



**HEARING EXAMINER**  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3333  
509.625.6010

**KARL J. GRANRATH**  
HEARING EXAMINER

May 19, 2025

Parties of Record

RE: Z23-0044PPUD Victory Heights (Thorpe Road) Amended Decision

Dear Parties of Record,

At the request of the Washington State Department of Transportation, and stipulated to by the City of Spokane and the Applicant in this matter, a condition of approval has been added to the decision as follows:

Section 5 – Decision, Subsection 5.1 – Transportation

4. Parties shall adhere to the terms of the Stipulation Resolving WSDOT Appeal of Victory Heights MDNS (Stipulated Agreement).

The addition of this language to the Decision has been determined by the Hearing Examiner to be a clarifying measure, as no substantive changes to the project or its conditions are occurring. The Approval of the Decision was and is substantially based upon the execution and presumed completion of the measures identified in the Stipulated Agreement. See Decision 4.1.3 (Concurrency) p. 10-11 and 4.1.5 (Environment) p. 13. The Decision Date will remain the same.

Sincerely,

Karl J. Granrath  
City of Spokane Hearing Examiner

Encl.: Amended Decision

## CITY OF SPOKANE HEARING EXAMINER

Re: Application by Whipple Consulting )  
Engineering, Inc. for Victory Heights ) AMENDED  
Investment, LLC, to subdivide 18 ) FINDINGS, CONCLUSIONS,  
parcels, approximately 177.27 acres, into ) AND DECISION  
997 lots within a PUD overlay in the R1 )  
zone ) FILE NO. Z23-044PPUD  
)

### 1 SUMMARY OF PROPOSAL AND DECISION

**Proposal:** The Applicant is proposing to subdivide 18 parcels, totaling approximately 177.27 acres, into 997 lots within a Planned Unit Development (PUD) overlay in the Residential 1 (R1) zone. The project will consist of detached single-family residences and attached townhomes. Proposed lots within the plat will be accessed by public roads and alleys and served by public water and sewer. Phasing is being requested as part of the application process.

**Decision:** The preliminary plat is APPROVED, with conditions. The State Environmental Policy Act (SEPA) appeal was withdrawn by the Washington Department of Transportation (WSDOT) and is therefore dismissed.

### 2 FINDINGS OF FACT/BACKGROUND INFORMATION

#### 2.1 General Information

**Applicant/  
Agent:** Todd Whipple  
Whipple Consulting Engineers, Inc.  
21 S. Pines Road  
Spokane Valley WA 99206

**Owner:** Victory Heights Investment, LLC  
18300 Redmond Way STE 120  
Redmond, WA 98052

**Property Location:** The proposal is located at 2747 W Thorpe Road (multiple parcels) W ½ of Section 35 and SW ¼ of Section 25, Township 25, Range 24, Willamette Meridian, Spokane County, Washington.

**Zoning:** R1

**Comprehensive Plan (CP) Map Designation:** Residential Low

**Site Description:** The project is proposed on 18 parcels that sit to the south of Thorpe Road, and directly west of the BNSF railway track/right of way. The entire site sits west of Hwy 195.

The site size is approximately 177.27 acres and primarily undeveloped. There are six existing single-family homes and approximately 11 accessory structures on the project site that will be removed. The site has significant slopes, some of greater than 30%, based on GIS mapping.

**Surrounding Conditions and Uses:** All adjacent lots are zoned R1. There is an area of land north of this project site, across Thorpe Road, that is zoned Residential Multi-Family (RMF).

Adjacent land use designations to north include Residential Low and Residential Moderate, to the west and south is Residential Low, and to the east is Potential Open Space per the current Comprehensive Plan amended in 2023. Notable uses to the east of this site are the BNSF Railroad and Fish Lake Trail.

**Project Description:** The Applicant is proposing to subdivide 18 parcels, totaling approximately 177.27 acres, into 997 lots (previously 1,003) within a PUD overlay in the R1 zone. The project will consist of detached single-family residences and attached townhomes. The PUD overlay is being requested to allow alteration to the development standards in which this proposed plat is vested under (Spokane Municipal Code [SMC] 17C.110, which has since been repealed and replaced with SMC 17C.111). Proposed lots within the plat will be accessed by public roads, alleys, shared use paths and served by public water and sewer. This project is not subject to the current Latah Valley Subdivision Moratorium (Ord. C36522), as it was under review prior to the adoption of the moratorium ordinance on May 20, 2024.

### 3 PROCEDURAL INFORMATION

**Authorizing Ordinances:** SMC 17C.110 – Residential Development or SMC 17C.111 – Residential Zones; SMC 17G.061 – Land Use Application Procedures; SMC 17G.070 – Planned Unit Developments; SMC 17G.080 – Subdivisions; 17E Environmental Standards; SMC 17E.010 – Critical Aquifer Recharge Areas; SMC 17E.020 – Fish and Wildlife Conservation Area; SMC 17E.040 – Spokane Geologically Hazardous Areas; SMC 17E.050 – SEPA; and 17E.070 – Wetlands

Notice of Community Meeting:	April 25, 2022 September 2, 2022 (traffic scoping meeting) January 30, 2023
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Notice of Application/Public Hearing and Notice of SEPA Application:	Mailed: February 5, 2025 Posted: February 5, 2025 Publication: January 31 and February 7, 2025
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Site Visit:	March 18, 2025
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Public Hearing Date:	March 19, 2025 (Application) April 2, 3, & 4, 2025 (Appeal)
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**State Environmental Policy Act (SEPA):** The City issues a Mitigated Determination of Non-Significance on February 21, 2025. The appeal deadline was March 7, 2025. An appeal was

timely filed on March 7, 2025, by WSDOT. A stipulated agreement was reached, and WSDOT withdrew their appeal.

### Testimony:

#### City of Spokane

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#### Applicant

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#### Appellant

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#### Public Testimony

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Stefen Harvey  
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**Submitted comments to the record or present at hearing but did not testify:**

Applicant/Owner	City of Spokane
Public	
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## **Preliminary Plat/PUD Exhibits:**

1. Staff Report
2. Community Meeting Materials
  - Parcels and Owners List
  - Meeting 1
  - Meeting 2
  - Meeting 3
3. Application Submittals
  - 12/20/22
  - 2/10/23
  - 8/25/23
  - 2/14/24
  - 7/8/24
  - 8/7/24
  - 8/26/24
  - 10/1/24
  - 10/31/24
4. Transportation Impact Analysis
  - Third Party Review
  - Concurrency and SEPA Discussion
  - Letters
  - SEPA MDNS
  - Submittals
  - WSDOT Comments
  - Spokane County Comment 12/23/24
  - I. Note to Transpo Group 9/19/24
  - I. Note comment 10/4/24
  - I. Note Revised Concurrency Memo 2/10/25
  - Transpo Group Technical Memo 3/17/24
5. Request for Comments
  - 2/15/23
  - 9/11/23
  - 2/21/24
  - 7/10/24
6. Public Comments
  - Pre-application
  - After Comment Period Closed
7. Letters
  - Technically Incomplete
  - Complete
8. Notice of Application and Public Hearing
  - Noticing Materials
  - Public Comments
  - Confirmation of Receipt of Public Comments

- WSDOT Comments
  - List of email addresses of commenters
9. Affidavits
    - Community Meeting 1
    - Community Meeting 2
    - Community Meeting 3
    - Notice of Application and Public Hearing
  10. SEPA MDNS
    - MDNS 01/30/25
    - MDNS 02/21/25
    - Spokane County Comments
    - SEPA Determination Email
    - WSDOT MDNS Comments
    - MDNS Memo re WSDOT Mitigation Requests (1/22/25, revised 2/27/25 and 3/7/25)
  11. Staff Report PowerPoint Presentation
  12. Applicant's Presentation
  13. WSDOT Presentation
  14. Exhibits from the Marshalls
  15. Fire Exhibits from Whipple
  16. Concurrency Memo
  17. Email Correspondence re: County MDNS Condition

#### **SEPA Appeal Exhibits:**

1. Request for Appeal
2. SEPA Appeal
3. Receipt of Fees Paid
4. Communication re: Continuance
5. Order Granting Continuance and Setting Briefing Schedule
6. Additional Communication re: Continuance and Briefing Schedule
7. Amended Briefing Schedule
8. Appellant's Prehearing Brief (with attachments)
9. City's Prehearing Brief (with attachments)
10. Applicant's Prehearing Brief (with attachments)
11. Stipulated Agreement

## **4 FINDINGS AND CONCLUSIONS**

### **4.1 Preliminary Plat/PUD and Land Use Application**

To be approved, the proposed preliminary plat must comply with the criteria set forth in the SMC and demonstrate consistency with the CP. 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:

4.1.1 The proposal is allowed under the provisions of the land use codes. *See SMC 17G.061.310(C)(1).*

The proposal is for 997 single family lots, 101 open space tracts, and 24 alley tracts across approximately 177.27 acres. Both the RSF and R1 zone designations allow for both detached single family and attached single family homes. The applicant submitted the plat materials under previous zoning regulations, commonly referred to as 17C.110. At that time, the zoning designation was RSF. The following discussion will reflect the standards that were in effect at the time of application submittal, as the applicant is vested to those standards per RCW 58.17.033(1) and RCW 58.17.170(2) but will also discuss the applicability of the new regulations under 17C.111. If, at the time of construction, the applicant chooses 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 17C.111. Whichever path is chosen, individual home sites would be required to adhere to the entirety of that specific code section – either 17C.110 or 17C.111.

#### 4.1.1.1 *Residential Zoning Standards (SMC 17C.110)*

- **Setbacks:** The required setbacks in the Residential Single-Family (RSF) zones were 15-foot front yards (20-foot for garages), 5-foot side yards and 25-foot rear yards. The current R1 setbacks are 10-foot front yards (20-foot for garages) 5-foot side yards, and 15-foot rear yards.
- **Lot Size and Dimensional Standards:** The minimum lot size in the RSF zone was 4,350 square feet with a minimum lot width and frontage of 40 ft. The minimum lot size in the current R1 zone is 1,200 square feet with a minimum lot width and frontage of 15 ft.
- **Density:** The minimum density in the RSF zone was 4 units per acre and the maximum was 10 units per acre. The project is proposing a net density of 5.63 units per acre to meet this requirement. Because this site is over 2 acres, the same density requirements apply to this site in the current R1 zone.
- **Height:** The height limitation of the RSF zone was 35 feet. The height in the current R1 zone is 40 feet.
- **Building Coverage:** The RSF zone had a maximum FAR value of 0.5, and an individual lot coverage of no more than 40%. In the current R1 zone, these properties would have no maximum FAR and a maximum building coverage of 65%, although no one building could have a footprint of more than 2,450sqft if the parcel is 7,000sqft or less, or 35% if the parcel is more than 7,000sqft.
- **Off-Street Parking:** In the RSF zone, a minimum of one parking space per unit was required for the first three bedrooms in each unit. An additional parking space was required for every bedroom over three in each unit. In the current R1 zone, there are no minimum parking requirements.

#### 4.1.1.2 *PUD Standard Alteration Request*

The applicant has applied for a PUD overlay for alternate development standards from those listed under 17C.110.200 Those requests are identified below:

- **Lot Width:** Approximately 317 lots intended for single-family detached residences will have a minimum frontage and width of 35 feet.



- **Minimum Lot Area:** Approximately 317 lots intended for single-family detached residences (same as described above) will have a minimum lot size of proximately 2,972 square feet. Additionally, approximately 142 single-family detached residences are proposed to have a minimum lot size of approximately 4,000 square feet.
- **Maximum FAR:** Applicant is seeking a maximum FAR of 1.0.
- **Maximum Building Coverage:** Applicant is seeking an allowable building coverage allowance of 65% for Townhomes and Compact Lots.
- **Townhomes:** Applicant is seeking allowance for townhome lots with a minimum lot size of 1,280 square feet.

The Hearing Examiner agrees with the Staff that the proposal meets the density requirements, and the proposed use of single-family homes is allowed in this location, whether the future units choose to comply with 17C.110 or 17C.111. It's important to note that all the requested alterations from 17C.110 listed above would be allowable outright if that applicant chooses to follow the existing code of 17C.111. This is extremely strong evidence that the PUD related alterations to the vested standards are reasonable. If the applicant chooses to follow the existing code of 17C.111, they would be subject to any design standards listed in 17C.111. Through a PUD application, adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in SMC 17G.061.310(C) and SMC 17G.061.310(D)(4). These particulars will be discussed below.

SMC 17G.070.200(F) also governs requested phasing. Based upon a review of the record, the Hearing Examiner finds that the project satisfies the requirements to allow the development to be done in phases.

In total, this proposal is allowed under the provisions of the land use codes, and therefore the Hearing Examiner concludes that this criterion is satisfied.

4.1.2 The proposal is consistent with the Comprehensive Plan designation and goals, objectives and policies for the property;.

The proposed development is consistent with the pertinent provisions of the Comprehensive Plan. The site is designated as Residential Low (previously designated as Residential 4-10 prior to 2024) and allows single-family residences. Land with this designation may be developed with a minimum of 4 dwelling units per acre and a maximum of 10 dwelling units per acre. The density of this project sits within this designation, as discussed above.

The Comprehensive Plan includes several goals, objectives, and policies that are relevant to the proposal, which are outlined in the Staff Report (see Exhibit 1, pp. 6-7):

- LU 1.3 – Lower Intensity Residential Area
- LU 1.12 – Public Facilities and Services
- LU 2.1 – Public Realm Features
- LU 3.7 – Maximum and Minimum Lot Sizes
- LU 4.4 – Connections
- LU 5 – Development Character
- LU 5.1 – Built and Natural Environment

- LU 5.4 – Natural Features and Habitat Protection
- LU 5.5 – Compatible Development
- LU 8.1 – Role of Urban Growth Areas
- TR Goal B – Provide Transportation Choices
- TR 2 – Transportation Supporting Land Use
- TR 7 – Neighborhood Access
- TR 20 – Bicycle/Pedestrian Coordination
- H 1 – Housing Choice and Diversity Goals

The proposal is consistent with the Comprehensive Plan. It provides vehicle connectivity throughout the plat and adequate connectivity to Thorpe Road and the conjoining road networks. It provides several housing types, offering substantial new ownership opportunities. It contributes to a safe multi-modal transportation network by providing separated sidewalks within the plat, and a 10-foot-wide shared use path along Thorpe Road. It utilizes and expands existing utility infrastructure. The proposed conditions ensure the applicant will continue to work with the city and outside agencies to address infrastructure needs collaboratively. See Staff Report, pp. 6-7. See *also* Appeal Exhibit 12 (Stipulated Agreement).

Given the foregoing, the Hearing Examiner finds this criterion satisfied.

#### 4.1.3 The proposal meets the concurrency requirements of SMC Chapter 17D.010

The application was circulated several times for department and agency comments. Comments were received from a number of departments and are included in the file, and applicable conditions are listed at the end of this report. For other areas of concurrency analysis not addressed in conditions, there was either no comment from applicable agencies and/or there is no other evidence in the record to suggest concurrency cannot be satisfied. The bulk of the review centered around two issues: water and sewer infrastructure; and traffic circulation and intersection capacity.

The first involved ensuring sufficient water and sewer infrastructure was available to serve the plat. In the first several rounds of review, it was identified that due to the high number of developments in the Grandview/Thorpe and West Plains area the reservoir storage capacity in the SIA Pressure Zone was nearing capacity for water. Projects in the area were to take a phased approval approach until SIA #3 Storage Tank was in service. Since then, the tank has become reliably operational, and the phasing conditional is no longer necessary. The review also identified the significant sewer load that the proposed development would have on the existing systems (Thorpe sewer system, Latah Creek Siphon and Clarke Lift Station). As a result of the anticipated impact, and knowing that projects in the 6-year Capital Program that would accommodate this development could become delayed or face funding challenges, the city is requesting a condition reserving the right to review sewer flow usage at 50% development occupancy to confirm remaining available sewer capacity. If the sewer facilities are nearing capacity at time of 50% occupancy and the projects remain in the 6-year CIP, the applicant and City will evaluate facility needs at that time to determine the proportionate share of financial burden on the remainder of the project and to expedite the construction completion date. The

Hearing Examiner concludes that, as to water and sewer infrastructure, the concurrency requirements of SMC 17D.010 are satisfied.

The second main component of concurrency analysis was traffic. US-195 is a Highway of Statewide Significance and thus not subject to concurrency. See RCW 47.06.140; WAC 365-196-840, Spokane Comp. Plan, Chapter 4, Pg. 54. Nonetheless, those valid concerns about various intersections along US-195 have been addressed through SEPA mitigations. See Exhibit 10 (Final MDNS). See *also* Appeal Exhibit 12 (Stipulated Agreement).

The main area of concern for transportation concurrency analysis centered around the Thorpe tunnels. Intertwined with concerns about the performance of these tunnels is the fact that traffic using these tunnels are coming to/from US-195. In short, the mitigation measures that ended up being a part of the MDNS and Stipulated Agreement will resolve anticipated issues with what could be an eventual failing of LOS standards for the tunnels. Issues with US-195, including the City's intersections with them, are not subject to concurrency analysis and will not be discussed here.

Still, concerns from the public and the City's Traffic Engineer were raised about the performance of the Thorpe tunnels themselves. These concerns are valid and substantial. In fact, the City's Traffic Engineer concluded that the development does not pass concurrency review because of its anticipated impact on traffic through the tunnels after Phase 4. See Exhibit 4 (I. Note REVISED Concurrency Memo 2.10.25). However, the City's Planning Director concluded that, for several reasons, concurrency was still satisfied. See Exhibit 16. Upon review of the record, and especially considering the particulars of the Stipulated Agreement resolving the SEPA Appeal, the Hearing Examiner concludes that this development will not degrade the LOS of the tunnels in a way that needs further mitigation or otherwise fails a concurrency test.

A threshold legal question was presented as to whether the tunnel should be considered an "intersection" and therefore be subject to concurrency analysis. Using a plain reading of the legal definition of "intersection", a tunnel is likely not legally an "intersection." See RCW 46.04.220. See *also* Exhibit 16 (Concurrency Memo) p.1-2. There is a reasonable argument that *if* the tunnel ever become signalized, that it *could* be considered an "intersection." Yet, the possibility of the tunnel eventually becoming signalized is just that, a possibility. Several solutions to improving tunnel operations are on the table, and it would be inappropriate to assume signalization will be the final choice. And it would be likewise inappropriate to impose conditions or fail concurrency because of a possible future road condition.

Nonetheless, these tunnels are ripe for City oversight. First, is the fact that the tunnels are particularly narrow and short, necessitating one-way traffic when larger vehicles, including emergency vehicles and commercial trucks, traverse the tunnel span. Given that the final traffic configuration proposed (prior to the Stipulated Agreement) would eventually cause system failures in both the tunnels and on US-195, it was eminently reasonable for the City's Traffic Engineer to take their final position on the project. Still, the Hearing Examiner ultimately agrees with the City's analysis of the intertwining issues outlined in their concurrency memo. *Id.* at 2-4. The Hearing Examiner also concludes that with the provisions within the MDNS and Stipulated Agreement, the potential future issues with the tunnels (and US-195) will be appropriately

addressed, either by tunnel improvements, by diverting traffic to the west, or some other suitable measure. This approach, including the City's use of a Development Agreement to address the tunnels, will be able address concurrency issues when the potential failures are likely to occur (i.e. after Phase 4). Given the phased approach to this development, the Hearing Examiner concludes that these future measures will be able to be completed concurrent with triggering phases, and therefore concurrent with the development.

Hearing Examiner concludes that, as to traffic and transportation impacts, the concurrency requirements of SMC 17D.010 are satisfied.

Outside of these two concerns, no further capacity issues were identified during review. The Hearing Examiner could find no others. Therefore, this criterion is satisfied

4.1.4 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.

The applicant has conducted and submitted numerous environmental reports/studies for the project site in preparation for development. The owner(s) have already demonstrated a good faith effort to address these considerations by consulting with a civil engineer (the applicant), wetland specialist, and geotechnical engineer. As required by the Spokane Regional Stormwater Manual, all stormwater will be treated and disposed of on site.

A geohazard evaluation was conducted and identified that while geological hazard conditions are present within the proposed development (slopes greater than 30%), the project is still feasible since the conditions can be managed through proper design, construction, and verification. The evaluation highlights that these special considerations will need to be addressed by civil and structural engineers with respect to designing utilities, roads, and buildings on and directly adjacent to highly erodible soils, steep slopes, and hydraulic features. The development of any structures in this plat is subject to review of a geotechnical evaluation for foundation design and to determine suitability, including effects 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 compliance with the City of Spokane Building Department and Development Services prior to issuance of a building permit.

A Wetland Delineation Report was submitted and identified Wetland #1 in the northeast corner of the property about 100 feet west of the railroad tracks that define the east boundary of the project site. Wetland #1 has a category 3 rating with a buffer width of 150 feet. Wetland #2 was also identified and is located approximately 120 feet east of the railroad tracks on property that is not part of this project. Wetland #2 has a category 3 rating with a 200-foot buffer that that encumbers the project site, therefore applicable to this proposal. The design of the preliminary plat has incorporated park area that would surround the wetland buffer to better protect the critical area. As part of the recommended conditions, any action taken pursuant to SMC Chapter 17E.070 shall result in equivalent or greater functions and values of the critical areas associated with the proposed action, as determined by the best available science.

In terms of the existence of natural, historic, or cultural features, a Cultural Resource Survey was prepared by the applicant and was routed to the Spokane Tribe and DAHP for review. The Spokane Tribe of Indians confirmed agreement with the recommendation stemming from the survey and will require an Inadvertent Discovery Plan be implemented into the scope of work.

All reports mentioned above are part of this record, and accompanying conditions are included in the conditions of the plat. The record supports the conclusion that the site is suitable for the proposed development. Therefore, the Hearing Examiner finds this criterion satisfied.

4.1.5 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 effects or interference with the use of neighboring properties or the surrounding area, considering the design and intensity of the proposed use.

A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on February 21, 2025, which identifies a variety of mitigations required of this project. This MDNS was appealed by WSDOT on March 7, 2025. A stipulated agreement was eventually reached between the City and WSDOT, and as a part of that agreement, WSDOT withdrew their appeal.

Many of the public comments identified concerns over the impacts of this subdivision on the neighboring subdivisions and the greater area. 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, and impacts to the public schools.

The final MDNS includes proportionate conditions for traffic improvements on both the state highway (US-195) and the local streets around this site, including the Thorpe tunnels. These conditions are intended to mitigate the impacts of the traffic generated by the project, especially in later phases of the project. The infrastructure needs related to this project are significant and will benefit a much larger area than the project itself. Due to the complicated nature of determining a proportionate share, coupled with ongoing studies from the City to better understand costs and funding timelines for needed improvements, the MDNS proposes a Development Agreement or similar lawful instrument to allow the City and applicant to collaborate on infrastructure needs. This is appropriate given the proposed phasing of the project, as well the final stipulated agreement between the parties. The MDNS contemplates allowing development to proceed through milestones to ensure impacts are mitigated at the time they are expected to become an issue.

The MDNS also includes a 10' wide shared use pathway along Thorpe Road in lieu of sidewalk and a bike lane, with a crosswalk providing a safe connection to the north side of Thorpe Road adjacent to Westwood Lane. The city will collect transportation impact fees for each single-family residence and must be paid prior to issuance of the building permit, pursuant to SMC 17D.075. Traffic mitigations will qualify for a credit towards these transportation impact fees per SMC 17D.075.070.

The MDNS also addresses the significant sewer load that the proposed development would have on the existing systems (Thorpe sewer system, Latah Creek Siphon and Clarke Lift Station). As a result of the anticipated impact and knowing that projects in the 6-year Capital Program that would accommodate this development could become delayed or face funding challenges, the city is reserving the right to review sewer flow usage at 50% development occupancy to confirm remaining available sewer capacity. If the sewer facilities are nearing capacity at time of 50% occupancy and the projects remain in the 6-year CIP, the applicant and City will evaluate facility needs at that time to determine the proportionate share of financial burden on the remainder of the project and to expedite the construction completion date.

The Hearing Examiner empathizes with the citizens' concerns about the lack of a fire station in the area, but unfortunately, the fire station is not something the applicant can fund or build. This requires funding from the City budget, and/or some other legal mechanism in place to collect fees. Yet, promisingly, the City recently released a Request for Qualifications to begin design of a fire station, with the likely location being approximately 1.5 miles from the development.

It is staff's opinion that the conditions identified in the MDNS mitigate the project's impacts within the allowable code provisions while ensuring the applicant's contribution is proportional to the expected impact. The Hearing Examiner agrees. While particulars of these future agreements are not part of the record, the Hearing Examiner understands that the information and conditions to be assessed at the critical junctures between phases is a more optimal time to determine best solutions. This a very large development proposal with a long timeline that incorporates many substantial phases, each of which are roughly proportionate in size to other subdivisions throughout the City. It is reasonable to expect that circumstances will change throughout the life of this project, and therefore a continued monitoring with flexibility in future decision-making is more likely to achieve desirable outcomes than etching measures in stone now. The Applicant is not being let off the hook. The City, County, and WSDOT are still in the process of creating, changing, updating, and agreeing on plans for infrastructure and system improvements. This flexible approach will still ensure that the Applicant contributes their proportionate share at appropriate times, while still being able to commence development.

The Hearing Examiner's review of the record and the stipulated agreement between the parties support the conclusion that the proposal will not have a significant adverse impact on the environment or surrounding properties given the mitigation measures in place and those that will be implemented through the continued monitoring, analysis, and negotiation between the interested parties. Therefore, this criterion is satisfied.

#### 4.2 Plat, Short Plat and Binding Site Plan (17G.080.025.C)

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for public health, safety, and welfare; open spaces; drainage ways; streets, roads, alleys, and other public ways; transit stops; potable water supplies; sanitary wastes; schools and school grounds; sidewalks, pathways and other features that assure safe walking conditions. The Hearing Examiner agrees with and hereby incorporates staff's analysis of these criteria. See Exhibit 1 p. 10-11. This code provision generally reiterates to the need for concurrency. Therefore, the Hearing Examiner also refers to the concurrency analysis in Section 4.1.3 above.

Based on the record and the aforementioned concurrency analysis, the Hearing Examiner finds that this criterion is satisfied.

#### 4.3 PUD and Plans-in-lieu (17G.061.310 D.4)

All of the following criteria shall be met:

4.3.1 Compliance with All Applicable Standards. The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).

As discussed above staff believes that all applicable standards have been met and/or will be met with compliance to conditions of approval. The Hearing Examiner agrees. To reiterate a key point, the deviated PUD standards would comply with current zoning regulations, underscoring their reasonableness. This criterion is satisfied.

4.3.2 Architectural and Site Design. The proposed development demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.

As part of the submittal the applicant has included renderings of their anticipated building designs that will provide a variety in colors and design throughout the development. Street trees will be required along all streets providing enhancement to the site design of the plat, while more generally enhancing the aesthetic quality of the project. This criterion is satisfied.

4.3.3 Transportation System Capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.

As discussed above, staff believes that all applicable standards including capacity have been met and/or will be met with compliance to conditions of approval including SEPA mitigation associated with access to US 195 and surrounding local streets. The Hearing Examiner agrees. The applicant is requesting phasing, and mitigations and conditions will be applied with appropriate phasing milestones. There is adequate capacity or there will be by the time each phase is completed. This criterion is satisfied.

4.3.4 Availability of Public Services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

The application was first circulated in February of 2023 and the sixth and final Agency Comment period was circulated in October of 2024. Comments received during each agency review period are included in the file exhibits. See *also* Section 4.1.3 above. Adequate public services exist in the area to serve the proposed project. This criterion is satisfied.



- 4.3.5 Protection of Designated Resources. City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.

As discussed above, the applicant is not proposing to impact the existing wetland and associated buffer and will develop usable public open space around the buffer area. As part of the PUD requirements, street trees will be required along all street frontages. No other City-designated resources have been identified in the record. This criterion is satisfied.

- 4.3.6 Compatibility with Adjacent Uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.

The proposed plat layout incorporates multiple road connections to adjacent properties, and a share-use path along Thorpe Road for improved pedestrian connectivity. The area surrounding the proposed site is zoned Residential Low (R1). As discussed above staff believes that all applicable standards have been met and/or will be met with compliance to conditions of approval. The Hearing Examiner agrees. To reiterate a key point one final time, the PUD alterations set standards that would be allowed outright under current code provisions. The configuration is compatible with surrounding uses and was appropriately designed and orientated to accommodate the unique characteristics of the site. This criterion is satisfied.

- 4.3.7 Mitigation of Off-site Impacts. All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

The proposal to develop Residential Low (R1) zoned land with residential units is consistent with the City Comprehensive Plan goals and policies and the Spokane Municipal Code. This is residential development in a residential area. All City codes and requirements will apply to the project, including those intended to control litter, noise, shading, glare, and traffic. Staff believes that all applicable standards have been met and/or will be met with compliance to conditions of approval and phasing. The Hearing Examiner agrees.

Due to the size and scale of the project, SEPA review was completed. A combine Notice of Application, SEPA, and Public Hearing was posted/mailed as of February 5, 2025; the Public Comment Period on the application and any environmental issued related to it ended on February 19, 2025; and a SEPA MDNS was issued on February 21, 2025. One appeal of the MDNS was submitted but was resolved prior to hearing. As discussed above, traffic impacts can and will be identified and mitigated at relevant times and under conditions existing at the time. There is no evidence in the record that any other off-site impacts have not been identified and/or properly mitigated. This criterion is satisfied.



## 5 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:

### 5.1 Transportation

1. Concurrent with construction of the shared-use pathway fronting Phases 1 and 2 on Thorpe, the applicant shall design and construct an enhanced crosswalk on the west leg of the Thorpe Road / Westwood Lane intersection. The enhanced crosswalk shall include a hardwired RRFB system along with approach side illumination. The project shall also construct pathway on the north side of Thorpe between the crosswalk and Westwood Lane, providing a continuous non-motorized route to the sidewalk in the tunnel.
2. 41st Avenue and Tunis Drive will be classified as low-level arterials. A westbound left-turn pocket is required on Thorpe Road at Tunis Drive. The road sections for 41st Avenue and Tunis Drive shall be discussed with City staff prior to final plat to determine where bike lanes or shared-use pathways are needed to serve the residents.
3. Per SMC 17G.070.145.B.5 and SMC 17H.010.030, street stubs shall be provided to adjacent undeveloped parcels. While the preliminary plat shows several stub locations, additional connections may be required at final plat to the DNR property or other adjoining parcels to ensure good circulation throughout the area.
4. Parties shall adhere to the terms of the Stipulation Resolving WSDOT Appeal of Victory Heights MDNS (Stipulated Agreement).

### 5.2 Engineering

1. Per SMC 17H.010.130, "new alleys shall have a paved width of at least 12 feet and a clear width of at least 20 feet. The 20-foot width shall not be obstructed in any manner, including parking of vehicles, fences or utility structures. If dry utilities are proposed to be in the alley along with sewer and water, a wider alley section shall be required to meet minimum separation requirements.
  - a. Alley sections shall be crown sections. Sections shall be clearly displayed on the construction plans. Drainage for any proposed alleys shall be included in the design of the alleys and streets.
  - b. Alleys that serve as a primary access or as a fire access must have a paved width of at least 20 feet. Garage setbacks must be at least 20 feet from the alley. Unless specifically approved by the city Fire Department, alleys are not considered a fire access.
  - c. The City does not maintain alleys. Snow plowing and other maintenance activities must be performed privately by residents or under the jurisdiction of an HOA, or like entity, established for this plat.

**The following general comments are to be addressed during Final Plat Review:**

5.3 Engineering

1. There are three existing "temporary" water taps off the transmission main in Thorpe serving parcels 25351.0601, 25351.0602, and 25351.0603. These taps will need to be disconnected prior to final plat.
2. 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.
3. Please provide clarification for the intents of all Tracts (e.g., open space, stormwater treatment, stormwater disposal, ownership, etc.) as well as the party responsible for maintaining said tracts.
4. Lot plans, following the criteria outlined in the Spokane Regional Stormwater Manual Appendix 3C, must be submitted for review.
5. 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.
6. Addresses must be shown on the final plat. Addresses will be required prior to applying for sewer service and/or water service tap permits. Address permits can be applied for by emailing a request, with the latest version of the plat, to [addressing@spokanecity.org](mailto:addressing@spokanecity.org). Please allow adequate time for addresses to be developed prior to applying for sewer/water service permits.
7. Construction plans for water and sewer main extensions 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.
8. 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. The proposed plat is located within a High Critical Aquifer Recharge Area and is considered to have moderate susceptibility for groundwater contamination.
  - b. The proposed plat includes wetland designated area which shall be administered in accordance with SMC 17E.070 "Wetlands Protection".
  - c. 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 Engineering Services - Development Services for review and acceptance prior to issuance of a building permit.

- d. Lot plans, per Appendix D of the Spokane Regional Stormwater Manual, shall be submitted along with the civil engineered plans.
9. 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 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.
  - d. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.
10. 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.
- i. 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 15 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.

11. 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. Neighborhoods where garage access is provided from alleys and driveway access to the street is restricted.
  - c. 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.
12. 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.
13. 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.
14. 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.
15. All Tracts within the boundaries of this proposed plat will be maintained by a Homeowners' Association 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.
16. A \$250.00 deposit will be required for each monument to be installed as part of the final plat.
17. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet).
18. 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.

19. Preapproved road names shall be identified on plat documents at the time of Final Plat submittal.

Per Section 17D.050A.060 Roadway Naming Standards:

- a. 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.
- b. 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.

#### 5.4 Spokane Transit Authority

1. Spokane Transit currently does not provide fixed route transit service to the project site. While there are no current plans for fixed route service to the project area, Thorpe Road may be a candidate for bus service in the future. As plans progress, please identify prospective locations for future bus stops near Thorpe Road that can be added later in a way without dramatically altering stormwater swales or other features in the right of way. Please coordinate sidewalk plans to ensure an ADA boarding and alighting pad is adjacent to the roadway.

#### 5.5 Planning

1. Outside of specific standards approved through this PUD application (described in the application materials) structures approved for development within this PUD plat will be reviewed under SMC.17C.110 (pre 2024 version of Spokane Municipal Code Land Use Standards). All applicable development and design standards of 17C.110 shall apply at the time of building permit submittal. If the applicant chooses to follow the standards of the current permanent code at the time of building permit submittal, the applicant may choose to meet all applicable development and design standards in its entirety. Mixing of the two sets of regulations will not be permitted.
2. This plat is subject to all Planned Unit Development standards found in 17G.070. Site related standards will be reviewed during all phases, and design standards of structures will be reviewed at the time of building permits.
3. The proposal currently does not show impacts to the existing wetlands or associated buffer, but any action taken pursuant to SMC Chapter 17E.070 shall result in equivalent or greater functions and values of the critical areas associated with the proposed action, as determined by the best available science. All actions and developments shall be designed and constructed in accordance with mitigation sequencing to avoid, minimize and restore all adverse impacts before restoration and compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas.
  - a. According to the Wetland delineation report produced by Biology Soil and Water, Inc. dated 12/23/2022, one wetland was identified and delineated in the NE corner of the property about 100 west of the railroad tracks that define the east boundary of the site. The wetland has a category 3 rating, a total function score of 18 points, and a habitat function score of 7 points, resulting in a 150ft buffer.
  - b. According to the Wetland delineation report produced by Biology Soil and Water, Inc. dated 12/23/2022, a second wetland was identified and delineated about 120 feet east of

the railroad tracks on adjacent property that is not part of this plat. The wetland is also a category 3 rating with a total function score of 18 points and a habitat function score of 8 points, resulting in a buffer width of 200 feet.

4. The PUD overlay zone must be adopted by Spokane City Council prior to final plat approval.
5. The burden of proof is on the applicant to demonstrate that the open space requirement is being met per 17G.070.030 at the time of final plat. Common Open Space must be permanently maintained by and conveyed to a homeowners' or property owners' association as regulated by state law as per 17G.070.030(E). This will need to be completed prior to final approval of the PUD. A homeowner's association or similar entity will need to retain ownership and maintenance responsibility for common areas, common facilities, and private infrastructure.
6. A final landscape plan will be reviewed and approved as part of the final plat process. Street trees are required.

#### 5.6 Avista Utilities

1. Proposed utility easements shown on the preliminary plat map shall be shown on the final plat map. This is in reference to the 10-foot "dry" utility easement along the frontage of all lots.
2. All lots only abutting an alley for access and frontage shall accommodate for a 10-foot "dry" utility easement adjacent to the alley right-of-way along the lot's frontage.
  - a. Phase 1; Lots 1-22 of Block 2 and Lots 1-21 of Block 3
  - b. Phase 3; Lots 1-12 of Block 2 and Lots 1-23 of Block 3
3. Existing services on Parcel No. 25351.0001 and 25351.0004 will need to be removed before final platting.
4. There are existing services located on Parcel No. 25351.0004 per easement AFN 7711040075, which shall remain and adhere to said easement. Show existing easement location on preliminary plat map.
5. Developer shall request an open ditch inspection from Avista Real Estate Department (509) 495-2325 prior to utility placement to verify utilities are being placed within the easement(s) shown on the preliminary plat.

#### 5.7 Spokane Fire Department

1. Parts of the development will be in the WUI Interface or Intermix areas, depending upon what phase the project is in. The WUI requirements will be enforced for this project.
2. Fire hydrant spacing will need to follow the SMC amended Fire Code.
3. Building permits will not be approved until the street and utilities for the lot are constructed, inspected, and approved.
4. Water supply will need to be reviewed as pressure and capacity are questionable for the south part of the development for fire flow.

## 5.8 Spokane Regional Health District

1. All demolition/construction debris must be transported to a licensed solid waste disposal facility. No on-site burning or burying of debris will be allowed.
2. If the site of the proposed project requires fill or grading, and clean soil or rock are used, no action is required by the Health District. If the fill will include inert waste such as concrete or asphalt it shall not exceed 250 cubic yards without obtaining an inert waste landfill permit. Sites requiring an inert waste landfill permit shall comply with WAC 173-350-410. Any other regulated solid waste placed on the site shall meet the requirements of the Chapter 173-350 WAC.
3. Inert wastes such as concrete can be utilized if crushed, rendered, or processed into an engineered specified aggregate material in accordance with ASTM standards and it is certified and signed by an engineer licensed in the state of Washington.
4. Please be advised that any on-site septic disposal system for a property that will be connected to the municipal sewer must be decommissioned in accordance with Chapter 246-272A WAC Section 300, Abandonment. Any existing on-site septic systems that will continue to be actively used must abide to all minimum setback requirements as specified in WAC 246-272A-0210 Location. Table IV, Minimum Horizontal Separations.
5. Any on-site drinking water or irrigation well on the subject property that is no further in use must be decommissioned in accordance with Chapter 173-160 WAC Section 381 Standards for decommissioning a well.
6. Residential units on the upper area (south) shall be equipped with fire sprinklers unless two access roads that meet the IFC are provided.

## 5.9 Department of Ecology

### Hazardous Waste and Toxics Reduction Program

1. Please keep in mind that during the construction activities associated with the Victory Heights Planned Unit Development project, some construction-related wastes produced may qualify as dangerous wastes in Washington State. Some of these wastes include:
  - Absorbent material
  - Aerosol cans
  - Asbestos-containing materials
  - Lead-containing materials
  - PCB-containing light ballasts
  - Waste paint
  - Waste paint thinner
  - Sanding dust
  - Treated wood

You may find a more comprehensive list, as well as a link to identify and designate your wastes on the Common Construction and Demolition Wastes website.

The applicant, as the facility generating the waste, bears the responsibility for all construction waste. The waste generator is the person who owns the site. Even if you hire a

contractor to conduct the demolition or a waste service provider to designate your waste, the site owner is ultimately liable. This is why it is important to research reputable and reliable contractors.

In order to adequately identify some of your construction and remodel debris, you may need to sample and test the wastes generated to determine whether they are dangerous waste.

For more information and technical assistance, contact Alex Bergh at (509) 385-5539 or via email at [Alexandra.Bergh@ecy.wa.gov](mailto:Alexandra.Bergh@ecy.wa.gov).

#### Water Quality Program

2. Operators of construction sites that disturb one acre or more total area and has or will have a discharge of stormwater to a surface water or to a storm sewer, must apply for coverage under Department of Ecology's Construction Stormwater General Permit.

If soil or ground water contamination is known at the site, additional information will be required. The applicant will be required to submit additional studies and reports including, but not limited to, temporary erosion and sediment control plans, a stormwater pollution prevention plan, a site map depicting sample locations, a list of known contaminants with concentrations and depths found and other information about the contaminants.

If you have questions or need further assistance, please contact Suman Paudel at (509) 601-2124 or via email at [suman.paudel@ecy.wa.gov](mailto:suman.paudel@ecy.wa.gov).

#### Water Resources Program

3. The water purveyor is responsible for ensuring that the proposed use(s) are within the limitations of its water rights. If the proposal's actions are different than the existing water right (source, purpose, the place of use, or period of use), then it is subject to approval from the Department of Ecology pursuant to Sections 90.03.380 RCW and 90.44.100 RCW.

For more information, please contact Herm Spangle at (509) 209-3421 or via email at [herm.spangle@ecy.wa.gov](mailto:herm.spangle@ecy.wa.gov).

#### Water Resources Program-Dam Safety Program

4. Under RCW 90.03.350, a Dam Safety construction permit is required for those dams or ponds that can impound a volume of 10 acre-feet or more of water or other liquids above ground level. The Victory Heights Planned Unit Development references the construction of stormwater facilities, if this includes impoundments that meet and or exceeds the above referenced criteria you will need to apply for a dam construction permit. To determine if a Dam Safety construction permit is required for your project, the applicant must submit a set of construction plans to:

WA Department of Ecology Dam Safety Office  
P.O. Box 47600  
Olympia, WA 98504-7600



For more information, please contact Charlotte Lattimore at (360) 407-6066 or via email at [charlotte.lattimore@ecy.wa.gov](mailto:charlotte.lattimore@ecy.wa.gov).

State Environmental Policy Act (SEPA)

5. Ecology bases comments upon information submitted for review. As such, comments made do not constitute an exhaustive list of the various authorizations you may need to obtain, nor legal requirements you may need to fulfill in order to carry out the proposed action. Applicants should remain in touch with their Local Responsible Officials or Planners for additional guidance.

For information on the SEPA Process, please contact Cindy Anderson at (509) 655-1541 or via email at [Cindy.Anderson@ecy.wa.gov](mailto:Cindy.Anderson@ecy.wa.gov).

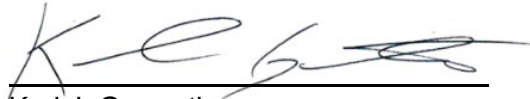
**The following statements will be required in the dedication of the final plat:**

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. Street trees are required. Compliance will be verified at time of certificate of occupancy for each new home consistent with the development's approved landscape plan.
5. 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.
6. 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.
7. 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 City of Spokane Development Services for review and acceptance prior to the issuance of a building permit on said lot.
8. 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.
9. Slope easements for cut and fill, as deemed necessary by Development Services in accordance with City Design Standards, are granted along all public right of ways.

10. All street identification and traffic control signs required by this project will be the responsibility of the developer per SMC 17G.080.070.
11. 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.
12. 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.
13. If any archaeological resources, including sites, objects, structures, artifacts, and/or implements, are discovered on the project site, all construction and/or site disturbing activities shall cease until appropriate authorities, agencies, and/or entities have been notified in accordance with Chapters 27.44 and 27.53 RCW
14. Structures approved for development within this PUD plat will be reviewed under SMC.17C.110 (pre 2024 version of Spokane Municipal Code Land Use Standards). All applicable development and design standards of 17C.110 shall apply at the time of building permit submittal. If the applicant chooses to follow the standards of the current permanent code at the time of building permit submittal, the applicant may choose to meet all applicable development and design standards in its entirety. Mixing of the two sets of regulations will not be permitted.
15. Easements for "Dry" utilities (electric, gas, phone, fiber, cable) as shown hereon are hereby granted over the rights-of-way for the private streets and adjoining said streets to the City of Spokane and its permitted serving utilities for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities, together with the right to prohibit changes in grade to above or below installed facilities and the right to prohibit, trim and/or remove trees, bushes, landscaping, without compensation and to prohibit brick, rock or masonry structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Storm drain dry wells and Water Meter boxes shall not be placed within the "Dry" easements; however, lateral crossings by storm drain, water and sewer lines are permitted.
16. Should any utility trench be excavated beyond the limits of the easement(s) created under the easement and maintenance agreement, or the utility easement(s) dedicated in this plat, the applicable easement(s) shall be deemed amended and modified such that the easement covers the actual physical location of the installed utilities.
17. Notwithstanding anything above or in the easement and maintenance agreements to the contrary, no utility easement created by dedication in this plat or under the easement and maintenance agreements may be relocated or materially amended without the consent of any serving utility company(ies) that have then installed a utility or facilities within any portion of the easement to be relocated or so amended.
18. Serving Utility companies are also granted the right to install utilities across border easements.

19. Serving utility companies reserve the right to cross common areas, open space areas and tracts.
20. The property owner shall not construct, place or maintain any building or structure within the Utility Easement Area that may interfere with Avista's rights or with safe operation of the Facilities or that are not in compliance with all safety and building codes, regulations and laws.
21. Property owners, developers, architects and others who are involved with the development or re-development of lands near high voltage, electric transmission lines should be aware of certain precautions. For information related to your specific situation, please contact Avista at 1-800-727-9170.

AMENDED this 19<sup>TH</sup> day of May 2025.



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Karl J. Granrath  
City of Spokane Hearing Examiner