

**CITY OF SPOKANE HEARING EXAMINER**

Re: Preliminary Plat Application by MSK, ) FINDINGS, CONCLUSIONS,  
LLC for a 25-lot subdivision to be ) AND DECISION  
known as Woodridge South. )  
) FILE NO. Z1400003-PPLT

**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The applicant is requesting approval of a preliminary plat to subdivide approximately 9.48 acres into 25 lots, to be known as Woodridge South.

**Decision:** Approved, with conditions.

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

**Applicant/** Whipple Consulting Engineers, Inc.  
**Agent:** Attn: Todd Whipple  
2528 N. Sullivan Road  
Spokane Valley, WA 99216

**Owner:** MSK, L.L.C.  
P.O. Box 147  
Spokane, WA 99016

**Property Location:** The subject property is located at the east side of North Wieber Drive and north of Shawnee Avenue, in northwest Spokane, Washington.

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

**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 hilly with slopes varying from 0% to 65%+/- . The roadway and building sites will be situated on the portion of the property with slopes ranging from 2% to 7%. The site is not located within any designated floodplains. There are no noted or mapped wetlands at the site. With the exception of the existing Shawnee Canyon water services facilities, there are no structures within the boundaries of this proposal.

**Surrounding Conditions and Uses:** The subject property is surrounded by RSF (Residential Single Family) zoning on all perimeters in both the city and the county. The surrounding area consists of similar sized developed lots to the south and west. To the east and north are large unplatted areas, both in the county and vacant. The vacant land is owned by the applicant.

**Project Description:** The applicant is proposing to create a 25-lot subdivision on approximately 9.48 acres. Lots sizes vary in size from 6,000 square feet to 23,145 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: August 29, 2013  
Posted: August 29, 2013

**Notice of Application/Public Hearing:** Mailed: July 30-31, 2014  
Posted: July 30, 2014

**Community Meeting:** September 18, 2013

**Public Hearing Date:** September 11, 2014

**Site Visit:** September 9, 2014

**SEPA:** Determination of Non-Significance (DNS) was issued on August 26, 2014. The DNS was not appealed.

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### **Testimony:**

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

Mark Krigbaum, P.E.  
Whipple Consulting Engineers, Inc.  
2528 N. Sullivan Road  
Spokane Valley, WA 99216

Todd Whipple, P.E.  
Whipple Consulting Engineers, Inc.  
2528 N. Sullivan Road  
Spokane Valley, WA 99216

Patty Kells, P.E.  
Traffic Engineer  
City of Spokane, Engineering Services  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201

### **Exhibits:**

1. Planning Services Staff Report
2. Application, including:
  - 2A General application received 01-15-14
  - 2B Revised General application received 04-18-14
  - 2C Preliminary Long Plat application received 01-15-14
  - 2D Revised Preliminary Long Plat application received 04-18-14
  - 2E Woodridge South Project Narrative received 01-15-14

- 2F Revised Woodridge South Project Narrative received 04-18-14
- 2G Shoreline/Critical Areas Checklist
- 2H Notification Map application
- 2I Location and Dimension Plan
- 2J Site Plan received 01-15-14
- 2K Site Plan 1<sup>st</sup> Revision received 04-23-14
- 2L Site Plan 2<sup>nd</sup> Revision received 08-25-14
- 2M Site Plan Final received 09-08-14
- 2N Print out from Spokane County maps overview of parcels
- 2O Title report
- 2P Development Agreement
- 2Q Preliminary Long Plat Counter Complete Checklist
- 3. Pre-Development Conference notes
- 4. Engineering Services comments
  - 4A Trip Generation & Distribution letter by WCE dated 01-10-14
  - 4B Trip Generation & Distribution letter by WCE dated 04-17-14
  - 4C Concept Storm Drainage by WCE dated 01-14-14
  - 4D Conceptual Water Letter by WCE dated 01-08-14
  - 4E Geohazard Evaluation by IPEC dated 01-10-14
- 5. Public Works comments
- 6. Gary Nelson, Principal Engineer, Design comments
- 7. Solid Waste comments
- 8. Spokane County comments
- 9. Spokane Tribe of Indians comments
- 10. Avista comments
  - 10A Dated 01-14-14
  - 10B Dated 05-07-14

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- 11. Williams Pipeline comments
  - 11A Dated 02-12-14 by Chris DeGon
  - 11B Dated 04-28-14 by Mike Moore
- 12. Spokane Clean Air Agency comments
  - 12A dated 01-24-14
  - 12B dated 05-01-14
- 13. Unknown department/agency comment "no concerns"
- 14. Notice map
- 15. Parcel listing
- 16. Notice of Community Meeting
- 17. Notice of Application and Public Hearing
- 18. Affidavit of mailings
  - 18A Community Meeting dated 08-29-13
  - 18B Combined application and hearing dated 07-30/31-14
- 19. Affidavit of posting
  - 19A Community Meeting dated 08-29-13
  - 19B Combined application and hearing dated 07-30-14
- 20. Request for publication of combined application and hearing dated 07-31-14
- 21. Affidavit of sign removal dated 09-19-13
- 22. SEPA Determination of Nonsignificance "DNS" issued 08-26-14
- 23. Environmental checklist
  - 23A dated 01-05-14

- 23B revised dated 06-16-14
- 24. Community Meeting sign in sheet
- 25. Notes of the Community Meeting
- 26. Letter dated 08-23-13 to Todd Whipple from Dave Compton  
re: community meeting instructions
- 27. Transmittal form from WCE dated 01-15-14
- 28. Letter dated 01-22-14 to Interested Parties from Dave Compton  
re: requesting comments
- 29. Email dated 02-26-14 to Dave Compton from Patty Kells  
re: issues with plat
- 30. Email dated 04-02-14 to Dave Compton from Scott Engelhard  
re: County right-of-way and easement
- 31. Letter dated 04-17-14 to Dave Compton from Mark Krigbaum  
re: January submittal, density concerns
- 32. Revised Letter dated 04-23-14 to Interested Parties from Dave Compton  
re: requesting comments
- 33. Email dated 05-29-14 to Dave Compton from Mark Krigbaum  
re: SEPA checklist
- 34. Email dated 06-16-14 to Dave Compton from Mark Krigbaum  
re: updated Environmental Checklist Rev 2.
- 35. Email dated 07-08-14 to Dave Compton from Mark Krigbaum  
re: hearing date
- 36. Email dated 07-08-14 to Scott Engelhard from Dave Compton  
re: request for comments
- 37. Letter dated 07-21-14 to Mark Krigbaum from Dave Compton  
re: Notice of Application and Public Hearing Instructions.
- 38. Email dated 08-25-14 to Dave Compton from Mark Krigbaum  
re: revised plat 2<sup>nd</sup> revision
- 39. Undated email to Todd Whipple from Dave Compton  
re: meeting to discuss project
- 40. Public Comments
  - 40A Letter dated 08-15-14 to Dave Compton from Ivan Iverson  
re: concerns regarding the development
- A Exhibits received at the hearing:
  - A-1 Letter from WCE
- B Exhibits received during open record period:
  - B-1 Planning Services PowerPoint presentation

## 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 1, pp. 3-4. 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 proposed development is consistent with the pertinent provisions of the Comprehensive Plan. The site is designated as Residential 4-10. This designation allows single-family residences on individual lots. See CP, Chapter 3, p. 35. Land with this designation may be developed with a minimum of 4 units per acre and a maximum of 10 units per acre. See CP, Chapter 3, p. 35. The density of the project fits within this designation, having an approximate density of 4.06 units per acre. See Exhibit 2F.

In addition, the proposal is generally supported by the goals, objectives and policies of the Comprehensive Plan. The developers have taken into consideration the specific characteristics of this site, including most notably the topographic challenges and its location on the boundary of the city and county, in order to develop the property responsibly. The design respects the quality and nature of the built and natural environment. See CP, Chapter 3, LU 5.1, p. 23. The proposed development will include lots and homes of similar style and nature to the nearby residential neighborhoods to the south and west. 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).

Although the Comprehensive Plan encourages the development of roads in a grid pattern, that type of access was not possible given the topography and location of this site. See Exhibit 2D. Similarly, the Comprehensive Plan's stated objective to develop streets with short blocks, increased intersections, and to ensure connectivity with other developments, is also hindered by the unique characteristics of the site. See CP, Chapter 3, Policy LU 4.4 & Policy LU 4.5, p. 23; see also Exhibit 2D. This does not render the development inconsistent with the Comprehensive Plan. Rather, certain objectives of the plan, such as direct connectivity, must yield to other more pressing objectives, given the unique character of the site, such as ensuring proper access with the least impact on the environment and the surrounding properties. In other words, the design of the proposed plat is an appropriate compromise among the competing policy and engineering issues relevant to this site.

The Hearing Examiner concludes that the proposal 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 January 22, 2014, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 32. In response, the city received comments from various agencies regarding the project. See e.g. Exhibits 4-12 and 29-30. While there were logistical and jurisdictional complications that had to be sorted out prior to plat approval, none of the responding agencies asserted that concurrency rules were not satisfied by this project. The staff confirmed that it received no communications suggesting that concurrency was not satisfied. See Exhibit 1, p.4. In addition, there is no evidence in the record that the project transgresses any concurrency requirements.

The Hearing Examiner finds that the project 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).*

In some locations, the slopes on this site are as severe as 65%+/- See Exhibit 1, p. 5. However, the improvements will be constructed in areas of the site the range from 2% to 7% in slope. See Exhibit 1, p. 2. Based upon the site visit, it is apparent that many of the residences in the immediate vicinity were also constructed on slopes of equal or greater degree. While the topography is challenging, the project is well designed to fit given the conditions on the land. The size and shape of the property can certainly accommodate the 25 homes proposed here, as is shown on the proposed plat. See Exhibit 2M. The soils of the site have been analyzed. See Exhibits 4C & 4E. There is no question that the soils are well suited to dispose of all storm water on site, per the city standards. See Exhibit 4C; Testimony of M. Krigbaum. In addition, concerns about soil erosion can be addressed by employing the best practices during the construction phase. See Exhibits 12A & 12B. Those practices are required under the conditions of this decision.

There is no evidence of ground or surface waters on the site. There are no known wetlands on the property. The only critical area on the property consists of steep slopes, and those areas will not be used for home sites or street construction. 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 commented that this project "will need a cultural survey..." See Exhibit 9. However, there was no explanation as to why a cultural survey was necessary based upon the history or condition of this site. No evidence was submitted that cultural resources exist or are likely to exist on the property. And there is no other evidence in this record suggesting a survey is warranted. Without *some* evidence to justify such a requirement, the Hearing Examiner does not believe it is appropriate to impose the condition. Moreover, to the extent that any cultural or other resources are uncovered during construction, the conditions of approval will require that such resources be protected.

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”) on August 26, 2014. See Exhibit 22. The comment period on this DNS expired on September 8, 2014. See id. No comments in opposition to the DNS were submitted on or before that comment deadline. The DNS was not appealed.

The original checklist for this project was prepared on approximately January 15, 2014. See Exhibit 23A. A revised checklist was prepared on June 16, 2014. See Exhibit 23B. The checklist, as revised, supports the conclusion that no significant environmental impacts will arise from this project. Although the site has steep slopes, those slopes will be protected by undertaking the development activities on the less sloped portions of the site. In addition, erosion will be mitigated by minimizing the disturbance of non-building areas and using best erosion control practices during construction. See Exhibit 23B, Environmental Checklist ¶ B(1)(h). There are no wetlands, surface waters, or other limiting features. See Exhibit 23B, Environmental Checklist ¶ B(3)(a)(1). The property does not lie within a 100-year floodplain. See Exhibit 23B, Environmental Checklist ¶ B(3)(a)(5). No threatened or endangered species were identified on the site. See Exhibit 23B, Environmental Checklist ¶ B(4)(c) & B(5)(b).

The applicant will be required to implement on-site controls for stormwater and surface drainage generated from the development. See SMC 17D.060.010 et seq. The applicant has acknowledged that drainage waters must be controlled on the site. See Exhibit 23B, Environmental Checklist ¶ B(3)(c)(1). The other potential impacts of this project are those typical of construction projects, such as dust and vehicle exhaust. See Exhibit 23B, Environmental Checklist ¶ B(2)(a). However, mitigation measures imposed at the time of permitting, such as watering for dust control, can control such impacts. See e.g. Exhibit 23B, Environmental Checklist ¶ B(2)(c); see also Exhibits 12A & 12B.

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 23B, Environmental Checklist ¶ A(13). As pertinent to this project, aquifer protection will take the form of the stormwater controls described above. No other mitigation measures would appear to be necessary for aquifer protection, given the nature of the project. For example, 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 23B, Environmental Checklist ¶ A(14)(a)(4). 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.

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 23B, 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 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.

An STA bus stop is located at Indian Trail and Shawnee Avenue, approximately one mile away. See Exhibit 1, p. 7. Presumably, the existing transit system is sufficient to serve this development, as the STA did not comment on this project. There was no testimony suggesting that the transit system was incapable of serving this development. The same is undoubtedly true for the school system. District 81 also did not comment on this proposal. It must be assumed, therefore, that the schools have the capacity to provide services to the families that will reside in the development.

The proposal includes approximately 1.74 acres of natural, open space, located northeast of Camryn Drive. See Exhibit 1, p. 6. The proposal does not provide common space for public use. The code does not mandate that the developer provide such public amenities. However, there are public spaces available in the area. Pacific Park is approximately 1.6 miles to the south of the proposed subdivision. See id., p. 7. Playgrounds are also available at Woodridge Elementary on Shawnee Avenue approximately one-half mile away. See id.

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 6-7 of the Staff Report. See Exhibit 1. 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 25 dwelling units to be developed in substantial conformance with the plans and specifications for the "Woodridge South" 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. The applicant shall coordinate with the Spokane County Division of Building and Planning and the Division of Engineering and Roads to amend any previously approved preliminary plat.
3. The developer will be responsible for all costs associated with the design and construction of water and sewer improvements necessary to serve the proposed plat. Review and permit fees are applicable.
4. Construction of the water and sewer lines to the proposed lots must be completed and available to the lots prior to the issuance of any building permits. Additionally, inspection fees are applicable for sewer improvements to the lots and are subject to be paid at the beginning of construction.
5. Sanitary sewer and water mains necessary to serve the proposed plat shall be designed and constructed to City standards.
6. Design of the water system must be for both domestic and fire flow. A minimum of 45 psi domestic flow and 20 psi fire flow is required. Two copies of an overall water plan and hydraulic analysis must be submitted to Planning and Development for review and acceptance prior to the City Engineer signing the final plat. The hydraulic analysis must include supporting calculations for domestic and fire flows.
7. Non-exclusive easements apply for all other utilities (gas, electrical, telephone, cable, etc.), assumed to be in the roadway, which passes through one lot to serve the other lots. Additionally, a reciprocal access agreement is required for the flow of vehicles and stormwater from one lot to others. The required easements and reciprocal access agreements should be identified in the dedicatory language on the face of the plat.
8. All storm water and surface drainage generated on this proposed binding site plan must be disposed of on-site in accordance with SMC 17D.060 "Storm water Facilities" as per the Project Engineer's recommendations, based on a conceptual drainage plan accepted for this preliminary plat. The design should include all hard and impervious surfaces including roof run-off, and all calculations for existing and proposed conditions must be noted on the drainage plan. A grading and drainage plan showing finished 1-foot contours and supporting calculations must be submitted to Planning and Development for review and acceptance. The grading and drainage plan must show any and all existing drainage structures in use on the site as well as any new structures

necessary to contain the storm water on site. Any pre-development off-site runoff, either leaving or passing through this proposed project, must not be increased or concentrated due to development of this project, based on a 50-year design storm. Additionally, an escape route for a 100-year storm event must be provided. Any required landscaping cannot impede or encroach with the drainage design.

- a. A Conceptual Drainage Report with supporting geo-technical information is required for areas where infiltration is proposed. This Conceptual Drainage Report, by a licensed engineer in the State of Washington, and associated Geo-technical Report must be submitted to Planning and Development for review to certify stormwater concurrency. An accepted Final Drainage Report will be required prior to the City Engineer signing the final plat.
  - b. An erosion/sediment control plan, detailing how dust and runoff will be handled during and after construction of each phase, must be submitted to Planning and Development for review and acceptance, prior to construction of said phase.
  - c. A surface drainage plan shall be prepared for each lot showing positive drainage away from all proposed structures and is to be submitted to Planning and Development for review and acceptance prior to the issuance of a building permit. Non-exclusive / mutual use easements for the passage and disposal of a reasonable amount of storm-water from one lot to another must be established if a collective drainage plan is designed for this plat.
  - d. The developer will be responsible for all costs associated with constructing storm water improvements necessary to serve this proposed plat.
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9. Public streets, including paving, curbs, sidewalks, 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. The City shall collect impact fees, based on the schedules in SMC 17D.075.180, or an independent fee calculation provided for in SMC17D.075.050, from any applicant seeking development approval from the City. An impact fee will be assessed for the dwellings in the Northwest Service Area.
  - b. Unless a waiver of one or more restrictions is granted by the Director of Engineering Services, the following restrictions shall apply: Public roadways should not exceed standard 8% profile grade; block lengths should not exceed 660'; the development shall not include double fronting lots; right-of-way and street widths shall comply with Table 17H.010-1; and there shall be no parking along one side of streets that are less than 36' in width and for any such streets, the developer shall install signage indicating this parking limitation.
  - c. Sidewalks shall serve each lot and are required on both sides of the streets. However, the Director of Engineering Services may grant a waiver of the sidewalk standards and thereby allow a sidewalk to be installed on only one side of the street or to allow the elimination of pedestrian buffer strips. The Director of Engineering

Services also has authority to allow a reduced right-of-way width, and other variances from standards. Any request for a waiver of the standards must be in writing and justified.

- d. Compliance with standard street development regulation is required and any deviations must be secured from the Director of Engineering Services prior to approval.
  - e. Signing and striping plans, where appropriate, shall be included as part of the design submittal.
  - f. The minimum right-of-way radius for the cul-de-sac bulb sections shall be a minimum of 56-feet with sidewalk plus the radius of a center island, if used. Any requests to deviate from the City standard must be submitted in writing and will be addressed at the time of Planning and Development review of street engineering plans.
  - g. Public Streets including signage within this plat shall be designed and constructed in accordance with policies and requirements of City of Spokane Department of Engineering Services – Traffic Engineering, City Design Standards and the Fire Department.
  - h. The developer will be responsible for all costs associated with constructing street improvements necessary to serve this proposed plat.
  - i. Wheelchair ramps must be constructed as necessary.
  - j. A minimum of 20-foot radii is required at all residential street intersections.
  - k. No garages shall be permitted within 20' of the sidewalk.
  - l. The geo-technical report must support that soil and grades are suitable for road design for this proposed plat.
  - m. Locations of road grades (percent steepness) equal to and in excess of 8 percent must be shown and labeled on the preliminary plat.
10. Street design for the plat shall include supporting geotechnical information on the adequacy of the soils underneath to support vehicular design loads.
11. The right-of-way may require additional width for retaining walls, storm-water treatment, bike lanes, or other features.
12. Section 17H.010.030, entitled "Street Layout Design," contains standards that must be adhered to regarding block lengths, the need for cul-de-sacs, non-vehicular connective routes, street names, and arterial access. Direct access to lots adjacent to the arterial shall be prohibited.
13. A \$250.00 deposit will be required for each monument to be installed as part of this final plat.

14. The required front, side, flanking side, and rear yards shall be shown on the face of the final plat.
15. The area (in square feet) and street address of each lot shall be shown on the face of the final plat.
16. The final plat will contain sufficient information to review closure of the plat.
17. All parking areas and driveways shall be hard surfaced and it shall be so stated on the face of the plat.
18. 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.
19. Discovery of any critical area conditions such as wetlands, springs, etc. must be addressed prior to approval of a final plat.
20. 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.

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21. The necessary right-of-way deeds and easements shall be established and provided to Spokane County Division of Engineering and Roads prior to finalization of the plat. The Spokane County Division of Engineering and Roads recommends that portions of the right-of-way be designed and constructed to City of Spokane standards and be annexed or transferred to the City of Spokane's jurisdiction.
22. Dust emissions during construction and excavation projects must be controlled in accordance with the Spokane Regional Clean Air Agency.
23. 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.
24. 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.
25. The final plat shall include the dedicatory language specified on pages 12-13 of the Staff Report in the record as Exhibit 1. That dedicatory language is incorporated by reference into these conditions of approval.

26. 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 16<sup>th</sup> day of September 2014.



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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 16<sup>th</sup> day of September 2014. **THE DATE OF THE LAST DAY TO APPEAL IS THE 30<sup>th</sup> DAY OF SEPTEMBER 2014 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.