

**CITY OF SPOKANE HEARING EXAMINER**

**Re:** Preliminary Plat Application by Whipple ) *AMENDED FINDINGS,*  
Consulting Engineers on behalf of Marshall ) *CONCLUSIONS,*  
Creek, LLC, to subdivide approximately ) *AND DECISION*  
121.5 acres into 425 single-family lots in the )  
R1 zone (RSF at the time of application). ) *FILE NO. Z20-192PPLT*

**I. SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The Applicant is proposing to subdivide approximately 121.5 acres into 425 single-family lots, in a plat to be known as Marshall Creek Estates. The land sits between Cedar Road on the east and Cheney-Spokane Road and Spokane Memorial Gardens on the west.

**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:** Marshall Creek, LLC  
19425 E Broadway Ave  
Spokane Valley, WA 99016

**Property Location:** The proposal is located at 6321 S. Cheney-Spokane Road; Parcel 24015.0042 located between Cedar Road and Cheney-Spokane Road, all west of Hwy 195 and the Eagle Ridge Subdivision.

**Legal Description:** The legal description of the property is provided in Exhibit 2.

**Zoning:** The property is zoned R1 (Residential 1)/RSF (Residential Single Family) at the time of application.

**Comprehensive Plan (CP) Map Designation:** Open Space

**Site Description:** The project is proposed on one large parcel, which sits between Cedar Road on the east and Cheney-Spokane Road and Spokane Memorial Gardens on the west. The whole site sits west of Hwy 195 and the Eagle Ridge Subdivision. The site size is approximately 121.50 acres, and it is currently undeveloped. The site has significant slopes, some of greater than 30%, based on GIS mapping.

**Surrounding Conditions and Uses:** All adjacent lots are zoned R1, with single-family homes to the north, south, and east. To the west of this site is the Spokane Memorial Gardens and the BNSF Railroad.

### III. PROCEDURAL INFORMATION

**Authorizing Ordinances:** Spokane Municipal Code (SMC) 17C.110, Residential Development (codes in place at the time of application submittal); SMC 17C.111, Residential Development (current regulations); SMC 17G.016, Land Use Application Procedures; and SMC 17G.080, Subdivisions.

**Notice of Community Meeting:**

Mailed: June 19, 2020  
Posted: June 19, 2020

**Notice of Application/Public Hearing:**

Mailed: August 12, 2024  
Posted: August 9, 2024  
Publication: August 12 & 19, 2024

**Community Meeting:** July 7, 2020

**Site Visit:** September 23, 2024

**Public Hearing Date:** September 19, 2024

**State Environmental Policy Act (SEPA):** A Mitigated Determination of Non-Significance (MDNS) was issued on August 7, 2024. The appeal period for the MDNS expired on August 21, 2024. The MDNS was not appealed.

**Testimony:**

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#### Exhibits:

1. Planning Services Staff Report dated 09/13/24
2. Application Materials – 1<sup>st</sup> Submittal, including:
  - a. General Application, pp. 1-2
  - b. Preliminary Long Plat Application, pp. 3-6
  - c. Preliminary Plat Maps, pp. 7-10
  - d. Subdivision Guarantee, pp. 11-24
  - e. Project Narrative, pp. 25-29
  - f. SEPA Checklist, pp. 30-54
  - g. Trip Generation and Distribution Letter, pp. 55-64
  - h. Shoreline/Critical Areas Checklist, pp. 65-67
  - i. Water Type Modification for Marshall Creek Estates, pp. 68-92
  - j. Utility Concept, pp.93-101
  - k. Storm Drainage Narrative, pp. 102-122
  - l. NRSC Soils Report, pp. 123-148
  - m. Pre-Development Conference Notes, pp. 149-154

3. First Request for Comments dated 12/04/20, pp. 1-3, including:
  - a. City of Spokane Treasure Accounting Clerk, pp. 4-6
  - b. Spokane Tribe of Indians, p. 7
  - c. Washington State Department of Ecology (WSDOE), pp. 8-9
  - d. City of Spokane Street Department – Traffic Operations, p. 10
  - e. Washington State Department of Transportation (WSDOT) pp. 11-13
  - f. City of Spokane Integrated Capital Management, pp. 14-257
  - g. WCE Response to Comments Letter, pp. 258-259
  - h. Traffic Impact Analysis (TIA), pp. 260-400
  - i. City of Spokane Engineering, pp. 401-413
  - j. Technically Incomplete Letter, pp. 414-426
4. Response to Determination of Incompleteness dated 12/22/22, pp. 1-17, including:
  - a. Shoreline/Critical Areas Checklist, pp. 18-20
  - b. Preliminary Plat Maps, pp. 21-26
  - c. Cultural Resources Report, pp. 27-52
  - d. Geohazard Evaluation, pp. 53-63
  - e. Geotechnical Engineering Report, pp. 64-112
  - f. Storm Drainage Narrative, pp. 113-133
  - g. NRSC Soils Report, pp. 134-160
  - h. Booster Pump Station and Reservoir Analysis, pp. 160-395
  - i. Lift Station Report, pp. 396-489
  - j. Email Communications re Resubmittal, pp. 490-498
  - k. Response to Determination of Incompleteness dated 05/01/23, pp. 499-509
  - l. SEPA Checklist, pp. 510-534
  - m. Geohazard Evaluation, pp. 535-560
  - n. Addendum to TIA Conclusion/Recommendation, p. 561
  - o. Habitat Management Plan, pp. 562-587
5. Second Request for Comments dated 05/09/23, p. 1, including:
  - a. City of Spokane Traffic Engineering, p. 2-3
  - b. City of Spokane Integrated Capital Management Department, pp 4-5
  - c. City of Spokane Traffic Engineering, p. 6-8
  - d. WSDOT, pp. 9-11
  - e. Email Correspondence re December Documents, p. 12-13
  - f. Avista, pp. 14-35
  - g. WSDOT, pp. 35-38
  - h. Email Correspondence re Cedar Road Closure, pp. 39-41
  - i. Qualchan View and Marshall Creek Proposed Subdivisions: A Review of the Eagle Ridge Water System and Recommendations for Future Development, pp. 42-360
  - j. Qualchan View and Marshall Creek Proposed Subdivisions: A Review of the Eagle Ridge Water System and Conceptual Design for Development, pp. 361-477
  - k. City of Spokane Integrated Capital Management Department, pp. 478-480
  - l. City of Spokane Engineering, pp. 481-491
  - m. Technically Complete Letter to WCE dated 12/22/23, pp. 492-502
  - n. Technically Complete Letter to WCE dated 01/09/24, pp. 503-513
  - o. Correspondence from Winston & Cashatt dated 02/13/24, pp. 514-520
  - p. Technically Complete Letter to WCE dated 08/02/24, pp. 521-530
  - q. Notice of Satisfaction of Condition, p. 531
  - r. Email Correspondence re WSDOT Conditions, pp. 532-551
  - s. Cheney School District, pp. 552-553
  - t. Washington State Department of Natural Resources, pp. 554-555
6. Notice of Application and Public Hearing, including:
  - a. Instructions Letter dated 08/08/24, pp. 1-2
  - b. Notice of Application, SEPA, and Public Hearing, pp. 3-4
  - c. Notice of Application Optional DNS, pp. 5-7

- d. Notification Map Application, pp. 8-11
  - e. Notification to Latah/Hangman Neighborhood Council, p.12
  - f. Noticing Affidavits, pp. 13-19
  - g. Public Comments, pp. 20-229
  - h. SEPA Determination, pp. 230-133
7. Community Meeting Documents including:
    - a. Notification Map Application and attachments, pp. 1-3
    - b. Community Meeting Instructions, pp. 4-7
    - c. Notice of Community Meeting for 07/07/20, pp. 8-9
    - d. Notice of Virtual Meeting for 09/17/20, pp. 9-10
    - e. Meeting Notes, pp. 10-20
    - f. Noticing Affidavits and Mailing List, pp. 21-27
    - g. Notice of Virtual Community and Traffic Study Scoping Meeting for the Proposed Marshall Creek Estates, pp. 28-30
    - h. Public Comment Emails and Meeting Chat, pp. 30-62
    - i. Affidavit of Publication, p. 63
    - j. Meeting Participant Log, pp. 64-66
  8. Staff Presentation
  9. Memo in Support of Application dated 09/18/24
  10. Applicant letter to Hearing Examiner dated 09/12/24
  11. Applicant Presentation

#### **IV. FINDINGS AND CONCLUSIONS**

To be approved, the proposed preliminary plat must comply with the criteria set forth in Section 17G.061.310 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.061.320(C)(1).*

The proposal is for 425 single family lots and 9 tracts on roughly 121.50 acres. See Exhibit 1, p. 3. Both the RSF and R1 zone designations allow for both detached single family and attached single family homes. *Id.* The applicant submitted the plat materials under previous zoning regulations, commonly referred to as 17C.110. *Id.* At that time, the zoning designation was RSF. *Id.* Staff thoroughly evaluated the residential standards that were in effect at the time of application submittal, as the applicant is vested to those standards per Revised Code of Washington (RCW) 58.17.033(1) and RCW 58.17.170(2) but will also discuss the applicability of the new regulations under 17C.111. *Id.* If, at the time of construction, the applicant chose to pursue construction of single-family homes under the new regulations (17C.111), that would be allowable, as the proposed layout is also in compliance with the current code. Whichever path is chosen, individual home sites would be required to adhere to the entirety of that specific code section. *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.061.320(C)(2).*

The proposed development is consistent with the pertinent provisions of the CP. The site is designated as R1 (RSF at the time of application). This designation allows single-family residences on individual lots, and both detached and attached homes. See CP, Chapter 3, p. 3-42. Land with this designation may be developed with a minimum of 4 dwelling units (DUs)/acre and a maximum of 10 DUs/acre. See *id.* The density of the project fits within this designation with a net density of 5.77 DUs/acre.

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. 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. 3-15. 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. 3-18.

The Hearing Examiner does take note that the property is currently designated as Open Space in the CP, creating a potential inconsistency. However, the CP is a guiding document that typically serves as the basis for implementing zoning regulations. The record is unclear as to how or why this parcel retained an Open Space designation while being zoned for residential development within the City's Urban Growth Area. In instances such as these, the duly adopted zoning regulations control the specific uses allowed. And as stated above, the proposed subdivision with the imposed conditions is consistent with the goals, objectives, and policies of the CP and consistent with the zoning regulations designated to this property. This inexplicable discrepancy between the CP designation and the zoning regulations is not a basis for a denial of this project.

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.061.320(C)(3).*

On December 4, 2020, and May 9, 2023, requests for comments on the application were circulated to all City departments and outside agencies with jurisdiction. See Exhibits 3-5. 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 Exhibit 1, pp. 5-6.

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 1-2 (addressing traffic impacts). The local transportation system has sufficient capacity to support the development. *Testimony of T. Whipple.* 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, p. 266 (TIA). Even after counting the background traffic and the additional trips generated by the project, the local intersections within 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 & 16<sup>th</sup> Avenue, SR 195 &



Hatch Road, and SR 195 & Meadowlane) on the highway would operate at LOS F. See Exhibit 3, p. 266. 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 Water Conditions 1-7 (addressing sufficient water service). Those conditions limit the development to the first phase, until such time as additional water facilities are in place. See Water Condition 7. 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 the project engineer. *Testimony of A. Brast, E. Brown, & T. Whipple.*

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

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.061.320(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. 21-26. The site is situated between South Cheney-Spokane Road and developed residential areas. The site is, therefore, an appropriate location for residential, infill development.

The site contains very steep slopes, typically ranging from 16% to 30% in slope. *Testimony of T. Whipple; see also* Exhibit 1, p. 6. 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 2, pp. 123-148 (NRSC Soils Report); see also Exhibit 4, pp. 134-160 (NRSC Soils Report); *Testimony of T. Whipple.*

Marshall Creek is generally adjacent to and west of the Cheney-Spokane Road and crosses through a portion of the property in the northwest corner. See Exhibit 4, p. 150 (Environmental Checklist ¶ B(3)(a)(1)). Previously, WSDNR mapping showed that there were eight streams on the site. See Exhibit 1, p. 6. However, a stream type modification was pursued as none of the streams met the definition of a stream channel. See Exhibit 1, p. 6; *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. *Id.*; *Testimony of A. Brast & 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 4, pp. 517-518 (Environmental Checklist ¶ B(3)(a)(1)-(2)). No groundwater will be withdrawn from this site. *Id.*, pp. 518. The project's stormwater will be discharged to the underlying soils and groundwater in accordance with the Spokane Regional Stormwater Manual (SRSM). See Exhibit 4, pp. 518-519 (Environmental Checklist ¶ B(3)(b)(1)).

A Cultural Resource Survey was completed for the site. See Exhibit 4, pp. 27-52. The report concludes that the proposed development will not affect any historic properties. *Id.*, p. 39. In addition, the report states that "no further archaeological investigations are recommended prior to, or during, execution of this project." *Id.*

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.061.320(C)(5).*

On or about September 28, 2020, the Applicant prepared an environmental checklist for the project. See Exhibit 2, p. 54. The checklist supports the conclusion that no significant environmental impacts will arise from this project, and that all identified environmental impacts will be appropriately mitigated through the imposition of the conditions of approval.

The checklist confirms that there are no wetlands, surface waters, or other limiting features. See Exhibit 2, p. 37 (Environmental Checklist ¶ B(3)(a)(1)); see also Part IV.4. The property does not lie within a floodplain. See Exhibit 2, p. 38 (Environmental Checklist ¶ B(3)(a)(5)). No threatened or endangered species were identified on the site. See Exhibit 2, pp. 41-42 (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. 44 & 48 (Environmental Checklist ¶ B(7)(b) & B(11)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 2, pp. 38-40 (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, p. 43 (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 Conditions 32-56; see also Dedications 57, 58, 65, 66, and 29. 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. 38-39 (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 32-33 and 44-47.

Many of the public comments identified concerns over the impacts of this subdivision on the neighboring subdivisions and the larger area as a whole. See Exhibit 1, p. 7. Common concerns were safe access onto the state highway, inadequate local road systems to handle evacuations in the event of a wildfire, the lack of a local fire station indicating slow responses to fires of existing homes, the lack of a proposed park within the subdivision and the speculation that homeowners would try to use the privately maintained park within the Eagle Ridge subdivision, and the lack of existing water infrastructure to serve the plat. *Id.*

The City issued a Mitigated Determination of Nonsignificance (MDNS) for this project on August 30, 2024, which identifies a variety of mitigations required of this project. See Exhibit 6, pp. 5-8. The MDNS incorporates the traffic mitigation measures discussed above. *Id.* The deadline to appeal the MDNS was 14 days after the MDNS was signed, i.e. September 13, 2024. *Id.* 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 MDNS incorporates the traffic mitigation measures discussed below.

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 MDNS includes conditions for traffic improvements on both the State highway (195) and the local streets around this site, which are intended to mitigate the impacts of the traffic generated by the project and also help remedy some existing conditions, hopefully resulting in safer routes of travel for citizens. See Exhibit 1, p. 7. It also includes a number of water system upgrade requirements to be completed prior to construction of the individual single-family homes. *Id.* The citizens concerns about the lack of a fire station in the area are understandable, unfortunately, the fire station is not something the applicant can fund or build, but instead requires funding from the City budget. To staff's knowledge, that money has not yet been allocated to that particular project, though land has been acquired for the intended site. *Id.*

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 satisfied.

6. *The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for: (a) public health, safety, and welfare; (b) open spaces; (c) drainage ways; (d) street, roads, alleys, and other public ways; (e) transit stops; (f) potable water supplies; (g) sanitary wastes; (h) parks, recreation and playgrounds; (i) schools and school grounds; and (j) sidewalks, pathways, and other features that assure safe walking conditions. See SMC 17G.060.170(D)(5).*

The proposal makes adequate provisions for 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 & 2.

In addition, there are a number of water system improvements that will be required to be in place before this plat can proceed past each phase. See Conditions 9, 10, 15a, and 17. The Cheney-Spokane Road water main extension and a parallel water main all the way to the new intersection with relocated Cedar Road are required before the project can final plat the first phase. See Conditions 15.a & 17; *Testimony of T. Whipple*. The single-lane roundabout at Cheney-Spokane Road shall be constructed prior to final plat of the third phase. See Condition 9; *Testimony of T. Whipple*. Finally, construction of the Cedar Road cul-de-sac is required after the completion of Sturgeon Way and the Cheney-Spokane Road roundabout prior to the final plat for the fourth phase of the development.

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 7-9 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. See Exhibit 1. This criterion is satisfied.

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 6, pp. 20-229.

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. *Id.* The neighbors complained about the congested and hazardous access points to SR 195, in particular. See *id.*

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.

As previously discussed, the SR 195 conditions include three large traffic mitigation projects: SR 195 & 16<sup>th</sup> Avenue, SR 195 & Hatch Road, and SR 195 & Meadowlane. 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 Exhibit 6, pp. 20-229. However, the project conditions fully address this concern. See Water Conditions 1-7 (addressing sufficient water service). Moreover, the proposal cannot final plat the first phase until the water system is improved to increase its capacity. See Conditions 15 & 17. 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 currently exist in an area or be forced to 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 Spokane Fire Department 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.

Other concerns were raised as well, such as potential impact to wildlife as well as a late comment about lack of capacity from the Cheney School District. The Hearing Examiner concludes that there was insufficient information or evidence to warrant further consideration of these concerns. Particularly with regard to the Cheney School District, which commented about the entire project, without taking into account the development phasing, the projected timeline, and prospective levy/bond measures to address the issues. While it is understandable that citizens living in the outer confines of the Urban Growth Area would like those areas to remain undeveloped, it is the goal of the Urban Growth Area to encourage development and reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. See RCW 37.70A.020. 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 72 AM trips and 33 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. An improvement to the US 195 corridor that will reduce the impact of this traffic on NB US 195 to EB I-90 ramp ("Mitigation Project") is necessary. Studies of the US 195 corridor have identified the northbound only connection of US 195 to Inland Empire Way at the Cheney-Spokane Interchange on-ramp as the appropriate mitigation project. This Mitigation Project was recently confirmed in a December 2021 US 195/I-90 Study led by the Spokane Regional Transportation Council in collaboration with WSDOT, the City of Spokane, and other partnering agencies. Marshall Creek 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. At the request of Marshall Creek, WSDOT and the City will participate in a project initiation meeting to establish the process, schedule, and financial commitment for performance of this condition. 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. Completion of the Mitigation Project will not be a condition of building permits or issuance of certificates of occupancy.
2. Vehicular traffic from this project is expected to deteriorate the level-of-service and negatively impact safety at the intersection US 195/Hatch Road. WSDOT and the City have commented that elimination of the westbound to southbound left turn movement at US 195/Hatch Road through intersection channelization (herein "Hatch Mitigation") will mitigate the project's impacts to safety. Marshall Creek 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 of the Hatch Mitigation. At the request of Marshall Creek, WSDOT and the City will participate in a project initiation meeting to establish the process, schedule, and financial commitment for completion of the Hatch Mitigation within six years from recording of the final plat. 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. Completion of the Hatch Mitigation will not be a condition to building permits or issuance of certificates of occupancy.

### **Planning**

3. Where feasible, any pedestrian connections to the shared use path along Sturgeon are required, to meet the intent of SMC 17H.010.080.
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. Consistent with 17E.020.090.D, buildings and other accessory structures shall be set back a distance of ten feet from the edges of all delineated critical area buffers protecting fish and wildlife habitat conservation and wetland protection areas. It appears this may

impact Lots 40 and 41 on the proposed S Hook Ct. The director may reduce the structural setback limit by up to five feet if construction, operation and maintenance of the building do not create a risk of negative impacts on the adjacent buffer area. Approval of a reduction of the structural setback from the buffer line shall be provided in writing by the director. The following uses may be allowed in the structural setback area:

- Landscaping.
- Uncovered decks.
- Roof eaves and overhangs, maximum of twenty-four inches.
- Pervious unroofed stairways and steps.
- Impervious ground surfaces, such as driveways and patios.

#### **Avista**

6. Please continue to work with Avista on the allowable location of the relocated transmission line and associated structures.

#### **Department of Natural Resource**

7. A DNR Forest Practice Conversion application will be required with our agency prior to the removal of any timber on this site.

#### **City of Spokane Traffic**

8. A shared-use pathway, instead of a sidewalk, is required along one side of the new collector, Sturgeon Way, from Cedar Road to Cheney-Spokane Road.
9. The single-lane roundabout at Cheney-Spokane Road shall be constructed prior to final plat of the 3<sup>rd</sup> phase of the development, as shown on the submitted phasing plan with the plat materials. The roundabout shall be designed to accommodate the larger vehicles and horse trailers that commonly use Cheney-Spokane Road. The roundabout design shall include an extension of a shared-use pathway on the west side of Cheney-Spokane from the roundabout to Marshall Road, to facilitate non-motorized connectivity to the Fish Lake Trail (via Marshall Road).
10. Construction of the Cedar Road cul-de-sac is required after the completion of Sturgeon Way and the Cheney-Spokane Road roundabout. This work will be required prior to the signing of final plat for the 4<sup>th</sup> phase of the development, as shown on the phasing plan submitted with the plat application materials. The design and construction of the cul-de-sac is eligible for impact fee credit.

#### **City of Spokane Engineering**

##### Water Comments:

11. The developer(s) will be responsible for all costs associated with design and construction of water improvements necessary to serve the proposed plat.
12. The water system shall be designed and constructed in accordance with City standards. A pressure of 45 psi minimum at the property line is required for service connections supplying domestic flows. Pressures shall not drop below 20 psi at any point in the system during a fire situation. Pressures over 80 psi will require that pressure relief valves be installed at developer expense.
13. A final electronic version (pdf) of the Concept Water System Design Report for the proposed Qualchan View Estates and Marshall Creek Subdivisions (Report), dated March 9, 2023; revised October 23, 2023, must be submitted to the Development Services Center for review and acceptance. The final Report must include supporting calculations for domestic and fire flows per City of Spokane Design Standards.
14. In addition to the Report, 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.

15. To develop the proposed preliminary plat, the developer will be required to design and construct regional (area larger than preliminary plat) off-site water infrastructure. Per the Report, it is recommended off-site water infrastructure shall be constructed as follows:
  - a. Extend a 12-inch water main in Cheney-Spokane Road, within the Low-pressure zone, to the existing 6-inch main that serves Spokane Memorial Gardens and install a parallel 8-inch main or new 12-inch main all the way to the new intersection with relocated Cedar Road to serve the first phase of the project.
  - b. Install pressure reducing stations within the Marshall Creek subdivision at appropriate locations to be determined at final design.
  - c. Provide and construct a new water 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. This is also a condition of approval of the Qualchan View Estates Preliminary Plat. The new reservoir shall be in service after completion of the Marshall Road water transmission main.
  - d. Provide and construct a new water booster station to pump from the Low-pressure zone to the Eagle Ridge 1 pressure zone. Provide and install a water transmission main from the new booster station to the new reservoir to be located at the Eagle Ridge 1 Reservoir Elevation. These are also conditions of approval of the Qualchan View Estates Preliminary Plat. The booster station and transmission main shall be in service after completion of the Marshall Road water transmission main.
  - e. Extend a second 12-inch water main from the existing Eagle Ridge Booster Station to the new reservoir to be constructed at the Eagle Ridge 1 reservoir elevation. This main needs to be installed to serve the Qualchan View Estates Subdivision and/or the Marshall Creek Subdivision, whichever occurs first. It shall be in service after completion of the Marshall Road water transmission main.
  - f. Based on a final Report provided by the developer, alternative facilities that meet or exceed capacity provided by the above conditioned facilities can be submitted to the Development Services Center for review and acceptance as long as they comply with the terms and conditions set forth in the Hearing Examiner's Decision.
16. The City and developer will cooperate in preparing a development agreement simultaneously with design review of the items identified in 15a-f, which will include terms identifying system improvements, such that a proportionate share of the cost of these improvements may be offset by waiver of or credit towards Water General Facility Charges (GRF's)(e.g. 13.01.2042.C.5) acknowledging that the developer will have paid the cost of installing the City's system that would have otherwise been funded through the GFC's. The City will cooperate to identify these improvements, as appropriate, in its capital improvement plan. The developer may also request a latecomer agreement for costs that are not offset through GFC's.
17. Phasing Restrictions (Water):
  - a. 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. This second water transmission main is currently under construction and expected to be completed in the 2025 construction season. 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. Marshall Creek may not final plat more than Phase 1 of the submitted phasing plan, until the "Water comment 5a" above is operational and in service. The remaining lots can be final platted after the listed items in "Water comments 15b-f" above are operational and in service or as otherwise satisfactorily addressed in the forthcoming developer agreement.

Sanitary Sewer Requirements:

18. A sanitary sewage lift station / force main / siphon / gravity sewer system will be required to provide sanitary sewer service to the proposed plat. The pump station / force main /

gravity sewer system, within the plat, will discharge to an off-site siphon / gravity sewer to be constructed in Cheney-Spokane Road and on private property from US 195 to the project site. The off-site siphon / gravity sewer is under construction and is anticipated to be complete by the end of the 2024 construction season.

19. The developer will be required to design and construct a sewer system that will provide regional service due to its location and topographical considerations.
20. The City and developer will cooperate in preparing a development agreement simultaneously with design review of the sewer system, which will include terms identifying system improvements, such that a proportionate share of the cost of these improvements may be offset by waiver of or credit towards Sewer General Facility Charges (e.g. 13.03.0732.B.4) acknowledging that the developer will have paid the cost of installing the City's system that would have otherwise been funded through Sewer GFC's. The City will cooperate to identify these improvements, as appropriate, in its capital improvement plan. The developer may also request a latecomer agreement for costs that are not offset through GFC's.
21. The developer will be responsible for all sewer design and construction costs necessary to serve the proposed plat. The City will be responsible for any oversize costs, whereby, the terms and conditions can be addressed in a Developer Agreement which must be approved by the City Council.
22. The sanitary sewer system (pump station, force main, gravity sewer) shall be designed and constructed in accordance with City standards and regulations.
23. A concept sanitary sewer system plan has been submitted to Development Services for review and concurrence.
24. Construction plans shall be submitted to Development Services for review and acceptance. The sanitary sewer system (within the plat and off-site), including individual service connections to each lot, shall be constructed and accepted for service prior to the City Engineer signing the final plat.

Street Requirements:

25. Cedar Road is designated an Urban Major Collector Roadway that is proposed to be rerouted through the Marshall Creek Plat. Right-of-way for Cedar Road must be dedicated in accordance with Urban Major Collector standards and the roadway must be constructed in accordance with Urban Major Collector Standards. The existing Cedar Road is proposed to be terminated in a cul-de-sac just north of the plat boundary. There are properties adjacent to Cedar Road, north of the proposed cul-de-sac, that need access and frontage to a public right of way. Street design plans, addressing these issues and the final configuration of the Cedar Road / Cheney-Spokane Road intersection, must be reviewed and accepted by Development Services. Modifications to the Cedar Road / Cheney-Spokane Road Intersection will not be permissible until the new Urban Major Collector Roadway connecting Cedar Road and Cheney-Spokane Road, and the required roundabout on Cheney-Spokane Road are both operational. The applicant's dedications of land and contributions to funding the design and construction of the roundabout, cul-de-sac, and shared use path will qualify for a credit against transportation impact fees per SMC 17D.075.070.
26. 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.
27. Block lengths should not exceed 660-feet. Any deviations from this will require design departure requests submitted with the Engineering plans.
28. Signing and striping plans, where appropriate, shall be included as part of the design submittal.
  - a. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.
  - b. Any grades exceeding 8% must be shown on the preliminary plat.



- c. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
  - d. 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.
  - e. The developer will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
  - f. Construction plans for public street, sewer, water and storm water systems must be designed by a Professional Engineer, licensed in the State of Washington, and submitted to Development Services for review and acceptance prior to construction.
  - g. 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 fifteen percent 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.
29. 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:
- h. Hillside developments as described in SMC 17H.010.110 where lots are developed on only one side of the street.
  - i. Neighborhoods where garage access is provided from alleys and driveway access to the street is restricted.
  - j. 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.
30. Per Section 17H.010.180 Sidewalks:
- k. Sidewalks shall be located on both sides of the street for all public and private streets.
  - l. Sidewalk shall be constructed around the bulb of cul-de-sacs so that every lot is served by a sidewalk.
  - m. 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.
  - n. All sidewalks shall be designed and constructed in accordance with the city's design standards, standard plans and specifications.
31. Per Section 17H.010.190 Pedestrian Buffer Strips:
- o. 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.
  - p. 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.
  - q. 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.

- r. In cases where sidewalk has been omitted on one side of the street, the pedestrian buffer strip may also be omitted on that side.
- s. Pedestrian buffer strips may be omitted around the bulb of cul-de-sacs.

Stormwater Requirements:

- 32. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat. Pre-development flow of any off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm must be provided.
  - a. No building permit shall be issued for any lot in the plat until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17D.060 "Stormwater Facilities", the Regional Stormwater Manual, 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 Development Services for review and acceptance prior to issuance of a building permit.
- 33. All stormwater facilities necessary to serve the proposed plat shall be designed and constructed in accordance with City standards. 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.
  - b. Prior to construction, a grading and drainage plan shall be submitted to Development Services for review and acceptance.
  - c. An erosion / sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to Developer Services for review and acceptance prior to construction.
  - d. If drywells are utilized, they will be tested to ensure design infiltration rates are met. A minimum factor of safety of 2 (two) will be required. In accordance with State Law, existing and proposed Underground Injection Control structures need to be registered with the Washington State Department of Ecology. Proof of registration must be provided prior to plan acceptance.
  - e. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.
- 34. Construction plans for public sanitary sewer, water, street, and stormwater improvements must be designed by a Professional Engineer, licensed in the State of Washington, and submitted to Development Services for review and acceptance prior to construction.
- 35. 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.
- 36. 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.
- 37. The nearest existing public sanitary sewer main is near 4100 S Cheney Spokane Rd and is an eight-inch diameter PVC main which connects to a 21-inch diameter main in the US 195 right-of-way. A sewer capacity analysis is required to ensure adequate service for the proposed development.
- 38. The water system shall be designed and constructed in accordance with City Standards. A pressure of 45-psi minimum at the property line is required for service connections supplying domestic flows. Pressures shall not drop below 20 psi at any point in the system during a fire situation. Pressures over 80 psi will require pressure relief valves be installed at developer expense.

39. Individual water and sewer service connections, to each lot, shall be constructed and accepted for service prior to the paving of the street and the issuance of any Certificates of Occupancy on any structures in the plat.
40. The minimum curb radius for the cul-de-sac bulbs shall be fifty feet and designed as per the City of Spokane Design Standards and Standard Plans.
41. The developer will be responsible for all costs associated with design and construction of all sanitary sewer, water, street, and stormwater improvements necessary to serve the proposed plat, subject to an offset of general facility charges as otherwise provided in the conditions of approval. Sanitary sewer and water mains, including service connections to property lines, shall be constructed and inspected to City standards, prior to the City Engineer signing the final plat.
42. In accordance with the City's Financial Guarantee Policy, a financial guarantee will be required for all street and/or stormwater improvements not constructed prior to approval of the final plat.
43. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet).
44. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer's recommendations.
45. Prior to construction, a grading and drainage plan shall be submitted to Developer Services for review and acceptance.
46. 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.
47. No building permit shall be issued for any lot in the plat until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17D.060 "Stormwater Facilities", the Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and the Project Engineer's recommendations have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Development Services for review and acceptance prior to issuance of a building permit.
48. All easements for existing or future access to utilities must be shown on the face of the plat.
49. Addresses must be shown on the face of the final plat. Addresses will need to be applied for prior to side sewer service and water service permits. To apply for and obtain addresses, please contact [addressing@spokanecity.org](mailto:addressing@spokanecity.org) and provide a copy of the proposed final plat.
50. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
51. 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.
52. Any Tracts shall be maintained by a Homeowners' Association established for this plat and the ownership of the Tracts must be stated in the dedicatory language. Any stormwater facilities in these Tracts will be operated and maintained in accordance with the accepted stormwater plans and the terms and provisions of all affected statements in the dedicatory language.
53. A \$250.00 deposit will be required for each monument to be installed as part of the final plat.
54. 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.
55. Signing and striping plans, where appropriate, shall be included as part of the design submittal.

56. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.


The following conditions and comments will be required in the dedicatory language of the Final Plat. Additional conditions and/or comments may be added at time of the Final Plat review:

57. With respect to any increased stormwater flows accruing as a result of any development, each property owner, on its own behalf and the behalf of its successors in interest, fully accepts without reservation, the obligation to obstruct and artificially contain and collect all natural or artificially generated or enhanced drainage flows across or upon said owner's property. The purpose of this requirement is to avoid causing or potentially contributing to flooding, erosion, or stormwater loads on other private or public properties and the public sewer system.
58. The City of Spokane is not a guarantor of public improvements with respect to protection of property from flooding or damage from stormwater, excessive groundwater levels, soil erosion, movement or related risks. Property owners, acting on their own behalf and the behalf of their successors in interest and assigns, forever waive any claim for loss, liability, or damage to people or property because of stormwater or drainage problems and related risks against any governmental entity arising from platting or permit approvals, or the construction and maintenance of public facilities and public property within the plat or subdivision. This waiver is intended to include application to the City of Spokane, its officers and agents, and includes any claims for loss or for damage to lands or property adjacent to or otherwise affected by any street or public way or easement by the established construction, design and maintenance of said streets or public ways or easements, including the construction, drainage and maintenance of said streets, not by way of limitation. Property owners, on their own behalf and the behalf of their successors and assigns, further stipulate and agree that this waiver decreases property value in an amount at least equal to one dollar or more and intend and agree that it run with the land.
59. The City of Spokane and its authorized agents are hereby granted the right to ingress and egress to, over, and from all public and private drainage easements and Tracts for the purposes of inspection and emergency maintenance of the drainage swales and other drainage facilities. The property owner or his/her representative shall inform each succeeding purchaser of all drainage easements on the property and his/her responsibility for maintaining drainage facilities within said easements.
60. Property owner(s) shall maintain drainage swales or planting strips in the public right of way adjacent to their property with a permanent live cover of lawn turf, with optional shrubbery and/or trees which do not obstruct the flow and percolation of runoff in the drainage swale, as indicated on the accepted plans.
61. Slope easements for cut and fill, as deemed necessary by Development Services in accordance with the City's Design Standards, are hereby granted to the City of Spokane for the construction and maintenance of public streets adjoining this plat.
62. A ten-foot easement for utilities, including cable television, is hereby granted along all street frontages to the City and its permittees.
63. Utility easements shown here on the described plat are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance and operation of utilities and cable television, together with the right to inspect said utilities and to trim and/or remove brush and trees which may interfere with the construction, maintenance and operation of same.
64. 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.
65. All stormwater and surface drainage generated on-site must be disposed on-site in accordance with chapter 17D.060 SMC, Stormwater Facilities, and City Design Standards, and as per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat.
66. No building permit shall be issued for any lot in this subdivision 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, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Development Services for review and acceptance prior to issuance of a building permit.

67. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private sanitary sewer system and a functioning public or private water system complying with the requirements of the Engineering Services Department.
68. 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.
69. All public improvements (street, storm sewer, sanitary sewer, and water) shall be constructed to City of Spokane standards prior to occupancy of any structures served by said improvements.
70. All parking and maneuvering areas shall be hard surfaced.

DATED this 2<sup>nd</sup> day of October 2024.

  
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Karl J. Granrath  
City of Spokane Hearing Examiner

#### **NOTICE OF RIGHT TO APPEAL**

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.061.340 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 2<sup>nd</sup> day of October. **THE DATE OF THE LAST DAY TO APPEAL IS THE 16<sup>TH</sup> DAY OF OCTOBER 2024, 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.