

**CITY OF SPOKANE HEARING EXAMINER**

<b>Re:</b> Preliminary Plat Application by Inland Pacific Development, LLC, for a 20-lot subdivision to be known as Cheltenham Court.	) ) ) )	FINDINGS, CONCLUSIONS, AND DECISION  FILE NO. Z1400069-PPLT
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**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The applicant is requesting approval of a preliminary plat to subdivide approximately 4.3 acres into 20 lots, to be known as Cheltenham Court.

**Decision:** Approved, with conditions.

**FINDINGS OF FACT  
BACKGROUND INFORMATION**

**Applicant/ Owner:** Inland Pacific Development, L.L.C.  
Attn: Casey Mason  
12720 E. Nora Avenue  
Spokane Valley, WA 99216

**Agent:** Taylor Engineering, Inc.  
106 W. Mission Ave.  
Spokane, WA 99201

**Property Location:** The subject property is located on the west side of Elm Street and the north side of Strong Road, near the intersection of Austin Road and Strong Road, in northwest Spokane, Washington.

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

**Zoning:** The property is zoned RSF (Residential Single Family).

**Comprehensive Plan Map Designation:** The property is designated as R 4-10 (Residential 4-10 units per acre).

**Site Description:** The site of the proposed use is predominantly flat, although the site slopes slightly from north to south. The average slope of the site is 1 to 2 percent. The steepest slope on the site is 5 percent. There are no known water features on the site. The property does not lie within a floodplain. The proposal is located in the Five Mile Special Drainage District and will therefore be required to adhere to all engineering-related requirements associated with that designation.

**Surrounding Conditions and Uses:** The subject property is surrounded by RSF (Residential Single Family) zoning on all perimeters. To the east, there are similar sized and developed lots

which are a part of Cheltenham Addition (Phase 1). To the north there are similar sized but undeveloped lots which are a part of Cheltenham Addition (Phase 2). The property to the west, which is owned by the Applicant, is un-platted and vacant. This property will be developed in a similar fashion in the future. Bordering the property to the south is an existing stormwater drainage tract owned and operated by the Cheltenham Homeowners Association. Farther to the south and on the other side of Strong Road is an existing residential neighborhood.

**Project Description:** The applicant is proposing to create a 20-lot subdivision on approximately 4.3 acres. Lots vary in size from 5,676 square feet to 14,220 square feet. The development will be served by public water and sewer.

### **PROCEDURAL INFORMATION**

**Authorizing Ordinances:** Spokane Municipal Code (“SMC”) 17C.110, Residential Zones; and SMC 17G.060.170, Decision Criteria.

**Notice of Community Meeting:** Mailed: October 14, 2015  
Posted: October 14, 2015

**Notice of Application/Public Hearing:** Mailed: January 29, 2015  
Posted: January 30, 2015

**Community Meeting:** October 28, 2013

**Public Hearing Date:** March 5, 2015

**Site Visit:** March 4, 2015

**SEPA:** Determination of Non-Significance (DNS) was issued on February 18, 2015. The DNS was not appealed.

#### **Testimony:**

Dave Compton, City Planner  
City of Spokane Planning & Development  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

Casey Mason  
Inland Pacific Development, L.L.C.  
12720 E. Nora Avenue  
Spokane Valley, WA 99216

Frank Ide  
Taylor Engineering, Inc.  
106 W. Mission Ave.  
Spokane, WA 99201

James Lauritzen  
8703 N. Elm  
Spokane, WA 99208

Robert Bangerter  
8710 N. Elm St.  
Spokane, WA 99208

**Exhibits: Z1400069PPLT**

1. Planning Services Staff Report
  - 1A Staff report dated 02-24-15
  - 1B Revised Staff report received on 03-04-15
2. Application, including:
  - 2A General application
  - 2B Preliminary Long Plat application with Attachment "A" including site plan received 11-24-14
  - 2C Revised Attachment "A" received 01-21-15
  - 2D Notification Map application
  - 2E Stewart Title report dated 11-02-14
  - 2F Revised Site Plan received 01-21-15
  - 2G Second Amendment to Original Development Agreement dated 09-12-14
  - 2H Template for Project Web Posting
  - 2I Preliminary Long Plat Counter Complete Checklist
3. Pre-Development Application and Conference notes
4. City Department comments
  - 4A Planning and Development
  - 4B Fire Department
5. Mead School District comments
  - 5A Email dated 11-26-14
  - 5B Email dated 01-14-15
6. Avista comments
7. Spokane Tribe of Indians comments
8. Williams Pipeline comments
9. Notice map
10. Parcel listing
11. Notice of Community Meeting
12. Notice of Application and Public Hearing
13. Affidavit of mailings
  - 13A Community Meeting 10-14-14
  - 13B Combined application and hearing dated 01-29-15
14. Affidavit of posting
  - 14A Community Meeting dated 10-14-14
  - 14B Combined application and hearing dated 01-30-15 with photo of sign
15. Request for publication of combined application and hearing dated 01-27-15
16. Affidavit of publication dated 01-30-15
17. SEPA Determination of Nonsignificance "DNS" issued 02-18-15
18. Environmental checklist dated 11-24-14
19. Community Meeting sign in sheet
20. Letter dated 09-29-14 to Frank Ide from Dave Compton  
re: community meeting instructions
21. Email dated 11-12-14 to Frank Ide from Ali Brast  
re: breakdown of fees
22. Letter dated 11-26-14 to Interested Parties from Dave Compton  
re: requesting comments
23. Email dated 01-09-15 to Dave Compton from Kris Becker  
re: City Parks and Recreation impact fees

- 24. Letter dated 01-14-15 to Frank Ide from Dave Compton  
re: technically complete
- 25. Letter dated 01-21-15 to Frank Ide from Dave Compton  
re: Notice of Application and Public Hearing Instructions.
- 26. Email dated 01-27-15 to Dave Compton from Frank Ide  
re: correction of the property location in notice
- 27. Email dated 02-18-15 to Dave Compton from Frank Ide  
re: notices returned undeliverable
- 28. Public Comments
  - 28A Email dated 12-08-14 to Dave Compton from Kathy Miotke  
re: comments regarding proposed development
  - 28B Email dated 03-04-15 to Hearing Examiner from Kathy Miotke  
re: Park impact fees
- A Exhibits received at the hearing:
  - A-1 Hardcopy of Planning's PowerPoint presentation
  - A-2 SMC 17D.010.020 submitted by Dave Compton
  - A-3 SMC 17D.010.010 (B) submitted by Frank Ide
  - A-4 Mead School District No. 354's Transportation Policy submitted by Frank Ide
  - A-5 Mead School District No. 354's Bond & Levy Information submitted by Frank Ide

### FINDINGS AND CONCLUSIONS

To be approved, the proposed preliminary plat must comply with the criteria set forth in Spokane Municipal Code section 17G.060.170. The Hearing Examiner has reviewed the plat application and the evidence of record with regard to the application and makes the following findings and conclusions:

1. *The proposal is allowed under the provisions of the land use codes. See SMC 17G.060.170(C)(1).*

The site is zoned Residential Single Family ("RSF"). The applicant proposes to develop the site with single family residences. This proposed use is outright permitted in the RSF zone. See Table 17C.110-1; see also SMC 17C.110.115. The density of the proposal is also consistent with code requirements. See Exhibit 1B, p. 3. Therefore, this proposal is authorized by the land use codes.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. See SMC 17G.060.170(C)(2).*

The proposal is generally supported by the goals, objectives and policies of the Comprehensive Plan (CP). The subdivision has a proposed density of 5.5 units per acre, which is consistent with the Residential 4-10 designation. See Exhibit 1B, p. 3. The project is designed to blend in with the existing neighborhood. See CP, Chapter 8, Policy DP 1.4, p. 10. The proposed development will include lots and homes of similar style and nature to the nearby residential neighborhoods. Thus, the developer has ensured that the project will be compatible with surrounding uses. See CP, Chapter 3, Policy LU 5.2, p. 23; see also CP, Chapter 3, Policy LU 5.5, p. 24 (discussing the need to ensure compatibility when permitting infill developments); see also CP, Chapter 8, Policy DP 3.8, p. 14 (same). The design also includes separated

sidewalks and pedestrian buffer strips, in furtherance of comprehensive plan policies regarding neighborhoods. See CP, Chapter 11, Policy N 4.10 and 4.12, p. 13. Considering the characteristics and design of the proposal, the Hearing Examiner concludes that it is consistent with the Comprehensive Plan. Therefore, this criterion is satisfied.

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

On November 26, 2014, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 22. Although various departments and agencies commented on the project, only the Mead School District suggested that concurrency would not be achieved. See Exhibit 5A. The Mead School District reported that it “did not have additional capacity in Prairie View Elementary” and already is required “to bus approximately 91 children” in the Five Mile area to other elementary schools within the district. See id. This fact was not disputed. Even so, there is no mandate in the municipal code providing that a development must be denied if the nearest neighborhood school is at capacity. Until a specific standard is adopted by the city, the Hearing Examiner cannot deny a plat application on this basis. Further, there was no contention that the school district could not accommodate the students that might live in the subdivision. Rather, the contention was that the children would have to attend other elementary schools within the district, necessitating the use of busses to distribute the student population to the schools with excess capacity. This suggests that it will not be easy to serve additional children moving into the Five Mile area; it does not establish that the district lacks the necessary capacity.

The Hearing Examiner concludes that the proposed subdivision satisfies the concurrency requirements of the municipal code. Therefore, this criterion for approval of the conditional use permit is met.

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

The Hearing Examiner agrees with the staff that the “...site area is suitable for development.” See Exhibit 1B, p. 4.

The property is essentially flat, with an average grade of approximately 1-2%. The steepest slopes at the site are only 5%. There is nothing about the size, shape, or topography of the site that would make the proposal problematic. Nor is there information in this record showing that any problems are anticipated due to soil types, the existence of ground or surface water, or the like. There are no known environmental conditions (such as critical areas) that might restrict site development. In addition, there are no known natural, historic, or cultural features of the site that are in need of protection. The Spokane Tribe of Indians recommended that an archeological survey and subsurface testing be conducted at the site. See Exhibit 7. However, the Spokane Tribe of Indians did not submit any evidence that historic or cultural resources are likely to exist on this site. In the absence of something more specific, the Hearing Examiner concludes that the conditions of approval are sufficient to protect such resources, if any are discovered.

There is one potential concern regarding the drainage characteristics of the site. The property lies within the Five Mile Drainage District, which means that certain engineering standards must be satisfied in order to receive final plat approval. The conditions of approval will ensure that such standards are satisfied. In addition, storm water from the site will be collected and transported to treatment and disposal ponds off-site. See Exhibit 18, Environmental Checklist ¶ B(3)(c)(1). Finally, unless the builders conduct a geotechnical investigation and satisfy the applicable standards, the houses constructed in the subdivision will not have basements. This provides another safeguard against drainage problems for future residents.

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

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.060.170(C)(5).*

The City issued a Determination of Nonsignificance (“DNS”) for the proposed plat on February 18, 2015. See Exhibit 17. The comment period on this DNS expired on March 3, 2015. See id. No comments in opposition to the DNS were submitted on or before that comment deadline. The DNS was not appealed.

On November 24, 2014, the applicant prepared an environmental checklist for the project. The checklist supports the conclusion that no significant environmental impacts will arise from this project. For example, the site is flat with stable soils. See Exhibit 18, Environmental Checklist ¶ B(1)(a)-(d). There are no wetlands, surface waters, or other limiting features. See Exhibit 18, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 18, Environmental Checklist ¶ B(3)(a)(5). The project will result in minimal to no change in the grade of the property. See Exhibit 18, Environmental Checklist ¶ B(1)(e). No threatened or endangered species were identified on the site. See Exhibit 18, Environmental Checklist ¶ B(4)(c) & B(5)(b).

The site is located within the Aquifer Sensitive Area and the Aquifer Critical Area Recharge Zone, and therefore is subject to the requirements of SMC Chapter 17E.010 Critical Aquifer Recharge Areas-Aquifer Protection. See Exhibit 18, Environmental Checklist ¶ A(13). However, a bio-infiltration swale and drywells have already been installed immediately south of the project site and will be used to treat and dispose of runoff from the site. See Exhibit 18, Environmental Checklist ¶ A(14)(a)(1). No critical materials will be stored, handled, or used on site where a spill or leak may result in surface or groundwater pollution. See Exhibit 18, Environmental Checklist ¶ A(14)(a)(4). As a result, no protective measures are needed to address such concerns. See e.g. Exhibit 18, Environmental Checklist ¶ A(14)(a)(3). If project conditions were necessary for aquifer protection, those conditions should have been included as part of the threshold determination. See SMC 17E.010.010(F)(3). However, as discussed above, the lead agency issued an unqualified DNS for this project, which was not appealed. There was no testimony presented or evidence submitted at the hearing or made part of the record suggesting that the project poses a risk of pollution to the aquifer.

As noted above, the site is located within the Five Mile Drainage District. This drainage district was established to implement specific measures to address the problematic drainage conditions in the area. Therefore, if not properly addressed, drainage is one potential problem for this site. However, the storm water from this site will be collected and transported to treatment and disposal ponds located off the property. See Exhibit 18, Environmental Checklist ¶ B(3)(c)(1). The storm water will not be disposed of on-site. Thus, the developer does not need to design a system in order to overcome the limited capacity of the site to naturally dispose of surface water.

There are no significant impacts anticipated from noise or odor, although there will be some impacts due to construction activity. However, the construction impacts will not result in significant environmental impacts, and can be adequately mitigated (e.g. dust control, limited work hours, etc.). Further, the construction activity is temporary. Once the construction project ends, the potential impacts from noise, dust, and emissions from vehicles will cease. See e.g. Exhibit 18, Environmental Checklist ¶ B(2)(a) and B(7)(b)(2) (addressing emissions and noise). And the environmental impacts of the completed project, i.e. a relatively small residential development, are minor. This is undoubtedly the reason the city issued a DNS for the proposal.

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 met.

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

The proposal makes adequate provisions for the public health, safety, and welfare. The proposal is designed and will be required to satisfy the applicable city standards for drainage, streets and other public ways, proper disposal of storm water, and the like. All the pertinent facilities, such as streets, curbing, sidewalks, etc., must be designed and constructed in accordance with City standards. The proposed lot sizes and building coverage limits insure that the required amount of open space is provided on each platted parcel. See Exhibit 1B, p. 5. The development will be connected to public sewer and water. There were no comments from any department or agency suggesting that the proposed development placed undue stresses on the public infrastructure or services. There was no testimony or other evidence of negative effects on the public health, safety, or welfare.

In this case, STA bus service is not available in the immediate area. See Exhibit 1B, p. 6. STA did not forward any comments regarding any anticipated changes to their services to this area. See id. In the Hearing Examiner's view, the plat cannot be denied based upon the lack of public transit to the area, absent the codification of a specific standard in that regard. A similar conclusion was reached regarding the current lack of capacity at the nearest elementary school. The Hearing Examiners comments on that issue are found in Paragraph 3 above.

There are no provisions for additional public parks or playgrounds within the plat. See Exhibit 1B, p. 7. However, Sky Prairie Park is located approximately one-third of a mile away, to the southwest of this project. See id. Playgrounds and fields are also available at Prairie Elementary School, to the north and about one mile away from the project. See id. There is no requirement that a plat developer create additional parks as a condition of approval of a plat. Similarly, there is no requirement that the developer make contributions to a fund for the improvement or development of park lands.

The Five Mile Prairie Association requested that the developer pay the same park fee, specifically \$500 per building permit, that applied to the prior Cheltenham plat. See Exhibit 28A. The Hearing Examiner concludes that it is not appropriate to impose a park fee as a condition of approval of Cheltenham Court. The park fee paid associated with the prior Cheltenham plat was *voluntary*. *Testimony of D. Compton*. The comment by Five Mile Prairie Association concedes as much, calling the park fee a "voluntary impact fee." See id. Further, the Development Agreement which memorialized the park fee only applied to the prior subdivision. See Exhibit 2G. That agreement does not govern Cheltenham Court, which is a new subdivision by a different owner. *Testimony of D. Compton*. The municipal code does not authorize the Hearing Examiner to mandate the payment of a park fee. Thus, imposing that condition would be outside the Hearing Examiner's authority.

Two neighbors testified that they were concerned about the traffic impacts of this project. *Testimony of J. Lauritzen & R. Bangarter*. However, there was no specific evidence that the traffic generated from this relatively small development would be severe or require any particular measures to address. One neighbor was concerned that a traffic study was not undertaken for the project. *Testimony of J. Lauritzen*. However, the city did not require a traffic study, no doubt because the traffic generated from a 20-lot subdivision is not significant enough to warrant that analysis. To the extent there are some impacts, an appropriate transportation impact fee will be collected prior to the issuance of each building permit. See Exhibit 1B, p. 6.

The subdivision makes appropriate provisions for pedestrians. The plat design includes separated sidewalks along both sides of Cheltenham Court. See Exhibit 1B, p. 7. There is no question that the neighborhood generally suffers from a lack of sidewalks and safe walking routes. *Testimony of J. Lauritzen; Testimony of F. Ide*. However, the developer of this project is not responsible to address pre-existing shortcomings in the surrounding neighborhood. The developer will be installing the appropriate facilities for this subdivision, and that is sufficient to meet its obligations.

The Hearing Examiner concludes that the proposal satisfies the applicable subdivision standards. The Hearing Examiner also adopts and incorporates the staff's analysis of this issue, found on pages 5-7 of the Staff Report. See Exhibit 1B. This criterion is met.

### **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. Approval is for a preliminary plat for 20 dwelling units to be developed in substantial conformance with the plans and specifications for the "Cheltenham Court" 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. If changes are sought to the plans and specifications, they shall be submitted to Planning Services for review and approval. If Planning Services finds that the changes are substantial, then the proposed changes shall be forwarded to the Hearing Examiner for review and approval.

2. 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.

3. 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 Planning & Development for review and acceptance prior to construction.

4. Once the Sewer is completed and accepted by the City of Spokane for Cheltenham Addition Phase 2, it will be available to extend down through Cheltenham Court.

- 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 Planning & Development 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.

5. Once the Water system is completed and accepted by the City of Spokane for Cheltenham Addition Phase 2, it will be available to extend down through Cheltenham Court.

- 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 Planning & Development 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 Planning & Development 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.

6. GFC Connection charges must be paid at the time of water and sewer permits.

7. All stormwater and surface drainage generated on-site shall be disposed of 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.

- 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.
- b. All stormwater facilities necessary to serve the proposed plat shall be designed and constructed in accordance with City standards.
- c. A surface drainage plan shall be prepared for each lot and shall be submitted to Planning & Development for review and acceptance prior to issuance of a building permit.
- d. An erosion / sediment control plan, detailing how dust and runoff will be handled during and after construction, shall be submitted to Planning & Development for review and acceptance prior to construction.
- e. 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.
- f. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve the proposed plat.
- g. The plat of Cheltenham originally designated this land as a drainage tract and an evaporation pond was built to handle stormwater from the plat. Since that time, the developer has entered into an agreement with the City of Spokane that enables them to discharge stormwater, through a pipe, to the Austin ravine at an agreed upon discharge rate. This has now opened up the land for development.

8. 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 will be responsible for all costs associated with constructing street improvements necessary to serve the proposed plat.
  - g. A \$250.00 deposit will be required for each monument to be installed as part of the final plat. One (1) Monument will be required for this plat and will need to be installed at the center of the cul-de-sac.
9. Each lot must include addresses on the face of the plat.
10. Addresses will need to be applied for prior to water or sewer service placement. It is the applicant's obligation to contact the City of Spokane to coordinate the assignment of addresses.
11. The minimum allowable lot frontage is 40 feet.
12. The final plat will contain sufficient information to review closure of the plat.
13. Discovery of any critical area conditions such as wetlands, springs, etc. must be addressed prior to approval of a final plat.
14. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the City of Spokane Planning & Development Services should be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.
15. Dust emissions during construction and excavation projects must be controlled in accordance with the Spokane Regional Clean Air Agency.
16. This approval does not waive the applicant's obligation to comply with all of the requirements of the Spokane Municipal Code including the Uniform Codes, as well as requirements of City Departments and outside agencies with jurisdiction over land development.
17. This project must adhere to any additional performance and development standards documented in comments or required by the City of Spokane, the County of Spokane, the State of Washington, and any federal agency.
18. The final plat shall include the dedicatory language specified on page 11 of the Staff Report in the record as Exhibit 1B. That dedicatory language is incorporated by reference into these conditions of approval.

19. Spokane Municipal Code section 17G.060.240 regulates the expiration of this approval, and Table 17G.060-3 sets forth the time frame for the expiration of all approvals.

DATED this 12<sup>th</sup> day of March 2015.



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Brian T. McGinn  
City of Spokane Hearing Examiner

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

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions of the Hearing Examiner regarding preliminary plats are final. They may be appealed to the City Council. All appeals must be filed with the Planning Department within fourteen (14) calendar days of the date of the decision. The date of the decision is the 12<sup>th</sup> day of March 2015. **THE DATE OF THE LAST DAY TO APPEAL IS THE 26<sup>th</sup> DAY OF MARCH 2015 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.