determined by the Water/hydro Services Department.
- I. The lots to be sold shall be connected to a functioning public sanitary sewer system complying with the requirements of the Engineering Department.
- J. The lots to be sold shall be served by a fire hydrant and appropriate access to streets as determined by the requirements of the City of Spokane Fire Department and City Transportation Department.
- K. All improvements, including street improvements, required by City of Spokane Hearing Examiner Findings, Conclusions, and Decision File No. Z21-223PPLT shall be installed to serve the residential unit for which the certificate of occupancy is sought in accordance with the plans approved by the City of Spokane.
- L. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities," the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat. Pre-development flow of 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.
- M. 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 the Development Services Center prior to the issuance of any building and/or grading permits.
- N. The City of Spokane does not accept responsibility to inspect, and/or maintain the private drainage easements, nor does the City of Spokane accept any liability for and failure by the lot owner(s) to properly maintain such areas. The City of Spokane is responsible for maintaining stormwater facilities located within the public right of way

as shown in the final plat documents. Maintenance shall include cleaning the structures and pipes.

- 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 17<sup>th</sup> day of August 2022.



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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 17<sup>th</sup> day of August. **THE DATE OF THE LAST DAY TO APPEAL IS THE 31<sup>ST</sup> DAY OF AUGUST 2022, 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.