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**CITY OF SPOKANE HEARING EXAMINER**

PLANNING SERVICES

<b>Re:</b> Preliminary Plat and Planned Unit Development Application by Whipple Consulting Engineers for a 35-lot Preliminary Plat and Planned Unit Development to be known as Vistas at Beacon Hill	) ) ) ) ) )	FINDINGS, CONCLUSIONS, AND DECISION     FILE NO. Z2005-68-PP/PUD
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**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The applicant seeks a preliminary plat and planned unit development (PUD) in order to allow the subdivision of approximately 21.21 acres into 35 lots for multi-family development.

**Decision:** Approval, subject to conditions.

**FINDINGS OF FACT**  
**BACKGROUND INFORMATION**

**Applicant:** Whipple Consulting Services  
13218 East Sprague Avenue  
Spokane Valley, WA 99216

**Represented by:** Margaret Arpin, Attorney at Law  
Arpin Law Office  
1117 East 35th Avenue  
Spokane, WA 99203

**Property Address:** 4328 North Havana Street in the City of Spokane, Washington

**Property Location:** The property is generally located east of Havana Street and north of Longfellow Avenue.

**Legal Description:** A full legal description is in the record on pages 1 and 2 of Exhibit #4A.

**Zoning:** R1 (Single-family Residential Zone)

**Comprehensive Plan Map Designation:** Residential 4-10 in the City's 2001 Comprehensive Plan.

**Site Description:** The site has two portions, the largest portion is north of Longfellow Avenue extended, and east of Havana Street. It is roughly rectangular in shape. The southern part is located across Longfellow Avenue extended, to the south, roughly in the middle of the larger portion. The two sites contain approximately 21.21 acres in area. The property is currently used to keep animals. The record notes that the site is used to raise a variety of animals, including a few hundred cows, several hundred pigeons, chicks, pot-bellied pigs, and several exotic animals, including camels. The animals have eliminated much of the low-lying vegetation on the property but Staff notes that there is a stand of Ponderosa pines located on the northeast portion of the subject property. The property slopes upward from the west to the east with significant slopes in the 16 percent to 30 percent range in the central and eastern sections of the property.

**Surrounding Conditions:** The surrounding properties are all zoned R1 like the subject site, except for a small parcel adjoining on the northwest, which is M1-1L (Limited Light Industrial Zone, Category 1). Much of the property surrounding is vacant or contains single-family homes on large lots. There is a City water reservoir to the north, and an events facility and former golf range to the east.

**Project Description:** The applicant seeks a preliminary plat in order to subdivide this property into 35 lots. The lots range in size from approximately 5,000 square feet to over 400,000 square feet. The applicant seeks to construct four-plex, eight-plex, and twelve-plex buildings on site for a total of 276 dwelling units. This results in approximately 13 dwelling units per acre. The Residential 4-10 category of the City's Comprehensive Plan limits density in the R1 zone to ten units per acre, except when a density bonus is allowed pursuant to a PUD. The applicant seeks a 30 percent density bonus.

The project will also include open areas, clubhouses, and swimming pools. Private roads and pedestrian walkways are also proposed. In addition, the applicant will make street improvements to Havana Street and Longfellow Avenue. A site plan showing the layout of street, parking areas, recreational amenities, buildings, and other features of the site is in the record as Exhibit #4F.

### **PROCEDURAL INFORMATION**

**Authorizing Ordinances:** Spokane Municipal Code Sections 11.19, 11.19.081, 11.19.361 through .3691, 17G.060.170, 17G.080, and 17G.080.050.

**Hearing Date:** November 21, 2005 The record was left open until December 5, 2005, to allow the submittal of additional information.

**Notices:** Mailed: October 20, 2005  
Posted: October 26, 2005  
Published: October 23, 2005 and October 30, 2005

**Site Visit:** None made

**SEPA:** A Determination of Nonsignificance was issued by the City on November 2, 2005.

**Testimony:**

Leroy Eadie  
City of Spokane Planning Services  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

Eldon Brown  
City of Spokane Engineering Services  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

Mike Britton  
City of Spokane Traffic Engineering  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

Margaret Arpin, Attorney at Law  
Arpin Law Office  
1117 East 35th Avenue  
Spokane, WA 99203

Craig Macphee  
Whipple Consulting Engineers  
13218 East Sprague Avenue  
Spokane Valley, WA 99216

Todd Whipple  
Whipple Consulting Engineers  
13218 East Sprague Avenue  
Spokane, WA 99216

Pete Rayner  
4848 East Wellesley Avenue  
Spokane, WA 99217

**Exhibits:**

1. Notes from predevelopment conference
2. Planner's pre-development notes
3. Counter-complete checklist
4. Application, including:
  - 4A. General application
  - 4B. Preliminary plat application
  - 4C. Planned unit development application
  - 4D. Application for notification map
  - 4E. Preliminary plat plan
  - 4F. Planned unit development plan
  - 4G. Elevations
5. Engineering Services Department comments
6. Traffic Engineering Department comments
7. Fire Department comments
8. Solid Waste Department comments
9. Notice map and aerial photograph
10. Notices
11. Affidavits of Mailing

12. Affidavits of Posting
13. Affidavit of Publication
14. Planning Services Staff Report
15. Determination of Nonsignificance
16. Environmental Checklist
17. Notes and sign-in sheet from community meeting
18. Letter dated 12-30-04 to Planning Department from Todd E. Whipple transmitting site plans
19. Letter dated 2-22-05 to Todd R. Whipple from Leroy Eadie re: community meeting instructions
20. Letter dated 9-21-05 to Todd R. Whipple from Leroy Eadie re: notice of application instructions
21. 10-17-05 and 10-18-05 e-mails exchanged between Leroy Eadie and Stacey Jenkin re: public notices
22. Letter dated 10-18-05 to Todd R. Whipple from Leroy Eadie re: notice of public hearing instructions
23. Geotechnical Evaluation prepared by Allwest, March 9, 2005, (this document is located in the Planning Department's file)
24. Title company report
25. City Design Review comments
26. Memorandum in Support of Applications submitted by Margaret Arpin at the hearing
27. Statement regarding water tank to serve the site submitted by Eldon Brown at the hearing
28. E-mail dated 12-5-05 to the Hearing Examiner from Mike Fagan, MOR Manufacturing Corp., supporting the project
29. Supplemental Memorandum in Support of Bonus Density and Approval of Multi-family Uses submitted by Margaret Arpin, agent for the applicant, on 12-5-05
30. Memorandum dated 12-5-05 to the Hearing Examiner from Leroy Eadie re: Information to Supplement the Record
31. Memorandum dated 12-2-05 to the Hearing Examiner from Darrin Griechen re: Request for Further Information
32. Memorandum dated 11-23-05 to Darrin Griechen from the Hearing Examiner requesting additional information
33. Letter dated 12-1-05 to the Hearing Examiner from Pete Rayner supporting the project

### **FINDINGS AND CONCLUSIONS**

Reviews of Type II and III permit applications such as PUDs and plats are subject to Spokane Municipal Code Section 17G.060.170. The Hearing Examiner has reviewed the proposed plat and PUD and evidence of record with regard to this Section and makes the following findings and conclusions:

1. The proposal is allowed under the provisions of the Land Use Codes.

Preliminary plats and planned unit developments (PUDs) are allowed in accordance with current land use regulations. Subdivisions are allowed and governed by SMC 17G.080.050. PUDs are still governed by SMC 11.19.361 through .3691 while the City is in the process of developing a new PUD ordinance. Therefore, this particular proposal to subdivide the land and develop it as a PUD is allowed under the provisions of the land use codes.

This proposal is unusual in that it includes the development of multi-family buildings in an R1 zone. There is also a request for a bonus density and that request will be analyzed under the PUD sections of this decision. SMC 11.19.363 addresses uses that are permitted within a planned unit development. That section states:

*A. In a PUD, uses are permitted in accordance with those uses and densities permitted in the underlying zone. Additional uses and increases in density may be permitted, as outlined within this chapter.*

*B. The following uses are permitted in a residential PUD:*

*1. One-family, two-family, and multi-family residence, including townhouse;*

Since this is a residential PUD, the current PUD ordinance allows multi-family residences in the R1 zone. This is subject to the density of the underlying R1 zone, along with any bonus densities that are approved.

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

The Comprehensive Plan designation for the property is Residential 4-10, which anticipates development at a minimum of four units per acre to a maximum of ten units per acre. The net density proposed for this project by the applicant is 13 units per acre, which is above that range, but allowed if the bonus density request is approved. The bonus density request will be analyzed under the PUD section of this decision.

Staff states in its report that it agrees with the applicant's analysis of the project's compliance with various goals and policies of the Comprehensive Plan. That analysis is set forth in Exhibit #4C. The Hearing Examiner finds this to be reasonably accurate and hereby adopts and incorporates herein the goals and policies mentioned in that exhibit.

3. The proposal meets the concurrency requirements of Chapter 17D.010 of the Spokane Municipal Code.

The proposal was circulated to all applicable City departments and agencies with jurisdiction over land development and all of those departments and agencies were given the opportunity to comment. No City departments or outside agencies commented that concurrency will not be achieved.

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 will not be easy to develop because of steep slopes and drainage concerns. Geotechnical and drainage reports were submitted by the applicant to Engineering Services for review and approval, and those preliminary reports were found to be satisfactory. A final drainage and geotechnical report will be required. Although development of the site may be difficult, it is still feasible according to the engineer's report, and there are no known historical or cultural features on site which would inhibit development.

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties and, 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.

The applicant submitted an Environmental Checklist pursuant to the State Environmental Policy Act (SEPA) and it was circulated to City departments and other agencies. Based on that review, the City issued a Determination of Nonsignificance, finding that there would not be probable significant adverse environmental impacts from the proposal. There was no adverse testimony from surrounding property owners regarding adverse impacts and there was testimony from various people favoring the project because of the adverse impacts associated with the existing use. Several conditions will be placed on the approval to help alleviate any potential impacts.

**For a preliminary long plat, the additional criteria below must also be satisfied:**

1. The proposed subdivision must make appropriate (in terms of capacity and concurrence) provisions for:

a. Public health, safety, and welfare. The Hearing Examiner finds this criterion has been met and, in so doing, hereby adopts and incorporates the Planning Services Department Findings on this criterion, set forth in the Planning Services Staff Report, Exhibit #14 page 5.

b. Open spaces. The applicant does not propose to exceed the site coverage requirements of the underlying R1 zone and so there will be open space available on site.

There is also open space where the slopes are steep and cannot accommodate housing. The applicant also proposes various recreational amenities and an internal pedestrian walkway.

c. Drainage ways. The Hearing Examiner finds this criterion has been met and, in so doing, hereby adopts and incorporates the Planning Services Department findings on this criterion, set forth in the Planning Services Staff Report, Exhibit #14, page 5.

d. Streets, roads, alleys, and other public ways. The layout of streets and private internal roads is set forth on Exhibit #4F. The applicant will be required to improve Havana Street adjacent to the site, and also Longfellow Avenue. The internal roads are to be private. The applicant shows two private roads accessing the site from Longfellow, one of which runs parallel to an existing right-of-way. While this plan has not been accepted by Engineering Services as of yet, the applicant and representatives from Engineering Services have agreed to work together to determine whether the private road that runs adjacent to the existing right-of-way for Longfellow should actually be private or public. The plan also shows sidewalks and a pathway system connecting various parts of the site.

e. Transit stops. This part of Spokane is not served well by transit. The closest bus stop is located approximately one mile away. More density in this area, however, may convince the transit authority to extend more service to this area.

f. Potable water supplies. The Hearing Examiner finds this criterion has been met and, in so doing, hereby adopts and incorporates the Planning Services Department findings on this criterion, set forth in the Planning Services Staff Report, Exhibit #14, page 6.

g. Sanitary wastes. The Hearing Examiner finds this criterion has been met and, in so doing, hereby adopts and incorporates the Planning Services Department findings on this criterion, set forth in the Planning Services Staff Report, Exhibit #14, pages 6 and 7.

h. Parks, recreation, and playgrounds. The applicant has proposed clubhouse buildings on site for recreational purposes and also swimming pools. In addition, the Loren Kondo Neighborhood Park is located one block to the west.

i. Schools and schoolgrounds. The site is located within School District #81. There are no provisions for public schools or schoolgrounds within the development. The school district was given the opportunity to comment on the proposal but did not offer any comments and so it is assumed that the district can accommodate the children from the housing within the development who will be attending public schools.

j. Sidewalks, pathways and other features that assure safe walking conditions. The public and private streets serving this development will have sidewalk and

stormwater drainage in accordance with City standards. The site plan also shows an internal pathway system and internal sidewalks for each building. The pathway system appears designed to link buildings with the clubhouse/pool area.

**For a planned unit development (PUD), the following criteria must also be complied with:**

1. All of the criteria in SMC 11.19.361 are satisfied.

The Hearing Examiner finds this criterion has been met and, in so doing, hereby adopts and incorporates the Planning Services Department findings on this criterion, set forth in the Planning Services Staff Report, Exhibit #14, pages 7, 8, and 9. In addition, the Hearing Examiner makes the following findings:

At the hearing on this matter, the Hearing Examiner informed the parties that there was insufficient evidence in the record to support granting multi-family development in an R1 zone and also to support granting a 30 percent bonus density which is the full bonus density allowed under the code. The Hearing Examiner granted the applicant and staff additional time to respond to this concern. Additional materials were submitted by the Planning Staff, Design Review Staff, and from Margaret Arpin, Attorney at Law, representing the applicant. The Hearing Examiner has reviewed that information and finds it relevant to the inquiry and hereby adopts and incorporates it as findings. Those responses are in the record as Exhibits #29, 30, and 31.

Design Review and the applicant's attorney convinced the Hearing Examiner that the bonus density is appropriate because of the difficulty in developing the site, because of the recreational amenities that are being provided to the residents, and because removing the existing use from the property is an environmentally desirable thing to do.

In addition, the PUD ordinance does allow specifically for multi-family buildings in residential PUDs. See SMC 11.19.363. The applicant testified that the multi-family buildings are necessary to provide a type of housing which is lacking in this part of the City and also to utilize the site in an environmentally sensitive way as well as a cost-effective way. The Hearing Examiner agrees and will allow the multi-family structures as well as the bonus density of 30 percent. There was no evidence presented by anyone that the multi-family buildings should not be approved or that the bonus density being granted is unsupported.

### **DECISION**

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



A. General Conditions:

1. Approval is for a preliminary plat and planned unit development to be known as The Vistas at Beacon Hill and to be developed substantially in accordance with the site plans which are in the record as Exhibit #4E and #4F. The number of lots, the layout of streets, the placement of buildings, recreational amenities, and open space shall be substantially as depicted on the site plans, except where these conditions modify those placements. The applicant is authorized to prepare a final plat and PUD plan in accordance with the preliminary plat and these conditions of approval. Any modifications to the preliminary plat/PUD shall be reviewed and approved by the City Hearing Examiner.
2. The stormwater system, private streets and utilities, and any other private common areas shall be maintained by a homeowners association. A set of covenants, conditions, and restrictions (CC&Rs) prepared for the proposed development is subject to review and approval by the City of Spokane, and shall be recorded with the Spokane County Auditor's Office prior to the recording of the final plat. The CC&Rs shall address the duties and responsibilities of the homeowners association with respect to all private roads and utilities. This includes, but is not limited to the levying and collection of assessments, and the operation and maintenance of all systems and facilities and shall also provide for the administration and enforcement of these duties and responsibilities.
3. Sanitary sewer service shall be provided by the City of Spokane. Any sanitary sewers located in private streets within the plat shall be designed and constructed to City standards and will be maintained by a homeowners association established as set forth above. Sewers in public streets will be maintained by the City. The project proponent shall be responsible for all costs associated with providing sanitary sewer service throughout the plat and securing all approvals and easements necessary to serve lots within the proposed plat.
4. Water service shall be provided by the City of Spokane's water system. The water lines in private streets within the proposed plat must be designed and constructed to City standards and maintained by the homeowners association. Any water lines constructed in any public street will be operated and maintained by the City of Spokane. The design of water lines and systems shall be submitted to Engineering Services-Developer Services for review and acceptance prior to the City Engineer signing the final plat. The developer will be responsible for all costs associated with constructing water improvements necessary to serve the proposed plat.
5. A new water tank, to be constructed at a higher elevation, will serve the upper portion of the proposal. As part of the water system improvements to serve the upper portion, the developer will be required to design and construct a "water booster station" for the entire service area to be served by the booster station. Pumps to transmit water to the new water tank, to serve the upper portion, must be installed as part of the construction of the booster station. All of these improvements must be designed and constructed in

accordance with City design standards and regulations. The City of Spokane will design and construct the new tank. In no case will any phase of this plat/PUD be finalized until such time as water pressure and design flows, both domestic and fire, meeting the City's design standards, are available to serve the phase under consideration. When the City has acquired the water tank site necessary to serve the upper portion of the Vistas at Beacon Hill plat and access to the same, the City will permit the applicant to serve said upper portion from the booster station to be constructed at the North Hill Tank.

6. Only City water and sanitary sewers shall serve the plat; the use of individual on-site sanitary waste disposal systems and private wells is prohibited, and it shall be so stated on the face of the final plat.

7. All storm water and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 11.09A "Storm water Facilities" and as per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat/PUD. Pre-development flow of off-site runoff passing through the plat/PUD shall not be increased (rate or volume) or concentrated due to development of the plat/PUD, based on a 50-year design storm. An escape route for a 100-year design storm shall be provided. Prior to construction, a grading and drainage plan showing finished one-foot contours and supporting calculations must be submitted to Engineering Services-Developer Services for review.

8. No building permit shall be issued for any lot in the plat/PUD until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 11.09A "Stormwater Facilities" and the Project Engineer's recommendations, based on the drainage plan accepted for the final plat/PUD, have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to the Engineering Services-Developer services for review and acceptance prior to issuance of a building permit.

9. All stormwater facilities necessary to serve the proposed plat/PUD shall be designed and constructed in accordance with City standards. Design plans shall be submitted to Engineering Services-Developer Services for review and acceptance prior to the City Engineer signing the final plat/PUD. Drainage tracts and/or common areas shall be designated unbuildable. All on-site stormwater facilities will be operated and maintained by a homeowners' association established for the plat/PUD. The City of Spokane will operate and maintain any stormwater lines and structures located in public right-of-way, except for any lines connecting from stormwater structures in public streets to drainage tracts or drainage easements. These lines will be maintained by the homeowners' association. Property owner(s) or the homeowners' association will maintain drainage swales/planting strips in public right-of-way, adjacent to the property owner(s) 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.

10. An erosion/sediment control plan, detailing how dust and runoff will be handled during and after construction of each phase must be submitted to Engineering Services-Developer Services for review and acceptance prior to construction of said phase. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve this proposed PUD.

11. All improvements (street, sewer, storm sewer, and water) shall be designed by a Professional Engineer, licensed in the State of Washington and constructed to City standards by the developer prior to the occupancy of any structures served by said improvement. Conceptual construction plans must be submitted to Engineering Services-Developer Services for review and acceptance.

12. The development of any below-grade structures, including basements, is subject to review of a geotechnical evaluation for foundation design to determine suitability and the effects 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 acceptance to the City of Spokane Building Department and the City Engineering Services-Developer Services Department prior to issuance of a building permit. An overall or phase-by-phase geotechnical analysis may be performed in light of individual lot analysis to determine appropriate construction designs.

13. Public and private streets serving this proposed plat/PUD must be constructed and designed to City standards. Sidewalks shall serve each lot. Havana Street, Dearborn Street, and Longfellow Avenue are designated residential streets in the City's Comprehensive Plan. Required right-of-way for residential streets is 60 feet. Where right-of-way fronting the proposed plat/PUD is less than required, additional right-of-way must be dedicated from the proposed plat/PUD. Where fronting the proposed plat/PUD, full improvement of each of these streets shall be required to center line plus a 12-foot lane on the opposite side of center line, including appropriate transitions at each end. In the case of Longfellow Avenue east of the proposed cul-de-sac and Dearborn Street south of Longfellow Avenue, private roadways may be appropriate instead of public rights-of-way, subject to the approval of the City's Engineering Services Department.

14. The applicant shall comply with the requirements of the Design Review set forth in Exhibit #25.

15. Street designs for the proposed plat/PUD must include supporting geotechnical information on the adequacy of soils underneath to support vehicular loadings.

16. Minimum 20-foot radii are required at all residential street intersections.

17. All street identification and traffic control signs required for the proposed plat/PUD must be installed by the developer at the time of street improvements for the phase being constructed. They must be installed in accordance with City standards and inspected to the satisfaction of the City's Construction Management Office prior to the occupancy of

any structures within the plat/PUD. Signing and striping shall be shown on street plans. The developer will be responsible for all costs associated with constructing street improvements necessary to serve this proposed plat/PUD.

18. Slope easements for cuts and fills, as deemed necessary by Engineering Services – Developer Services in accordance with the Design Standards of the City’s Engineering Services Department, are hereby granted to the City of Spokane for the construction and maintenance of public streets adjoining this plat. This statement must be included in the dedicatory language on the face of the final plat/PUD. All easements, existing and proposed as well as their purpose shall be on the final plat. A 10-foot utility easement shall be granted along all streets and roads within the plat.

19. A \$250.00 deposit will be required for each monument to be installed as part of this final plat/PUD. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum minus 13.13 feet.)

20. 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 PUD.

21. Sidewalks shall be provided in accordance with City standards. Garages will not be constructed less than 20 feet from the back of sidewalks.

22. The Fire Department requires 20 feet of unobstructed access width for its vehicles with an exterior clear radius of 50 feet and an interior turning radius of 28 feet. Fire Department access must also be provided to within 150 feet of any point around the perimeter of a building. Dead-end roads of more than 150 feet require a turn-around. A gated access shall be added to the project on Havana Street near Princeton Avenue to meet the second fire access requirement.

23. To accommodate fire apparatus access, streets less than 28 feet wide will have no parking allowed on either side of the street. For streets from 28 feet to less than 36 feet wide, no parking will be allowed on one side of the street. On streets that are 36 feet or wider, parking is allowed on both sides. The maximum slope of roads for fire department apparatus is 10 percent. Hydrant spacing shall not be more than 500 feet, unobstructed along the path of travel.

24. The required front, side, flanking side, and rear yards shall be shown on the face of the final plat and Final Plat dedication and shall conform to the R1 zoning standards.

25. The area (in square feet) and street address of each lot shall be shown on the face of the final plat.

26. The final plat will contain sufficient information to review closure of the plat.

27. All parking areas and driveways shall be hard surfaced and it shall be so stated on the face of the plat.

28. Any proposed entry signs shall be reviewed and approved by the City's Design Review Committee. Entry gates are prohibited.

29. 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.

B. Prior to Approval of the Final Plat:

30. The applicant shall submit the following plans to the Engineering Department for its review and approval:

- a. construction plans for all streets and sidewalks serving the plat;
- b. a detailed plan for water service to be constructed to serve the plat;
- c. a detailed plan for sanitary sewers constructed to serve this plat;
- d. a storm drainage, erosion control, and grading plan, along with any required geo-technical report.

31. A fire protection plan demonstrating that there exists the necessary fire flow and showing the location of all fire hydrants shall be submitted to the Fire Department for its review and approval.

C. Prior to the Sale of Any Lots:

32. The lots to be sold shall be connected to a functioning public water system complying with the requirements of the Engineering Department and having adequate pressure for domestic and fire uses as determined by the Water/Hydro Services Department. This condition shall be stated on the face of the final plat.

33. The lots to be sold shall be connected to a functioning public sanitary sewer system complying with the requirements of the Engineering Department. This condition shall be stated on the face of the final plat.

34. The lots to be sold shall be adequately served by a fire hydrant and appropriate access streets as determined by the requirements of the City of Spokane Fire Department and City Transportation Department. This condition shall be stated on the face of the final plat.

D. Prior to the Issuance of Certificates of Occupancy:

35. All improvements, including street improvements, required by this decision, shall be installed to serve the residential unit for which the certificate of occupancy is sought in accordance with the plans approved by the City of Spokane. This condition shall be stated on the face of the final plat.

36. Spokane Municipal Code 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 14th day of December 2005.

  
Greg Smith  
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 and planned unit developments 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 14th day of December 2005. **THE DATE OF THE LAST DAY TO APPEAL IS THE 28TH DAY OF DECEMBER 2005 AT 4:30 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.

Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.