

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat Application by Whipple)
Consulting Engineers on behalf of Black) FINDINGS, CONCLUSIONS,
Realty, Inc., to subdivide approximately) AND DECISION
57.66 acres into 160 single-family lots in the)
RSF zone.) FILE NO. Z21-344PPLT

I. SUMMARY OF PROPOSAL AND DECISION

Proposal: The Applicant is proposing to subdivide approximately 57.66 acres into 160 single-family lots, in a plat to be known as Qualchan View Estates. The land sits between the Eagle Ridge subdivision on the south and west and the Qualchan Hills Subdivisions on the north. US 195 runs along the east side of the site.

Decision: Approved, with conditions.

II. FINDINGS OF FACT
BACKGROUND INFORMATION

**Applicant/
Agent:** Todd Whipple, PE
Whipple Consulting Engineers, Inc. (WCE)
21 S Pines Rd
Spokane Valley, WA 99206

Owner: Black Realty, Inc.
801 W Riverside Ave, Suite 300
Spokane, WA 99201

Property Location: The proposal is located at 5708 S. Meadowlane Road and several other unaddressed parcels, including: 34061.0036, 34061.0038, 34061.0045, 34061.0050, 34061.0031, 34064.0041, and 34064.0046, all generally located between US 195 on the east, Cedar Road on the west, Eagle Ridge subdivision to the south, and Qualchan Drive to the north, in Spokane, Washington.

Legal Description: The legal description of the property is provided in Exhibit 2, pp. 8-10.

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 proposal includes seven parcels that sit between US 195 to the east, Eagle Ridge Boulevard to the south and west, and Qualchan Hills Development and Qualchan Drive to the north. The site size is approximately 57.66 acres. The site is mostly vacant. One parcel contains an existing single-family home from the late 1970s, which will remain on the site. The site has significant slopes, usually ranging from 15-30%, but some parts of the site have slopes greater than 30%.

Surrounding Conditions and Uses: All adjacent lots are zoned RSF, with single-family homes to the north, south, and west. To the east is an existing church and SR 195. Across SR 195, further to the east, there are also single-family uses.

III. 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: September 1, 2020
Posted: September 1, 2020

Notice of Application/Public Hearing:

Mailed: August 8, 2023
Posted: August 8, 2023
Publication: August 8 & 15, 2023

Community Meeting: September 17, 2020

Site Visit: October 22, 2023

Public Hearing Date: September 13, 2023

State Environmental Policy Act (SEPA): A Mitigated Determination of Non-Significance (MDNS) was issued on August 30, 2023. The appeal period for the MDNS expired on September 13, 2023. The MDNS was not appealed.

Testimony:

Ali Brast, Associate Planner
City of Spokane Development Services
808 W. Spokane Falls Boulevard
Spokane, WA 99201

Todd Whipple
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Exhibits:

1. Planning Services Staff Report dated 09/07/23, as well as 09/12/23 updated version
2. Application Materials – 1st Submittal, including:
 - a. General Application, pp. 1-2
 - b. Subdivision Guarantee, pp. 3-11
 - c. Preliminary Long Plat Application, pp. 12-15
 - d. Preliminary Plat, p. 16
 - e. Storm Drainage Report, pp. 17-65
 - f. Project Narrative, pp. 66-69
 - g. Preliminary Utility Plan, p. 70
 - h. Trip Generation and Distribution Letter, pp. 71-83
 - i. Shoreline/Critical Areas Checklist, pp. 84-86
 - j. Cultural Resources Report, pp. 87-125
 - k. Letter from Washington State Department of Archaeology and Historic Preservation (WSDAHP) dated 12/16/20, p. 126
 - l. Letter from WCE dated 12/9/20 re: Response to Comments, p. 127
 - m. Traffic Impact Analysis (TIA), updated December 2021, pp. 128-201
 - n. Washington State Department of Natural Resources (WSDNR) forms and maps related to Stream A and Stream B, pp. 202-229
 - o. Preliminary Long Plat Receipt
3. Application Materials – 2nd Submittal, including:
 - a. Letter from WCE dated 12/01/22 re: Response to Determination of Incompleteness, pp. 1-17
 - b. Preliminary Plat Maps and Plans, pp. 18-27
 - c. WSDNR forms and maps related to Stream A and Stream B, pp. 28-40
 - d. Geotechnical Evaluation dated 11/21/22, pp. 41-65
 - e. WCE letter dated 05/03/22 re: Response to Comments, pp. 66-67
 - f. TIA updated May 2022, pp. 68-145
4. Application Materials – 3rd Submittal, including:
 - a. Letter from WCE dated 04/11/23, re: Response to Determination of Incompleteness, pp. 1-
 - b. Preliminary Plat Maps and Plans, pp. 18-27
 - c. WCE Technical Memorandum re: Addendum to TIA Conclusion/Recommendation dated 04/10/23, p. 28
 - d. Variance Application, pp. 29-34
 - e. Review of the Eagle Ridge Water System and Recommendations for Future Development dated 03/09/23, pp. 35-353
5. First Request for Comments dated 03/10/22, pp. 1-3, including:
 - a. City of Spokane Engineering dated 10/12/22, pp. 4-16
 - b. Correspondence with R. Currie, pp. 17-27

- c. Washington State Department of Transportation (WSDOT) dated 03/30/22, pp. 28-85
 - d. Technically Incomplete Letter to WCE dated 10/13/22, pp. 86-95
- 6. Second Request for Comments dated 12/02/22, pp. 1-3, including:
 - a. WSDOT dated 12/15/22, p. 4
 - b. City of Spokane Engineering dated 01/17/23, pp. 5-19
 - c. Technically Incomplete Letter to WCE dated 01/19/23, pp. 20-31
- 7. Third Request for Comments dated 04/18/23, pp. 1-3, including:
 - a. City of Spokane Engineering dated 06/27/23, pp. 4-12
 - b. Technically Complete Letter to WCE dated 07/07/23, pp. 13-22
- 8. MDNS (pp. 1-3), Draft Infrastructure Designs (pp. 4-6), and SEPA Checklist (pp. 7-30)
- 9. Notice of Application and Public Hearing
- 10. Public Comments
- 11. Community Meeting Documents including:
 - a. Notification Map Application and attachments, pp. 1-4
 - b. Community Meeting Instructions, pp. 5-6
 - c. Notice of Community Meeting for 09/17/20, pp. 7-8
 - d. Notice of Virtual Meeting for 09/17/20, pp. 9-10
 - e. Noticing Affidavits and Mailing List, pp. 11-18
 - f. Meeting Notes with Draft Plans, pp. 19-28
 - g. Public Comment Emails and Text Messages, pp. 29-55
- 12. Staff Presentation
- 13. Applicant Presentation
- 14. Applicant letter to Hearing Examiner dated 09/12/23
- 15. Variance Application Supplemental Material, including:
 - a. Block Lengths
 - b. Dead-End Streets
 - c. Steep Grade
- 16. Bill Lenz, Foster Garvey, memo dated 09/12/23
- 17. Photo Exhibits submitted by Bob McVicars, including:
 - a. Photo 1 – Temporary Fire Department
 - b. Photos 2-11 – Condition of Qualchan Drive

IV. 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 of the proposal is 4.01 dwelling units per acre (DUs/acre). See Staff Report, pp. 3-4. 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 *id.* The proposed development will also 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.*

Several public comments referred to a former code section (previously found in SMC 17C.110.200) that required transition lot sizes for the first 80 feet of a new subdivision adjacent to existing subdivisions with larger lots. See Staff Report, p. 4. This code section was repealed in July 2022 and, therefore, does not apply to this application. See *id.*

The Hearing Examiner concludes that this proposal is authorized by the land use codes. Therefore, this criterion for approval of the plat is satisfied.

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).

Mitigation measures were required in order to address insufficiencies in the transportation system and the public water supply, as discussed more extensively below. With those mitigation measures in place, the relevant City departments and WSDOT have agreed that those public facilities are sufficient to serve the proposed subdivision. Aside from transportation and water, no facility or service providers reported that the public infrastructure was not sufficient to accommodate the development. See Paragraph IV.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. Therefore, this criterion is satisfied.

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

On March 10, 2022, December 2, 2022, and April 18, 2023, requests for comments on the application were circulated to all City departments and outside agencies with jurisdiction. See Exhibits 5-7. In response, the City received comments from various agencies regarding the project. See *id.* From the agency comments, there were two primary concerns about the sufficiency or capacity of public infrastructure. Those concerns centered on the transportation system and the water system. See Staff Report, p. 5.

To address the concerns raised by the relevant agencies and departments, extensive conditions were imposed to address the impacts to the highway. See *e.g.* Conditions 1-3 (addressing traffic impacts). The local transportation system has sufficient capacity to support the development. *Testimony of T. Whipple & I. Note.* The intersections within the study area, as established by WSDOT and the City, are currently operating at an acceptable level of service (LOS). See Exhibit 3, pp. 93, 95-98 (TIA). Even after counting the background traffic and the additional trips generated by

the project, the local intersections in the study area will continue to operate at acceptable LOSs. See Exhibit 3, pp. 125-130.

There would, however, be material impacts to SR 195. By 2026, accounting for background projects and the additional traffic from this proposal, three intersections (SR 195 & Hatch; SR 195 & Meadowlane; and SR 195 & 16th) on the highway would operate at LOS F. See Exhibit 3, p. 125. However, once the mitigation measures are implemented, all three intersections will operate at acceptable LOSs. See *id.* The Applicant's traffic engineer and the City's Traffic Planning Engineer agreed that the proposed mitigation measures were sufficient to ensure that the public infrastructure would be sufficient to support the proposed development. *Testimony of T. Whipple & I. Note.*

Significant conditions were also imposed to ensure that adequate facilities were in place to provide water. See Conditions 7-9 (addressing sufficient water service). Those conditions limit the number of lots to 20, until such time as additional water facilities are in place. See Condition 9. In this way, the project conditions ensure that development does not outstrip development. The proposed conditions were supported by the Planning Department, the Engineering Department, and by the project engineers. *Testimony of A. Brast, E. Brown, & T. Whipple.*

During public testimony, Molly Marshall cited to capital facilities policies, including CFU 2.1 and CFU 2.2, for the proposition that the proposal should be denied until adequate public facilities¹ were in place. *Testimony of M. Marshall.* She emphasized that LU 1.12 states that public services and facilities must be sufficient to maintain applicable levels of service. See *id.* She argued that public facilities were not adequate to support the proposal, or indeed any more projects and, therefore, the application should be denied.

Specifically, Ms. Marshall contended that the transportation system was inadequate. *Testimony of M. Marshall.* She pointed to a Spokane Regional Transportation Council (SRTC) study as proof that many intersections in the study area now operate at an LOS F. See *id.* Ms. Marshall further stated that concurrency is lacking for fire protection. See *id.* She cited to the lack of a permanent fire station and insufficient response times documented in studies, such as the 2017 study prepared by the International Association of Firefighters (IAFF). See *id.*

The Hearing Examiner concludes that concurrency is satisfied, for transportation and fire protection, for a number of reasons. With respect to transportation concurrency, the TIA is very thorough, and considers the LOS of each relevant intersection in the area. As just discussed, that study shows that all of the pertinent intersections will operate at acceptable LOSs, provided the proposed mitigation measures are implemented. Those measures are a condition of project approval and will ensure LOS standards are satisfied. Ultimately WSDOT, the City's Traffic Planning Engineer, and the Applicant's traffic engineer all agreed with this analysis. There is no contrary data or expert testimony in this record.

There is no evidence in this record establishing that the City or Spokane Fire Department (SFD) is failing to satisfy the LOS for fire protection in the Eagle Ridge area. Ms. Marshall cited to an IAFF report in her testimony. However, that report was not submitted² for inclusion in the record. Moreover, Ms. Marshall did not establish that the IAFF report actually analyzed the adopted LOS standard for fire protection within the City of Spokane. Having recently reviewed that report in another case, the Hearing Examiner does not believe the IAFF report actually addresses the adopted standard.

¹ There were many public comments raising similar concerns. See Paragraph IV.7 (listing some examples).

² Ms. Marshall actually cited to two studies, the IAFF report and a "2017 study," both apparently concluding that the fire department was not meeting appropriate response times in the case of emergency or fire. Neither of these studies were submitted into the record, however.

The City followed the procedures to carry out the concurrency test for fire protection, consistent with Chapter 17D.010 SMC. The City notified the SFD of the development proposal. See Exhibits 5-7. The SFD had the opportunity to consider the potential effects of the proposal on the LOS for fire protection, among other things. The SFD did not comment on the project, despite having three different opportunities to do so. See *id.* This was a conscious decision by the SFD, which apparently refused to comment even though the neighbors requested that the SFD provide specific comments. *Testimony of M. Marshall.* According to the municipal code, the failure of a facility or service provider to respond “shall be construed as a finding that concurrency is met.” See SMC 17D.010.020(B)(1). Thus, the lack of comment by the SFD means that the concurrency test is passed for fire protection.

The Hearing Examiner concludes that the proposed development, as conditioned, satisfies the concurrency standards. As a result, this criterion is met.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. See SMC 17G.060.170(C)(4).*

The Hearing Examiner 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 4, p. 18-27. The site is situated between SR 195 and developed residential areas. The site is, therefore, an appropriate location for residential, infill development.

The site contains very steep slopes, typically ranging from 15% to 30% in slope. *Testimony of T. Whipple*; see also Exhibit 13, pp. 13-14. Some slopes are steeper than 30%. See *id.* The proposed plat places much of the significantly sloped land in tracts to be managed by the homeowner’s association (HOA). See Staff Report, p. 5; see also Exhibit 2, p. 80 (Preliminary Site Plan). Thus, the project is designed to account for the particularly steep slopes, setting aside those areas and concentrating the residential development in the less sloped portions of the site. See *id.*; see also Exhibit 13, pp. 13-14 (Erodible Soils and Slopes Maps); see also Exhibit 4, p. 67 (30% Slope Exhibit); *Testimony of T. Whipple.*

There are no surface waters on the site. See Exhibit 2, p. 49 (Environmental Checklist ¶ B(3)(a)(1)). Previously, WSDNR mapping showed that there were two streams on the site. See *id.* However, the owner applied for a map modification because neither of the mapped streams met the definition of a stream channel. See Staff Report, p. 5; *Testimony of T. Whipple.* All necessary state and local environmental agencies concurred with this modification and the streams were removed from the WSDNR stream map. *Testimony of T. Whipple.* The project will not result in any work over, in, or within 200 feet of any surface waters. See Exhibit 2, p. 49 (Environmental Checklist ¶ B(3)(a)(1)).

Water for the development will be provided by the local water purveyor and the project will be connected to public sewer. See Exhibit 2, p. 50 (Environmental Checklist ¶ B(3)(a)(1)-(2)). No groundwater will be withdrawn from this site. See *id.* The project’s stormwater will be discharged to the underlying soils and groundwater in accordance with the Spokane Regional Stormwater Manual (SRSM). See Exhibit 2, p. 50 (Environmental Checklist ¶ B(3)(b)(1)).

A Cultural Resource Survey was completed for the site. See Exhibit 2, pp. 88-125. The report concludes that the proposed development will not affect any historic properties. See *id.*, p. 99. In addition, the report states that “no further archaeological investigations are recommended prior to, or during, execution of this project.” See *id.* The Washington State Department of Archaeology & Historic Preservation (WSDAHP) agreed with the “results and recommendations made in the survey report.” See Exhibit 2, p. 126.

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 November 4, 2020, the Applicant prepared an environmental checklist for the project. See Exhibit 2, p. 65. The checklist supports the conclusion that no significant environmental impacts will arise from this project.

The checklist confirms that there are no wetlands, surface waters, or other limiting features. See Exhibit 2, p. 49 (Environmental Checklist ¶ B(3)(a)(1)); see also Part IV.4. The property does not lie within a floodplain. See Exhibit 2, p. 49 (Environmental Checklist ¶ B(3)(a)(5)). No threatened or endangered species were identified on the site. See Exhibit 2, pp. 52-53 (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, pp. 56 & 60 (Environmental Checklist ¶ B(7)(b) & B(11)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 2, pp. 49-51 (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, pp. 54-55 (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. 6. All stormwater must be collected, treated, and discharged in accordance with the SRSM. See Conditions 13-14; see also Dedication 6. The Applicant has prepared a concept drainage report to support the development, and that report has been accepted by the City. See Exhibit 2, p. 50 (Environmental Checklist ¶ B(3)(b)(1)); *Testimony of T. Whipple*. The project must satisfy conditions that ensure that drainage from the site is handled properly. See Conditions 13-14. The grading maps prepared by the Applicant's engineers show the proposed drainage areas on the site. See Exhibit 13, pp. 18-21 (highlighting drainage ponds in green).

One of the primary concerns about this project is the potential traffic impacts. However, the Applicant's traffic engineer testified that the project will have no material impact on the residential street system. *Testimony of T. Whipple*. The TIA provides substantial data to corroborate this conclusion. See Exhibit 3. The City's Traffic Planning Engineer also testified that the local transportation system had sufficient capacity to support the development. *Testimony of I. Note*. Thus, both the Applicant's traffic engineer and the City's Traffic Planning Engineer agreed that the local transportation system was sufficient to support the proposal. However, as previously discussed, the proposal will have material impacts on SR 195, and those impacts will need to be addressed in order for the proposal to move forward.

The SEPA mitigations identified by WSDOT identify three large traffic mitigation projects; a northbound-only connection of US 195 to Inland Empire Way; the construction of a J-Turn at US 195 and Hatch Road; and the construction of a J-turn at US 195 and Meadowlane Road. The mitigation language states that a financial commitment must be in place for all three conditions prior to the final platting of any lots. The City has already received grant funding to build the Meadowlane J-Turn, which will provide a place for drivers to make U-turns when westbound left turns are restricted at Hatch Rd/US 195. See Staff Report, p. 5. Thus, extensive and limiting conditions have been placed on this project to address potential traffic impacts to SR 195.

The City issued a Mitigated Determination of Nonsignificance (MDNS) for this project on August 30, 2023. The MDNS incorporates the traffic mitigation measures discussed above. See

Exhibit 8. The deadline to appeal the MDNS was 14 days after the MDNS was signed, i.e. September 13, 2023. See Exhibit 8, p. 3. No appeal of the MDNS was filed. *Testimony of A. Brast*. Thus, adequate traffic conditions have been imposed on this project pursuant to SEPA.

The Hearing Examiner concludes, based upon this record, that the proposal does not have significant impacts on the environment or surrounding properties. To the extent the project may have impacts, those impacts are properly mitigated in accordance with SEPA. Therefore, this criterion for approval of the plat is 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 are significant concerns about impacts to the SR 195 corridor, as previously discussed. However, extensive and limiting conditions have been imposed to address the impacts to the transportation system. See Conditions 1-3.

In addition, there are a number of water system improvements that will be required to be in place before this plat can proceed past the 20th lot. See Conditions 7-9. The required Marshall Road Water Main Extension is currently being designed by the City's Engineering Department and construction is planned to be completed in 2024. See Staff Report, p. 7; *Testimony of A. Brast*. There was no testimony or other evidence that convinced the Hearing Examiner that the project, as conditioned, would have 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 issues, found on pages 6-7 of the Staff Report, demonstrating that the proposal makes appropriate provisions, in terms of capacity and concurrence, for the services and infrastructure necessary to allow a plat application to proceed. This criterion is met.

7. *The Hearing Examiner concludes that the proposal should be approved, despite the various concerns raised by area residents.*

Through public testimony or written comments, area residents raised a number of concerns about the proposal. The central concern of area residents was that public infrastructure and services were insufficient to support the proposed development. As a result, a common refrain was that this development should not be allowed to proceed until adequate infrastructure was in place to support the use. See e.g. Exhibit 10, p. 122 (Letter of A. Sweet).

The primary objection to the proposal was traffic impacts. Area residents raised concerns about impacts to local roads, traffic congestion, safety hazards, and inadequacy if the existing infrastructure. See e.g. Exhibit 10 (E-mails of R. Currie, B. Dickerhoof, E-mail of K. Keough, & Letters of HOAs, P. O'Callaghan, K. Roberts & M. Philbin). The neighbors complained about the congested and hazardous access points to SR 195, in particular. See *id.* With respect to the local roads, most of the comments concerned the poor condition of Qualchan Drive, in particular because it is narrow, has no shoulders, has no sidewalks or pedestrian paths, is half-concrete in parts, and in is in very poor condition. *Testimony of B. McVicar*; see also Exhibit 10 (Letters of P. O'Callaghan, K. Roberts, & E. Smith, & E-mails of L. Ball & K.C. Abbott). Comments often concluded that the

project should not go forward until Qualchan Drive was rebuilt and the other infrastructure issues were resolved. See e.g. Exhibit 10, p. 15 (Letter of P. O'Callaghan); see also Exhibit 10, p. 122 (Letter of A. Sweet).

As previously discussed, the local/city transportation system has sufficient capacity to support the traffic from this development. The TIA submitted by the Applicant's traffic engineer confirmed this fact, with specific and thorough data. The City's Traffic Planning Engineer confirmed this as well. There was no contrary data or expert testimony on this subject. There is no doubt that Qualchan Drive is in poor condition and should be rebuilt. This was acknowledged by the City. *Testimony of E. Brown & I. Note.* However, the City's Traffic Planning Engineer also confirmed that the road had sufficient capacity to handle the traffic, despite the concerns. *Testimony of I. Note.* Moreover, the City acknowledged that the problems with Qualchan Drive were City maintenance issues, and not something the developer was responsible for. *Testimony of E. Brown & I. Note.* Nothing in the TIA suggested that the traffic from this proposal caused any capacity issues for Qualchan Drive. Thus, it is not proper to condition this development on improvement to or reconstruction of Qualchan Drive.

As previously discussed, the SR 195 conditions include three large traffic mitigation projects: a northbound-only connection of US 195 to Inland Empire Way; the construction of a J-Turn at US 195 and Hatch Road; and the construction of a J-turn at US 195 and Meadowlane Road. A financial commitment must be in place for all three conditions prior to the final platting of any lots. Thus, the project conditions account for the potential impacts of the proposal upon the highway, and impose limitations on development that ensure that the transportation system can properly handle the anticipated traffic.

Several area residents raised similar concerns about water capacity. Primarily, the residents argued that the water system was inherently insufficient to support any more development, and that system upgrades were required before any further development should take place. See e.g. Exhibit 10 (Letters of HOAs, P. O'Callaghan, Letter of K. Roberts, & M. & K. Smith). However, the project conditions fully address this concern. See Conditions 7-9. Moreover, the proposal cannot plat more than 20 lots until the water system is improved to increase its capacity. See Condition 9. There is no specific analysis or data in this record suggesting that the proposed conditions are not sufficient to address the capacity issue.

The Hearing Examiner sympathizes with the residents' desire to improve public infrastructure and services in their neighborhood. However, a developer of a subdivision is responsible to mitigate the impacts of the specific proposal. The developer is not required to resolve all deficiencies that might exist in an area, or supply public amenities unrelated to the project's impacts. For example, there is no legal basis for the Hearing Examiner to require the developer construct a new fire station. Nor is there a basis to prevent the development from proceeding when the SFD made no comments and suggested no project conditions. No experts on fire protection testified that this development created or exacerbated any fire hazards or outstripped the capacity of the fire protection infrastructure to serve the development or the neighborhood.

Aside from infrastructure concerns, one of the primary objections was that the lots of the development were too small and, thus, the subdivision is not compatible with neighboring residential uses. See Exhibit 10 (Letters of HOAs, P. O'Callaghan, R. & R. Sharshan, M. O'Callaghan, A. Weber, D. Rogers, B. & S. Webley & L. Graves). The Hearing Examiner disagrees. All the proposed lots are larger than the minimum size allowed in the zone. See Paragraph IV.1. The density of the project is 4.01 units per acre, barely above the *minimum* density of the zone. See *id.* Setting aside the physical limitations, this site could legally be developed at a higher density. The Hearing Examiner does not find that this residential development is incompatible with other residential uses. See Paragraphs IV.3 & IV.5. There is no requirement that a subdivision match the lot sizes of neighboring uses. In any case, the lot sizes and other features are not that different from existing neighborhoods as to warrant special limitations or mitigation measures on this proposal.

Other concerns were raised as well, such as potential impact to wildlife and drainage impacts, among other things. The Hearing Examiner concludes that there was insufficient information or evidence to warrant further consideration of these concerns. The Hearing Examiner concludes that the project conditions are sufficient to address the concerns, given this record.

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:

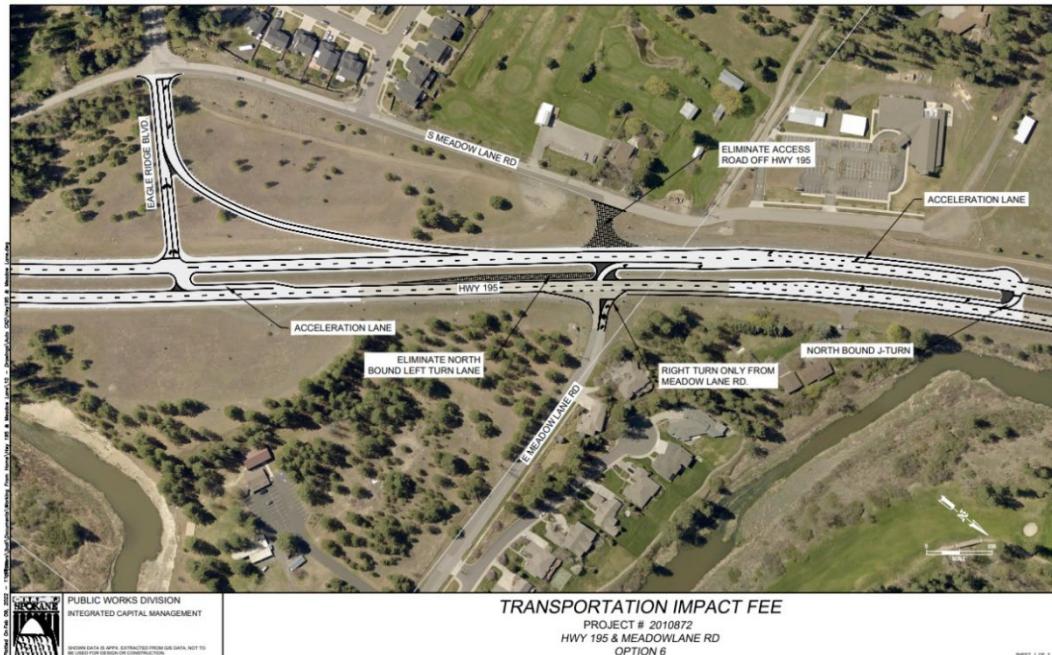
WSDOT:

1. Vehicular traffic from this project is expected to add 42 AM trips and 14 PM trips to the northbound US 195 to eastbound I-90 ramp. WSDOT has commented that no additional peak hour trips may be added to the ramp due to safety concerns. Qualchan View is required to complete an improvement to the US 195 corridor that will reduce the impact of its traffic on northbound US 195 to eastbound I-90 ramp ("Mitigation Project"). Studies of the US 195 corridor have identified the northbound only connection of US 195 to Inland Empire Way as the appropriate mitigation project. This mitigation project was recently confirmed in a December 2021 US 195/I-90 Study led by the SRTC in collaboration with WSDOT, the City of Spokane, and other partnering agencies. Qualchan View 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 above mitigation project will be agreed upon by the developers, 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.
2. Vehicular traffic from this project is expected to deteriorate the LOS and negatively impact safety at the intersection US 195/Hatch Road. Qualchan View 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 construction of the "improvement" at US 195/Hatch Road. This commitment may be defined as an agreement between several developers to fund and construct the improvement within a specified time frame, not to exceed six years, as agreed upon by city staff and WSDOT. The improvement will eliminate the US 195/Hatch intersection westbound to southbound left turn movement by providing intersection channelization. This movement will be accommodated by the Meadowlane J-turn. The applicant's contributions to funding the design and construction of the improvement project will qualify for a credit against transportation impact fees per SMC 17D.075.070.
3. Vehicular traffic from this project is expected to deteriorate the LOS and negatively impact safety at the intersection of US 195/Meadowlane. Qualchan View 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 construction of the "improvement" at US195/Meadowlane. This commitment may be defined as an agreement between several developers to fund and construct the improvement within a specified time frame, not to exceed six years, as agreed upon by city staff and WSDOT. The improvement project will consist of developing a new at-grade intersection for Meadowlane on the west side of US 195 further to the south, installing a US 195 J-turn north of the intersection, and eliminating the westbound to southbound left turn at the intersection (please see concept below). This movement will be accommodated by the Meadowlane J-turn. The applicant's contributions to funding the design and construction of the improvement project will qualify for a credit against transportation impact fees per SMC 17D.075.070.

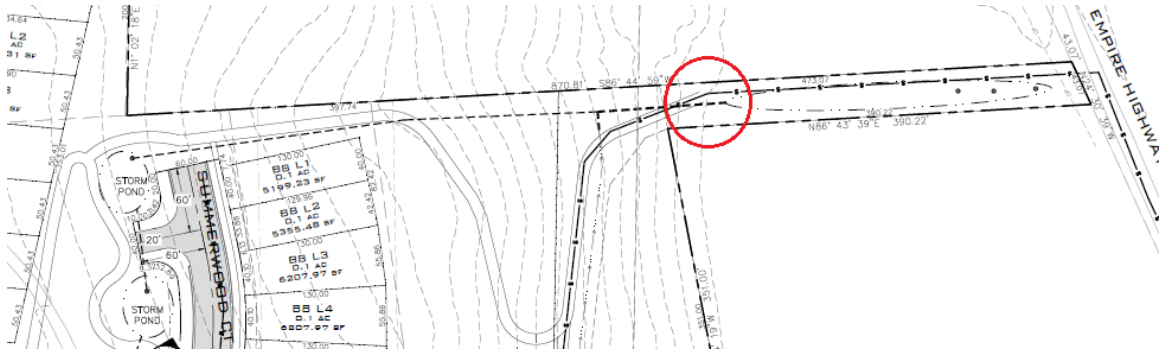
Or in lieu of condition # 3, the following may be substituted as it relates to US 195/Meadowlane Intersection only:

A letter from the City of Spokane Public Works Director and/or City Attorney's Office to WSDOT detailing the following:

- Timeline for professional engineer obligation, design, and construction.
- Letter of award from SRTC for the secured funds.
- Description of how the impact fees will be used for the local match. This should be from the person that can obligate these funds.
- Show the concept plan of the improvement.
- The project needs to be included in the City's 6 year TIP plan.



4. Street trees are required with all new construction. A street tree plan will be required to be submitted with the Engineering public improvement documents to ensure sufficient plantings are achieved. Especially in subdivisions with narrower lots, utility/driveway/tree conflicts should be considered from the beginning with some utilities being placed under the driveways to allow room for the required trees. Each lot that is unable to accommodate a street tree will be required to pay a fee-in-lieu of planting. That fee is \$650 per tree. The approved plan will get adopted as the planting plan for the subdivision and each single-family building permit will be required to adhere to the plan.
5. The pathway running from the storm ponds near Summerwood Court down to the highway appears to dead-end before reaching the property line. It needs to continue all the way to the US 195 right-of-way (ROW) line to provide connectivity to the City's future arterial.



6. The submitted design variance requests were submitted on an incorrect form. Please resubmit the design variances utilizing the Design Standards Variance Request Form found in the City of Spokane Design Standards. Design variances are requested for:
 - a. Block lengths exceeding 660 feet (note: Per the Street Design Standards 3.6-2, if topography, surrounding development patterns or other constraints make it impossible to meet the 660-foot block length, the City Engineer may approve a longer length if the total perimeter of the block is less than 2,000 feet. In these situations, pedestrian connections should still be provided at 660 feet or less.
 - b. Dead end streets.
 - c. Steep road grades (not to exceed 10%).

Water Comments:

7. The Eagle Ridge area is served by a single 24-inch water transmission main, which during peak irrigation use, is approaching peak flow velocity. The water reservoir capacity within the Eagle Ridge area is also approaching capacity for the maximum number of lots.
8. The proposed plat lies within the Low Water Pressure Zone, the Eagle Ridge 1 Pressure Zone, and the Cedar Hills Pressure Zone. The nearest available public water main, within the Low Pressure Zone, which could provide service to this proposed plat is an 8-inch ductile iron main located in S. Meadowlane Road (approximately 107 pounds per square inch [psi] at the nearest hydrant). There is also a 24-inch ductile iron transmission main within the SR 195 ROW.
 - a. Other potential connections, if approved by the Water Department, are:
 - i. An 8-inch ductile iron distribution main located in S. Summerwood Street (existing water pressure of approximately 56 psi at the hydrant located south of 5905 S. Summerwood Street), and an 8-inch ductile iron distribution main located in W. Talon Drive (approximate pressure of nearest hydrant is 94 psi); both mains are located within the Eagle Ridge 1 Water Pressure Zone. At this time, this pressure zone is near capacity and will require improvements listed under water requirements below.
 - i. A 12-inch ductile iron main located in Bolan Avenue (approximate pressure of nearest hydrant is 93 psi) which is in the Cedar Hills Water Pressure Zone. At this time, this pressure zone is near capacity and will require improvements listed under water requirements below.
 - b. The developer will be responsible for all costs associated with design and construction of water improvements necessary to serve the proposed plat.
 - c. The water system shall be designed and constructed in accordance with City and State standards. A pressure of 45 psi minimum at the property line is required for service connections supplying domestic flows. The distribution system must be designed so that at least 20 psi can be maintained throughout the system under

fire flow conditions during maximum day demand (Washington Administrative Code [WAC] 246-290-230(6)). Pressures over 80 psi will require that pressure relief valves be installed at developer expense.

- d. A final electronic version (pdf) of an overall water plan and hydraulic analysis must be submitted to the Development Services Center for review and concurrence. The final hydraulic analysis must include supporting calculations for domestic and fire flows per City of Spokane Design Standards and State standards.
- e. In addition to the hydraulic analysis, construction plans shall be submitted to the Development Services Center 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.
- f. To fully develop the proposed preliminary plat, design and construction of regional (area larger than preliminary plat) off-site water infrastructure is required. The developer will be responsible for infrastructure and costs necessary to serve the proposed development and others (City, other developers) will be responsible for any upsize costs, which can be addressed in a Developer Agreement that must be approved by the City Council. Per the hydraulic analysis, off-site water infrastructure shall be constructed as follows:
 - i. Provide and construct a water booster station to pump from the Low Pressure zone to the Eagle Ridge 1 pressure zone. This water booster station shall be in service upon completion of the Marshall Road water transmission main.
 - ii. Provide and construct a new reservoir at the Eagle Ridge 1 reservoir elevation, large enough to eliminate the need for a twin reservoir at the Qualchan site, exact location to be determined at final design. The new water reservoir shall be in service upon completion of the Marshall Road water transmission main. Provide and install a water transmission main from the proposed water booster station to the proposed new water reservoir to be located at the Eagle Ridge 1 reservoir elevation. The transmission main shall be sized per the hydraulic analysis. This water transmission main shall be in service upon completion of the Marshall Road water transmission main.
 - iii. Based on a full hydraulic analysis provided by the developer, alternative facilities that meet or exceed the capacity provided by the above conditioned facilities can be submitted for review and approval by the City during the Development Services Center review and acceptance process.

9. Phasing Restrictions (Water):

Due to high velocities in the existing 24-inch water transmission main serving the Eagle Ridge area, the City is requiring a phased approach for all future developments until a second water transmission main (Marshall Road water transmission main) is in service. Phasing will be controlled by limiting building permits, not by Certificate of Occupancy. The second water transmission main is anticipated to be constructed in 2024. The projected time frame is contingent upon acquisition of property and/or easements over private property, acquisition of piping and appurtenances, and other agency and railroad approvals/access. Until such time as the second water transmission main is operational and in service, Qualchan View Estates can final plat 20 lots. The final remaining lots can be final platted after the Marshall Road water transmission main is in service along with the listed items in "Water Requirements 8f" above.

10. Approved roadway names will be required prior to submitting civil engineering drawings for water, sewer, and street improvements.
 - a. Proposed Talon Drive is a continuation of the existing W. Talon Drive but runs in a north/south course. We have reached out to Spokane Regional Emergency Communications (SREC) to discuss alternate solutions such as possibly changing

the name of the roadway north proposed Patrick Court to maintain the continuity of the directional indicator "W" for existing Talon Drive. As an alternative, proposed Patrick Court may be renamed W. Talon Court at the intersection; therefore, maintaining the west directional of Talon.

- b. "Patrick" is a duplicate roadway name and is, therefore, disallowed for this plat.
 - c. Another option is the readdressing of the existing homes on W. Talon Drive to S. Talon Drive match the direction for the proposed continuation of Talon. This change will affect six existing homes.
11. Construction plans for water and sewer main extensions and system improvements must be designed by a Professional Engineer (licensed in Washington) and must follow City drafting and design standards. A water and sewer capacity study per City of Spokane standards shall show City system improvements that will be required depending upon the timing of the development and anticipated demands.
12. The nearest existing public sanitary sewers that could provide service to this proposed plat are:
- a. Locations:
 - i. A ten-inch polyvinyl chloride (PVC) main in S. Summerwood Street;
 - ii. An eight-inch PVC main in W. Talon Drive;
 - iii. A twelve-inch PVC main in S. Meadowlane Road; and
 - iv. A ten-inch PVC main in W. Bolan.
 - b. The developer will be responsible for all costs associated with design and construction of sanitary sewer improvements necessary to serve the proposed plat.
 - c. The sanitary sewer system shall be designed and constructed in accordance with City standards.
 - d. 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.
13. 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. The proposed plat is located within a High Critical Aquifer Recharge Area and is considered to have high susceptibility for groundwater contamination.
 - b. 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 – Development Services for review and acceptance prior to issuance of a building permit.
14. All stormwater facilities necessary to serve the proposed plat shall be designed and constructed in accordance with City standards. The access to Tract A looks quite steep. Grades exceeding 8% will require a Design Deviation Request with supporting justification that must be signed by the Director of Engineering Services prior to construction.

- a. Prior to construction, a grading and drainage plan shall be submitted to Development Services for review and acceptance.
 - b. An erosion / sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to Development Services for review and acceptance prior to construction.
 - c. If drywells are used, they will be tested to ensure design infiltration rates are met. A minimum factor of safety of 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.
 - d. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.
15. 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. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
 - e. Driveways accessing primary roadways shall not exceed 40% of the abutting property frontage and shall not exceed a width of 30 feet. Required street tree, underground utility placement, and fire hydrant location will need to be considered when designing driveway locations.
 - 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.
 - g. The developer will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
 - h. 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 Developer Services for review and acceptance prior to construction.
 - i. Per Section 17H.010.110 Hillside Development, in steep, hillside areas, a reduced street cross-section may be allowed if the cross-slope is at least 15%, and lots will be developed on only one side of the street. In such cases, waiver of one sidewalk and pedestrian buffer strip may be granted at the discretion of the director of engineering services, provided that no lots access the omitted side. Additionally, on-street parking may be omitted on one side to allow for a narrower street width.
 - j. Where parking has been omitted, "No Parking" signs shall be installed at the developer's expense.
 - k. Public ROW widths shall be in accordance with the city's comprehensive plan, the City's Engineering Design Standards, or as directed by the Director of Engineering Services. Minimum right-of-way widths are shown in Table 17H.010-2, Local Access Right-of-way and Street Widths. The right-of-way width varies based on the

required street elements including number of lanes, on-street parking, bike lanes, medians, turn lanes, roadside swales, pedestrian buffer strips and street trees. Any deviations from the minimum set forth requires approval of a Design Variance.

- l. Patrick Ct is shown with a proposed forty foot wide right of way. Per SMC 17H.010.110 "Hillside Development", in steep, hillside areas, a reduced street cross-section may be allowed if the cross-slope (perpendicular to the direction of travel) is at least fifteen percent AND lots will be developed on only one side of the street. Parking will only be allowed on one side of the street only (Table 17H.010-2 footnote 4). The developer will be responsible for posting the proper signage.
 - m. Narrower right-of-way widths may be allowed at the discretion of the director of engineering services. Variance requests will be evaluated based on topography, traffic circulation, emergency vehicle access, zoning, existing development and on-street parking requirements.
 - n. A hard surfaced public pathway shall be provided at the end of every dead-end or cul-de-sac street connecting the sidewalk to an existing or future street or public pathway. If the public pathway cannot be provided, please submit a Design Variance Request justifying the reason.
16. Generally, all new local access streets shall provide on-street parking on both sides of the street. Parking may be omitted from one side of a residential street in the following situations:
- a. Hillside developments as described in SMC 17H.010.110 where lots are developed on only one side of the street.
 - b. The side of a street adjacent to side yards, rear yards or common areas such as stormwater facilities. Parking may not be omitted adjacent to parks or other recreational facilities.
17. Per Section 17H.010.180 Sidewalks:
- a. Sidewalks shall be located on both sides of the street for all public and private streets.
 - b. Sidewalk shall be constructed around the bulb of cul-de-sacs so that every lot is served by a sidewalk.
 - c. In steep, hillside areas, where development occurs only on one side of the street, sidewalk may be omitted from one side in accordance with SMC 17H.010.110. However, it must be demonstrated that the segment to be omitted is not a critical link in the sidewalk system.
 - d. All sidewalks shall be designed and constructed in accordance with the city's design standards, standard plans and specifications.
18. Per Section 17H.010.190 Pedestrian Buffer Strips:
- a. Pedestrian buffer strips are required on both sides of all streets between the sidewalk and the curb. The width and type of pedestrian buffer strip for each street shall comply with the requirements of the comprehensive plan and the city's design standards.
 - b. Planted strips are required on residential local access streets. A minimum three-foot wide concrete pedestrian buffer strip may be allowed in place of the planted strip for certain land uses such as churches and schools that require passenger loading and unloading. These will be evaluated on a case-by-case basis and allowed at the discretion of the director of engineering services.

- c. In situations where a separation between the sidewalk and the street is constrained by topography, narrow right-of-way or existing development, a variance from this standard may be granted by the Director of Engineering Services.
 - d. In cases where sidewalk has been omitted on one side of the street, the pedestrian buffer strip may also be omitted on that side.
 - e. Pedestrian buffer strips may be omitted around the bulb of cul-de-sacs.
19. 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.
 20. Lot plans, following the criteria outlined in the Spokane Regional Stormwater Manual Appendix 3C, must be submitted for review prior to the City Engineer signing the final plat.
 21. All Tracts within the boundaries of this proposed plat will be maintained by a HOA established for this development. Said stormwater facilities will be operated and maintained in accordance with an operation and maintenance manual written by a licensed engineer in the State of Washington.
 22. A \$250.00 deposit will be required for each monument to be installed as part of the final plat.
 23. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet).
 24. 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.
 25. Preapproved road names shall be identified on plat documents at the time of Final Plat submittal.
 - a. Per Section 17D.050A.060 Roadway Naming Standards:
 - i. Duplicate roadway names will not be allowed. Any roadway name shall not duplicate any county roadway names unless the new roadway is in alignment with the existing county roadway.
 - ii. Roadways with the same root name but different suffix (that are not in reasonable alignment with the existing roadway) will be considered as a duplicate roadway name, e.g., Chesterfield Drive or Chesterfield Lane and thus disallowed.
 26. Approved roadway names will be required prior to submitting civil engineering drawings for water, sewer, and street improvements.
 - a. Proposed Talon Drive is a continuation of the existing W. Talon Drive but runs in a north/south course. We have reached out to Spokane Regional Emergency Communications (SREC) to discuss alternate solutions such as possibly changing the name of the roadway north proposed Patrick Court to maintain the continuity of the directional indicator "W" for existing Talon Drive. As an alternative, proposed Patrick Court may be renamed W. Talon Court at the intersection, therefore maintaining the west directional of Talon.
 - b. "Patrick" is a duplicate roadway name and is therefore disallowed for this plat.
 - c. Another option is the readdressing of the existing homes on W. Talon Drive to S. Talon Drive match the direction for the proposed continuation of Talon. This change will affect six existing homes.
 27. 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.

28. Lot plans, following the criteria outlined in the Spokane Regional Stormwater Manual Appendix 3C, must be submitted for review.
29. All water and sewer service connections must front the lot they are to serve. Offset connections will not be allowed. Any unused water service connections shall be killed and capped at the main. All punch list, utility installations, and pavement removal and replacement shall be complete and approved by the City before any bonds are released.
30. Addresses must be shown on the final plat. Addresses are required for water and sewer tap permits and can be applied for at the City of Spokane permit center, or by emailing a request, including the most recent version of the plat, to addressing@spokanecity.org.
31. Talon Drive to the south of the proposed plat boundary has a temporary cul-de-sac that shall be removed and replaced with appropriate curb, sidewalk, planting strip, and required landscaping with the construction of the connection to the plat.

The following statements will be required in the dedication of the final plat:

1. 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.
2. Ten-foot utility easements as shown here on the described plat are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance, protection, inspections and operation of their respective facilities together with the right to prohibit structures that may interfere with the construction, reconstruction, reliability and safe operation of the same.
3. Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Development Services prior to the issuance of any building and/or grading permits.
4. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private sanitary sewer system and connected to a public or private water system, complying with the requirements of Development Services and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department and the Fire Department.
5. All parking areas and driveways shall be hard surfaced. All new or modified driveway locations will need to be reviewed and approved prior to construction.
6. All stormwater and surface drainage generated on-site must be disposed of on-site in accordance with chapter 17D.060 SMC, Stormwater Facilities, the Spokane Regional Stormwater Manual, and City Design Standards. A surface drainage plan shall be prepared for each lot and shall be submitted to the City of Spokane Planning & Development Department for review and acceptance prior to the issuance of a building permit on said lot.
7. No building permit shall be issued for any lot in this subdivision/PUD until evidence satisfactory to the Director of Engineering Services has been provided showing that the recommendations of Chapter 17D.060 SMC, Stormwater Facilities, and the Project Engineer's recommendations, based on the drainage plan accepted for the final subdivision/PUD, have been complied with.
8. Slope easements for cut and fill, as deemed necessary by Planning & Development in accordance with City Design Standards, are granted along all public right of ways.
9. All street identification and traffic control signs required by this project will be the responsibility of the developer per SMC 17G.080.070.
10. The development of any structures in this plat is subject to review of a geotechnical evaluation for foundation design and to determine suitability and affects from stormwater and/or subsurface runoff and for slope stability. The geotechnical evaluation is required to be performed for each lot with structures and submitted for review and concurrence to the

City of Spokane Building Department and Development Services prior to issuance of a building permit.

11. 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 storm water facilities located within the public right-of-way as shown in the final plat documents. Maintenance shall include cleaning the structures and pipes.

DATED this 23rd day of October 2023.



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 23rd day of October. **THE DATE OF THE LAST DAY TO APPEAL IS THE 6th DAY OF NOVEMBER 2023, 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.