

CITY OF SPOKANE HEARING EXAMINER

Re: Preliminary Plat Application by Whipple Consulting Engineers, Inc. to subdivide approximately 2.5 acres into 12 single-family lots and two stormwater tracts in the R1 zone.) FINDINGS, CONCLUSIONS, AND DECISION) FILE NO. Z25-062PPLT)

I. SUMMARY OF PROPOSAL AND DECISION

Proposal: The Applicant is proposing to subdivide approximately 2.5 acres into 12 single-family lots and two stormwater tracts. The land sits on the north side of West Strong Road and to the east of North Hazelnut Street in the Forest Grove Subdivision.

Decision: Approved, with conditions.

II. FINDINGS OF FACT BACKGROUND INFORMATION

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

Owner: Hayden Homes, LLC
2464 SW Glacier PI Ste 110
Redmond, OR 97756

Property Location: The proposal is located at 2218 W. Strong Road; Parcel 26242.0066.

Legal Description: The legal description of the property is provided in Exhibit 1.

Zoning: The property is zoned R1 (Residential 1).

Comprehensive Plan (CP) Map Designation: Residential Low

Site Description: The project is proposed on one large parcel that sits on the north side of West Strong Road, east of North Hazelnut Street and the Forest Grove Subdivision. The site size is approximately 2.5 acres, and it formerly had a single-family residence and accessory buildings that have been demolished. The site is mostly level with no significant slopes based on GIS mapping.

Surrounding Conditions and Uses: All adjacent lots are zoned R1 and are developed or being developed as single-family lots.

III. PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (SMC) 17C.111, Residential Zones; SMC 17G.061, Land Use Application Procedures; SMC 17G.080, Subdivisions; and SMC 17E, Environmental Standards

Notice of Community Meeting: Mailed: December 18, 2024
Posted: December 16 & 19 2024

Notice of Application/Public Hearing: Mailed: September 16, 2025
Posted: September 15 & 18, 2025
Publication: September 16 & 23, 2025

Notice of Application/Public Hearing: Mailed: October 14, 2025
Posted: October 20, 2025
Publication: October 20 & 27, 2025

Community Meeting: January 9, 2025

Site Visit: November 19, 2025

Public Hearing Date: November 13, 2025

State Environmental Policy Act (SEPA): A Determination of Non-Significance (DNS) was issued on October 3, 2025, under the optional DNS process in Section 197-11-355 Washington Administration Code. The appeal period for the DNS expired on October 24, 2025. The DNS was not appealed.

Testimony:

Tavis Schmidt, Senior Planner
City of Spokane
808 W. Spokane Falls Boulevard
Spokane, WA 99201
tschmidt@spokanecity.org

Austin Fuller
Whipple Consulting Engineers, Inc.
21 S. Pines Road
Spokane Valley, WA 99206
afuller@whipplece.com

Paige Blanchard
paigebunderson@gmail.com

Sabrina Minshall
Hayden Homes
Sabrina.minshall@hayden-homes.com

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

Ryan Andrade
Whipple Consulting Engineers, Inc.
randrade@wipplece.com

Jenna Osburn
trevjenosburn@gmail.com

Exhibits:

Planning Services Staff Report dated October 30, 2025, including:

1. Application Documents
2. Cultural Resource Documents
3. Engineering Documents
4. Request for Agency Comments
5. SEPA Determination
6. Combined Notice of Application and SEPA Determination
7. Second Noticing
8. Community Meeting Documents
9. Staff Presentation
10. Applicant Presentation
11. Applicant Letter to the Hearing Examiner

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 12 single-family lots and two tracts on roughly 2.5 acres. The R1 zone designation allows for single-family homes. The applicant submitted the plat materials under zoning regulations, commonly referred to as 17C.111. See Staff Report, p. 3.

The proposal meets the minimum and maximum density requirements, and the proposed use of single-family homes is allowed in this location. See Staff Report, p. 4.

The Hearing Examiner agrees with Staff that the proposal satisfies the applicable development standards and concludes that the proposal is consistent with the land use codes. Therefore, this criterion for approval 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 proposal to create 12 single-family lots for residential is consistent with multiple goals and policies from the CP, including:

- **Chapter 3, Land Use:** Policy LU 1.3 – Lower Intensity Residential Areas, Policy LU 1.2 – Public Facilities and Services

The proposal is consistent with the Comprehensive Plan; provides vehicle connectivity throughout the plat and to several existing streets; provides infill housing, which offers ownership opportunities; and expands existing utility infrastructure. As the site has been owned for decades as one single-family home, this development proposes infill development in the R1 zone which allows single-family uses outright. See Staff Report, p. 4

The Hearing Examiner agrees with Staff's evaluation and finds this criterion for approval satisfied.

3. *The proposal meets the concurrency requirements of Chapter 17D.010SMC. See SMC 17G.061.320(C)(3).*

The application was circulated for department and agency comments. Comments were received from a number of departments and are included in the file. No comments identified or were provided indicating that the proposal did not meet the concurrency requirements. The Hearing Examiner concludes that, with the proposed conditions, the project satisfies this criterion for approval.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. See SMC 17G.061.320(C)(4).*

City departments and agencies with jurisdiction reviewed the SEPA checklist, critical areas checklist, technical documents, and other application material for physical characteristics of the property and no comments were received indicating that the site is unsuitable for development.

A Cultural Resource Survey was completed for the site and routed to both the Washington Department of Archeology and Historic Preservation (DAHP) and the Spokane Tribe of Indians Tribal Historic Preservation Officer. Assuming concurrence with the findings, an Inadvertent Discovery Plan is recommended as a condition for monitoring of the site during construction. See Staff Report, Exhibit 5.

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

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.061.320(C)(5).*

On or about January 24, 2025, the Applicant prepared an environmental checklist for the project. See Exhibit 5. 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 5 (Environmental Checklist ¶ B(3)(a)(1)); see also Part IV.4. The property does not lie within a floodplain. See Exhibit 5 (Environmental Checklist ¶ B(3)(a)(5)). No threatened or endangered species were identified on the site. See Exhibit 5 (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 5 (Environmental Checklist ¶¶ B(7)(b) & B(11)). No waste materials will be discharged into the ground or into surface waters. See Exhibit 5 (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 5 (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. 5. All stormwater must be collected, treated, and discharged in accordance with the SRSM.

Based upon the foregoing, the Hearing Examiner concludes that the proposal will not have a significant adverse impact on the environment or the surrounding properties and, therefore, this criterion for approval has been satisfied.

6. *The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for: (1) public health, safety, and welfare; (2) open spaces; (3) drainage ways; (4) street, roads, alleys, and other public ways; (5) transit stops; (6) potable water supplies; (7) sanitary wastes; (8) parks, recreation and playgrounds; (9) schools and school grounds; and (10) sidewalks, pathways, and other features that assure safe walking conditions. See SMC 17G.080.025(C)(1-10).*

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.

The Hearing Examiner finds that all applicable standards have been met or will be met in compliance with the conditions of approval. Therefore, this criterion is satisfied.

DECISION

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

1. 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.
2. Adhere to any additional performance and development standards documented in comments or required by City of Spokane, Spokane County, Washington State, or any Federal agency.

3. Review of compliance with all applicable development standards will be verified at time of building permit.
4. New structures will be required to comply with the site development standards of 17C.111 and the applicable design standards of 17C.111.300-465 at the time of building permit.
5. Final Plat Map Requirements are found in SMC 17G.080.050 H, and 17G.080.070.
6. The Final Plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2)
7. In compliance with the Engineering Department Memo dated July 29, 2025:

General Comments:

- a. The preliminary plat shows a sanitary sewer situated in the alley south of Lots 10-12. If allowed via an Engineering Design Variance, this must be a private system maintained by the connected lots. There is a public sanitary sewer located in Tieton Place available for connection for Lots 10-12. Wastewater's preference is for the lots to connect to the public sewer main. Sewer stubs were not provided to the south side of Tieton Place when the sewer main was constructed.
- b. Based on the proposed 45-foot right-of-way width for Hemlock Street, "No Parking" signs will be required on the east side of Hemlock Street.
- c. There is an existing septic system onsite that shall be abandoned per the guidelines set forth by Spokane Regional Health District (SRHD). Please provide verification from SRHD of abandonment. Please note that a geotechnical evaluation may be required prior to new structures being constructed in the footprint of the septic system.
- d. Per the dedication of Forest Grove Subdivision Phase 1, Z23-387FPLT (AFN 7317543), the future extension of Tieton Place will require that the plat(s) of the development requiring said extension must remove the temporary cul-de-sac [temporary turn-around] and replace it with city standard curb/gutter, sidewalk, and planting strips/swales at said plat(s) expense.
 - i. The temporary turn-around was required for the dead-end street. The proposed connection to Tieton resolves the dead-end nature.
- e. Hemlock St is an acceptable roadway name for the public right-of-way in the proposed location.
- f. Frontage improvements are required along Strong Road to match the improvements done for the development, Forest Grove Subdivision, directly west of this plat. Curb, separated sidewalk with street trees, and stormwater design for street runoff and treatment are required. These improvements must be completed and accepted, or bonded for, prior to this plat being finalized.
- g. Tieton Place, located adjacent to but outside of the proposed plat boundary, is under a pavement cut moratorium until June 26, 2027.
- h. Strong Road, located adjacent to but outside the proposed plat boundary, is under a pavement cut moratorium until September 14, 2026.
- i. A Homeowner's Association (HOA), or other similar entity, is required to be established for operation and maintenance of the shared access easements,

joint use and maintenance, stormwater facilities, private water, and private sewer. See SMC 17G.080.065 for additional information.

- i. Please include a draft of the Covenants, Conditions, and Restrictions (CCRs) with the final plat submittal for review and concurrence from the Development Services Center.
- j. Per SMC 17H.010.130, private alleys may be located in a tract or an easement. A maintenance agreement must be recorded with the Spokane county auditor that commits the owners to maintain all elements of the private alley.
- k. The nearest available public water service mains which could provide service to this proposed plat are an eighteen-inch ductile iron main located in Strong Road and an eight-inch ductile iron main in Tieton Place. Existing water pressure is approximately 63 psi at a nearby hydrant on the south side of Strong Road.
 - i. The proposed plat will need to be served by a distribution main.
 - ii. The developer is responsible for all costs associated with design and construction of water improvements necessary to serve the proposed plat.
 - iii. 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 reducing valves be installed at developer expense.
- l. The nearest existing public sanitary sewer mains which could provide service to this proposed plat are an eight-inch PVC capped stub extending east from the manhole in the intersection of Strong Road and Hazelnut Street as well as an eight-inch PVC main in Tieton Place.
 - i. A sewer main extension will be required prior to final plat.
 - ii. The developer is responsible for all costs associated with design and construction of sanitary sewer improvements necessary to serve the proposed plat.
 - iii. The sanitary sewer system shall be designed and constructed in accordance with city standards.
 - iv. Construction plans shall be submitted to Development Services for review and acceptance. The sanitary sewer system, including individual service connections to each lot, shall be constructed and accepted for service prior to the city engineer signing the final plat.
- m. 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 the approval of the final plat. Water and sewer improvements cannot be bonded for.
- n. All water and sewer service connections must front the lot they are to serve. Offset connections will not be allowed.
- o. All stormwater and surface drainage generated onsite shall be disposed of onsite in accordance with SMC 17D.060 "Stormwater Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City

Design Standards, and per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat.

- i. Prior to construction, a grading and drainage plan shall be submitted to Development Services for review and acceptance.
 - ii. 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.
 - iii. If drywells are utilized, they shall 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.
 - iv. The developer is responsible for all construction costs associated with constructing stormwater improvements necessary to serve the proposed plat.
- p. Public streets, including paving, curb, gutter, sidewalk, signs, stormwater 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. The developer is responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
 - ii. Construction plans for streets 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.
 - iii. Signing and striping plans, where appropriate, shall be included as part of the design submittal. Landscaping plans for the public right-of-way should also be included as part of the submittal to ensure clear view triangles are met and that there are no conflicts between signage and street trees.
 - iv. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.
 - v. If an alley is provided, no vehicular access shall be permitted to a lot in this plat directly from Hemlock Street or Tieton Place. No parking is allowed in an alley. Garages and carports may be built to the rear property line unless parking in front of the entrance is proposed, then the structure must be a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way (SMC 17H.010.220(D)).
 - vi. 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.

- q. Plan review fees for sanitary sewer, water, street, and stormwater improvements will be determined at the time of plan submittal and must be paid prior to the start of the review.
- r. Centerline monuments must be installed in accordance with City of Spokane Design Standards. If street improvements are bonded for in order to record the final plat early, a \$250.00 deposit will be required for each monument.
- s. Addresses shall be shown on the face of the final plat. Addresses will be required prior to applying for any water and/or sewer tap permits. Fees shall be assessed for all new addresses.
- t. Lot plans, stamped and signed by a Professional Engineer, shall be prepared for residential lots as per the criteria listed in Appendix 3C of the Spokane Regional Stormwater Manual and submitted to the City of Spokane for review and acceptance prior to the final plat being accepted by the City of Spokane.
- u. Deviations from city design standards must be submitted in writing to the city engineer and approved prior to the submittal of engineering plans for review (SMC 17H.010.020).

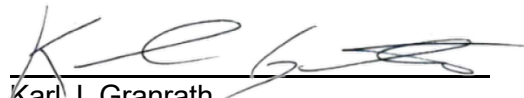
The following statements are required in the dedication of Final Plat:

1. Slope easements for cut and fill, as deemed necessary by the Development Services Center 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.
2. A ten-foot easement for utilities, including cable television, is hereby granted along all street frontages 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 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. All stormwater and surface drainage generated on-site must be disposed on-site in accordance with Chapter 17D.060 SMC, Stormwater Facilities, the Spokane Regional Stormwater Manual, and City Design Standards, and as per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat.
5. This plat is in the Five Mile Special Drainage District as defined by SMC 17D.060.130, basements are **not** recommended. The development of any below grade structures (including basements) in the plat is subject to review of a geotechnical evaluation for foundation design to determine suitability and affects from stormwater and/or subsurface runoff. The geotechnical evaluation is required to be performed for each lot with below grade level structures and submitted for review and concurrence to the City of Spokane Building Department and Development Services prior to issuance of a building permit. An overall geotechnical analysis may be performed in lieu of individual lot analyses to determine appropriate construction designs. Development of the plat is subject to the provisions of chapters 17D.060 and 17F.100.090 SMC.
6. No building permit shall be issued for any lot in this subdivision until evidence satisfactory to the Development Services Center has been provided showing that the recommendations of Chapter 17D.060 SMC, Stormwater Facilities, the Spokane

Regional Stormwater Manual, and the Project Engineer's recommendations, based on the drainage plan accepted for the final subdivision, have been complied with.

7. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private sanitary sewer system complying with the requirements of the Development Services Center.
8. 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.
9. All required improvements serving the plat, including streets, sanitary sewer, stormwater, and water, shall be designed and constructed at the developer's expense. The improvements must be constructed to City Standards by the developer prior to occupancy of any structures within the development.
10. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private water system complying with the requirements of the Development Services Center and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department.
11. Prior to the issuance of any building permits, the lots shall be served by fire hydrants and shall have appropriate access to streets as determined by the requirements of the City Fire Department and the Development Services Center.
12. Water mains and fire hydrants must be installed at the developer's expense, in locations approved by the City Fire Department and in accordance with applicable State and Federal provisions.
13. All street identification and traffic control signs required by this project will be the responsibility of the developer.
14. With respect to any increased stormwater flows accruing as a result of any development, each property owner, on its own behalf and the behalf of its successors in interest, fully accepts without reservation, the obligation to obstruct and artificially contain and collect all natural or artificially generated or enhanced drainage flows across or upon said owner's property. The purpose of this requirement is to avoid causing or potentially contributing to flooding, erosion, or stormwater loads on other private or public properties and the public sewer system.
15. Property owners will maintain drainage swales and/or planting strips in 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.
16. All parking and maneuvering areas shall be hard surfaced.

DATED this 20th day of November 2025.


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 xx day of November. **THE DATE OF THE LAST DAY TO APPEAL IS THE 4TH DAY OF DECEMBER 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.