

**STAFF REPORT ON “AERIE RIDGE”
PRELIMINARY PUD PLAT APPLICATION
FILE NO. Z1300043PPLT**

I. SUMMARY OF REQUEST AND RECOMMENDATION:

Request of D & J Rocky Ridge L.L.C. for a proposed 13 lot preliminary long plat to be named Aerie Ridge located at 4000 W. Osage Way, Spokane, WA.

Recommendation: Approval, subject to conditions.

II. GENERAL INFORMATION:

- A. Applicant/Agent: Whipple Consulting Engineers, Inc.
Attn: Todd Whipple
2528 N. Sullivan Road
Spokane Valley, WA 99216
(509) 893-2617
- B. Property Owner: D & J Rocky Ridge L.L.C.
1615 W. Pine Hill
Spokane, WA 98218
- C. Location of Proposal: The subject property is located at the east end of W. Osage Way in NW Spokane, Spokane, WA.
- D. Existing Zoning: RSF (Single-Family Residential)
- E. Land Use Plan Designation: Residential 4-10
- F. SEPA Status: Mitigated Determination of Non-significance (MDNS) issued on October 17, 2013
- G. Enabling Zoning: SMC 17G.060
- H. Hearing Date: October 31, 2013 - 9:00 a.m.
- I. Staff Contact: Dave Compton
- J. Staff Report Date: October 21, 2013

III. FINDINGS OF FACT:

- A. Site Description: The subject property is predominately hilly with slopes varying from 2% to 70% +/- . The roadway and building sites will generally be in the 2 to 7% range as stated by the applicant in the Environmental Checklist. There is a DNR stream that has been identified as a class U unidentified type near the northern portion of the proposal. As noted in the MDNS, this proposal is located within the Five Mile Special Drainage District and will have to adhere to all engineering related requirements associated with that, as well as all MDNS items and conditions of approval outlined within this staff report. The proposal does not lie within any floodplains or have any noted or mapped wetlands within its boundaries. Though neither of the just mentioned are noted, discovery of any critical area conditions must be addressed. Lastly, no existing structures are within the boundaries of this proposal.
- B. Project Description: The applicant is proposing to create a 13 lot preliminary long plat on approximately 17.8 acres. Lot sizes vary in size from .58 acres to 3.55 acres. The water and sewer system will be public.
- C. Surrounding Zoning: The subject property is surrounded by RSF (Single Family Residential) zoning on all perimeters.
- D. Zoning History: The site was zoned R1 (One-Family Residential) until June 2006 when the zoning designation changed to RSF.
- E. Adjacent Land Use: The surrounding area consists of similar sized developed lots to the north, east, and west. To the south are large un-platted areas that are owned by the City of Spokane, the Hillside Park Homeowners Association and the Excelsior Youth Center, all of which are vacant parcels at this time.
- F. Adjacent Street System: The site will be connected and have access to the City's street system from the present cul-de-sac at the end of Osage Way. This street is designated as a local street according to the City's Arterial Street Plan. The continuation of Osage Way will be designated public with the rights-of-way being 60 foot in width, paved to a width of 36 feet and terminate in a cul-de-sac approximately 750 feet into proposed plat.
- G. Applicable Plan Policies: The land use map designation is Residential 4 – 10 per the current comprehensive plan adopted May 2001. A discussion of the goals and policies relevant to this category and the proposed use are provided below and in the application materials.
- H. Applicable Zoning/Code Regulations: SMC 17G.060.170 – Decision Criteria & SMC 17G.080.050 – Subdivisions

I. Procedural Requirements:

- A Community Meeting was held on June 6, 2013 as required for this application per SMC 17G.060.050
- Application was submitted on July 3, 2013;
- Applicant was notified in writing on September 20, 2013, of a technically complete status of the application;
- A combined Notice of Application/Public Hearing was mailed on September 26, 2013, and a sign posted on the property on October 1, 2013, which began the 15-day public comment period;
- A SEPA Mitigated Determination of Non-significance was issued on October 17, 2013; and
- A combined Notice of Application/Public Hearing was published in the Spokesman – Review newspaper on October 2nd and 9th, 2013.

IV. DEPARTMENT REPORTS:

Notice and request for comments were sent to the City departments and outside agencies concerned with land development on July 3, 2013. Copies of reports from those who responded to the notice and request for comments are contained within the public record for this file and made part of this report by reference.

V. CONCLUSIONS:

The Spokane Municipal Code has established decision criteria for this action in section 17G.060.170. The application materials include the applicant's responses to the criteria. The following is staff's independent analysis of the request in light of these decision criteria.

Type II and III permit applications:

1. *The proposal is allowed under the provisions of the land use codes.*

The proposal is permitted in accordance with current land use regulations which allow application for a preliminary long plat. The underlying land use for this proposal is Residential 4-10. The net density proposed is limited to 13 lots due to fire department limits of a total of 30 lots on Osage Way as described by the applicant's consultant engineer. Based on this restriction and ability for a secondary access limited by topography, the density is not consistent with current development standards however is consistent in keeping with the character of the surrounding neighborhoods. The current zoning is RSF.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.*

Staff finds the applicant's response to this criteria, found in the attachment to the application (Question #2), sufficiently identifies and addresses the significant goals and policies for this proposal and thus are adequate.

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC.*

All applicable city departments and agencies had the opportunity to review this proposal with no one denying concurrency.

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 site area is suitable for development even though it consists of slopes on portions of up to 70%. The applicant lists all physical and environmental elements located on the site, or in the vicinity, in the Environment Checklist submitted. City departments and other agencies also reviewed this checklist for physical characteristics of the property. Engineering Services notes that this proposal lies within the Five Mile Drainage District and outline the majority of issues that must be addressed before a final plat is approval. Their comments and recommendations are found as conditions of approval at the end of this report and within the MDNS issued. No known historical or cultural features are known to exist within the site area per the applicants comment in the supplemental application (4.A.e.) or SEPA environmental checklist (#13.b). The Spokane Tribe of Indians did not provide any comment on this proposal, however as a condition of approval the requirement to notify a tribal archaeologist if any evidence of Native American importance is found during any excavation activity.

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 property or the surrounding area, considering the design and intensity of the proposed use.*

According to the City of Spokane's GIS system, the habitat and species overlay identifies this entire proposal as being within an Urban Natural Open Space designation environment. The applicant's agent states in the SEPA checklist (5.d) that the north side of lots 8 through 11 may be set aside as a no build area for a potential wildlife corridor due to the steep slope. This area is noted on the preliminary plat site plan submitted. Due to this, the applicant will have to coordinate with the Washington Department of Fish and Wildlife (WDFW) on the need and scope of a Habitat Management Plan (HMP) prior to approval of the final plat. This was listed as a condition of approval prior to finalization of this plat. Several other studies were performed and reviewed by applicable departments. Their findings and recommendations will be incorporated into the conditions of approval for this proposal.

Plat, Short Plat and Binding Site Plan: (SMC 17G.060.170.D.5)

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:

a. public health, safety and welfare;

The applicant states the plat will be served by public water and sewer. Both the City Fire Department and Police Department were given the opportunity to review this proposal. As mentioned earlier, the City Fire Department limited this plat to 13 lots because of the maximum of 30 dwelling units allowed having only one ingress/egress point. The closest City Fire station (#17) is located approximately 1.5 miles away at 5121 W. Lowell Road. See further discussion on engineering related data for general public health issues such as water and sewer.

b. open spaces;

The applicant states that the location set aside for storm water treatment and the area proposed for a no build area natural wildlife corridor will be the designated open space for this plat.

c. drainage ways;

The site is not within the Aquifer Sensitive Area, however is within the Five Mile Special Drainage District. All storm water and surface drainage generated on-site will be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Regional Stormwater Manual, City Design Standards and per the Project Engineer's recommendations, based on the drainage plan accepted for this plat. Further processing of this preliminary plat will require meeting listed conditions of approval and recommendations from Engineering Services as related to stormwater and drainage. The applicant stated there were no known existing drainage ways on the site on the preliminary plat application.

d. streets, roads, alleys and other public ways;

Only one (1) ingress/egress point is proposed for this plat. Osage Way will be extended into this plat and will remain public. All streets/lanes will be constructed to the City of Spokane street standards. The applicant submitted a Trip/Traffic Generation letter (dated May 21, 2013). This was reviewed and accepted by Traffic Engineering and satisfied concurrency requirements. The applicant must design, construct, pay for all streets and related items in accordance with City standards as outlined in the conditions of approval referenced by the Department of Engineering – Developer Services. Also listed as conditions of approval is language that it is to be placed on the dedicatory page of the final plat when submitted.

e. *transit stops;*

A Spokane Transit Authority (STA) bus stop is located approximately ½ mile away by foot at the intersection of Indian Trail Road and Kathleen. The closest STA transit center is located near the Five Mile Shopping Center at Ash Street and Francis Avenue. STA did not forward any comments regarding any changes to their services to this area.

f. *potable water supplies;*

The development will be connected to the public water system of the City of Spokane.

g. *sanitary wastes;*

This development is planned to be connected to the public sanitary sewer system of the City of Spokane at the present cul-de-sac on Osage Way.

h. *parks, recreation and playgrounds;*

Indian Trail Park is located approximately 2,200 feet to the south of this proposal and Pacific Park between Lowell Avenues and Parkway Drive is less than 1 mile away.

i. *schools and school grounds;*

The site is located within School District 81. There are no provisions for public schools or school grounds within the development. The school district did not offer any comments and it is assumed that they can accommodate the children from the housing within the development who will be attending public schools. See additional comments to these criteria in the preliminary plat application.

j. *sidewalks, pathways and other features that assure safe walking conditions.*

The applicant did not propose any new sidewalks within this proposal citing there are no through connections from adjacent plats and it would remain consistent with existing Osage Way. Engineering Services however require that any new public streets within this development be paved, construct new curbing, sidewalks, signs, storm water drainage structures/facilities and swales/planting strips. All must be designed and constructed in accordance with City standards. These requirements are noted in in the conditions of approval for this preliminary plat.

VI. RECOMMENDATION

Staff has reviewed the proposal in light of the established decision criteria for subdivision applications and finds the project meets each of these criteria. Staff therefore recommends that the request be approved subject to the following conditions:

Approval is for a preliminary plat for up to 13 dwelling units to be developed in substantial conformance with the plans and specifications for the "Aerie Ridge" preliminary plat located in northwest sector in the City of Spokane, Spokane, County, Washington. The applicant is authorized to prepare a final plat in compliance with the preliminary plat and the conditions of approval placed upon it. Any modifications to the proposed phasing of the final plat shall be reviewed and approved by the City Hearing Examiner.

1. The nearest existing public sanitary sewer which could provide service to this proposed plat is an 8-inch line in Osage Way.
 - a. The developer will be responsible for all costs associated with design and construction of sanitary sewer improvements necessary to serve the proposed plat.
 - b. The sanitary sewer system shall be designed and constructed in accordance with City standards.
 - c. Construction plans shall be submitted to Developer 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.
2. An existing 8-inch public water main located in Osage Way is the nearest available water main which could provide service to the proposed plat. Existing water pressure is approximately 86 psi at the hydrant near the end of the line.
 - a. The developer will be responsible for all costs associated with design and construction of water improvements necessary to serve the proposed plat.
 - b. The water system shall be designed and constructed in accordance with City standards. A pressure of 45 psi minimum at the property line is required for service connections supplying domestic flows. Pressures shall not drop below 20 psi at any point in the system during a fire situation. Pressures over 80 psi will require that pressure relief valves be installed at developer expense.
 - c. Two copies of an overall water plan and hydraulic analysis must be submitted to Developer Services for review and acceptance. The hydraulic analysis must include supporting calculations for domestic and fire flows.

- d. In addition to the hydraulic analysis, construction plans shall be submitted to Developer Services for review and acceptance. The water system, including individual service connections to each lot, shall be constructed and accepted for service prior to the City Engineer signing the final plat.
3. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 “Stormwater Facilities”, the Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer’s recommendations, based on the drainage plan accepted for the final plat. Pre-development flow of any off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm must be provided.
 - a. No building permit shall be issued for any lot in the plat until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17D.060 “Stormwater Facilities”, the Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and the Project Engineer’s recommendations, based on the drainage plan accepted for the final plat, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Engineering Services – Developer Services for review and acceptance prior to issuance of a building permit.
 - b. A conceptual drainage letter from Whipple Consulting Engineers, Inc., dated June 19, 2013 and a NRCS Soil Survey was submitted to City Staff as part of the preliminary plat submittal. A detention pond is planned to be constructed at the southwest corner of the site to handle and dispose of storm water. If more area is needed, biofiltration swales will be constructed along Osage Way. Submittal of storm water plans for review and acceptance shall include a drainage plan with supporting geotechnical calculations and recommendations. Two copies of a final drainage report shall be submitted to Developer Services for review and concurrence prior to the City Engineer signing the final plat.
 - c. Since the proposed plat is located in the Five Mile Special Drainage District, 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 Developer 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.

- d. All stormwater facilities necessary to serve the proposed plat shall be designed and constructed in accordance with City standards. The access easement 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.
 - e. Prior to construction, a grading and drainage plan shall be submitted to Developer Services for review and acceptance.
 - f. An erosion / sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to Developer Services for review and acceptance prior to construction.
 - g. If drywells are utilized, they will be tested to insure 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.
 - h. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.
4. Public streets, including paving, curb, sidewalk, signs, storm drainage structures/facilities, and swales/planting strips necessary to serve the proposed plat, shall be designed and constructed in accordance with City standards. Sidewalks shall serve each lot.
- a. Signing and striping plans, where appropriate, shall be included as part of the design submittal.
 - b. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.
 - c. Any grades exceeding 8% must be shown on the preliminary plat.
 - d. Garages shall be a minimum of 20 feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
 - e. 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.

- f. The developer shall remove the existing Osage Way cul-de-sac and extend the paving, curb, sidewalk, and swales/planting strips through to this plat in accordance with City Standards
 - g. The developer will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
5. Construction plans for public street, sewer, water and storm water systems must be designed by a Professional Engineer, licensed in the State of Washington, and submitted to Developer Services for review and acceptance prior to construction.
 6. 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.
 7. Tract A and the storm water easement/access to Tract A 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.
 8. A \$250.00 deposit will be required for each monument to be installed as part of the final plat.
 9. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet).
 10. 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.
 11. The required front, side, flanking side, and rear yards shall be shown on the face of the final plat.
 12. The area (in square feet) and street address of each lot shall be shown on the face of the final plat.
 13. The final plat will contain sufficient information to review closure of the plat.
 14. All parking areas and driveways shall be hard surfaced and it shall be so stated on the face of the plat.
 15. The applicant is required to coordinate with the Washington Department of Fish and Wildlife (WDFW) on the need and scope of a Habitat Management Plan (HMP) prior to approval of the final plat. (MDNS item).

16. Discovery of any critical area conditions such as wetlands, springs, etc. must be addressed prior to approval of a final plat.
17. Notify a tribal archaeologist if any evidence of Native American importance is found during any excavation activity. Pursuant to RCW 27.53.060 it's unlawful to destroy any historic or prehistoric archaeological resources, with this letter City of Spokane is notified that there may be cultural sites in this project
18. Any trenches or excavations must comply with Washington Industrial Safety and Health Act W.A.C. # 296-155 Part "N" Laws and Guidelines, as no City of Spokane employee will be permitted to enter such trenches or excavations to perform work.
19. Dust emissions during construction and excavation projects must be controlled in accordance to the Spokane Regional Clean Air Agency.
20. This approval does not waive the applicant's obligation to comply with all other requirements of the Spokane Municipal Code as well as requirements of City Departments and outside agencies with jurisdiction over land development. Reference additional comments in file of record.
21. Adhere to all conditions outlined in the Mitigated Determination of Non-Significance (MDNS) issued.

STATEMENTS TO BE INCLUDED IN THE DEDICATORY LANGUAGE

1. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Storm water 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 off-site runoff passing through the plat shall not be increased (rate or volume) or concentrated due to development of the plat, based on a 50-year design storm. An escape route for a 100-year design storm shall be provided.
2. No building permit shall be issued for any lot in this plat until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17.060 "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 this final plat, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to Developer Services for review and acceptance prior to issuance of a building permit.
3. The development of any below-grade structures, including basements, is subject to prior review of a geotechnical evaluation for foundation design to determine suitability and effects from stormwater and/or subsurface runoff. The geotechnical evaluation

shall be submitted to Developer Services for review and concurrence prior to the issuance of a building permit. It must address the disposal of storm water runoff and the stability of soils for the proposed structure. This evaluation must be performed by a geotechnical engineer, licensed in the State of Washington. It must be submitted to the City Building Department and to Developer Services for review and concurrence prior to issuance of any building permit for the affected structure. An overall or phase-by-phase geotechnical analysis may be performed in lieu of individual lot analyses to determine appropriate construction designs.

4. Slope easements for cut and fill, as deemed necessary by Developer Services in accordance with City Design Standards, are granted along all public right of ways.
5. All public improvements (street, sewer, storm sewer, and water) shall be constructed to City standards prior to the occupancy of any structures served by said improvements.
6. No building permit shall be issued for any lot in the plat until evidence satisfactory to the City Engineer has been provided showing that sanitary sewer and water improvements, constructed to City standards, have been provided to the lot in question.
7. Tract A and any drainage and/or access easements to Tract A, shall be designated unbuildable. Tract A, including any drainage and/or access easements to Tract A, will be operated and maintained by a Homeowner's Association. The City of Spokane will operate and maintain all storm water lines and structures located in public right of way, except for any lines connecting from storm water structures in public streets to drainage tracts or drainage easements. These lines will be maintained by the Homeowner's Association. Property owner(s) will maintain drainage swales or planting strips in public right of way, adjacent 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.
8. A Transportation Impact Fee will be collected prior to the issuance of a building permit for the affected lot.