

1 SPOKANE COUNTY HEARING EXAMINER

2 PRELIMINARY PLAT OF NEEDHAM  
3 HILL AT WEST TERRACE TO  
4 DEVELOP 23.35 ACRES OF A LARGER  
5 73.91 ACRE PARCEL INTO 113 SINGLE-  
6 FAMILY RESIDENTIAL LOTS WITH  
7 THE 48.5 ACRE RECREATIONAL  
8 PARCEL TO CONTINUE IN THE  
9 OPERATION OF FAIRWAYS GOLF  
10 COURSE

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECISION

11 APPLICANT: WHIPPLE CONSULTING  
12 ENGINEERS

13 FILE NO. PW-2079-19

14 I.SUMMARY OF DECISION

15 **Hearing Matter:** On November 20, 2019, the proposed Preliminary Plat for  
16 Needham Hill at West Terrace, Spokane County Building and Planning Department  
17 (“Department”) File No. PW-2079-19, came before the Hearing Examiner pursuant to  
18 Spokane County (SCC) 12.400.114. The preliminary plat proposes to develop 23.35  
19 acres of a larger 73.91 acre parcel into 113 single-family residential lots with the  
20 remaining 48.5 acre recreational parcel to be used for the continued operation of  
21 Fairways Golf Course, all within the Low Density Residential (LDR) zone.

22 **Summary of Decision:** Approved subject to *revised* conditions. Pursuant to RCW  
23 58.17.140(3)(a) the preliminary plat, when fully approved and conditioned, will expire  
24 five years after the full approval of the proposed Preliminary Plat, unless an  
application for a time extension is submitted at least 30 days prior to such expiration  
date.

II. FINDINGS OF FACT

A. Procedural Matters:

The application for the proposed Preliminary Plat for Needham Hill at West  
Terrace was submitted to the Spokane County Building and Planning Department on  
April 17, 2019, by Whipple Consulting Engineers, Inc. 21 South Pines Road, Spokane  
Valley, WA 99216. The site of the proposed Preliminary Plat is located north and  
adjacent to West Melville Road and approximately 630’ west of the intersection of

1 South Hayford Road and West Melville Road in the NW ¼ of Section 18, Township 24  
2 North, Range 42 E WM, Spokane County, Washington. The site is identified as  
3 County Assessor's Tax Parcel No. 24182.9040.

4 A Determination of Completeness regarding the application was issued on  
5 April 25, 2019.

6 Pursuant to SCC Section 13.500, Notice of Application, and SCC Section  
7 13.700, Notice of Hearing, the following notices were properly prepared, mailed, and  
8 posted:

9 Notice of Application – mailed by the Department on April 30, 2019 to West  
10 Terrace Homeowners Association and to Meadow Lake Preservation  
11 Association. Certification of Mailing by Martha Thornton dated April 30, 2019.

12 Notice of Application – posted by Alex Ewing on April 30, 2019 specifying four  
13 signs posted along Melville Rd. Affidavit of Posting dated May 1, 2019.

14 Notice of Public Hearing – mailed on October 16, 2019 to the West Terrace  
15 Homeowner's Association. Declaration of Mailing by Jane Fastrider dated  
16 October 16, 2019.

17 Notice of Public Hearing – mailed on October 23, 2019, to deposited in the  
18 United States Post Office to the recorded real property owners and/or  
19 taxpayers as shown on the Spokane County Treasurer's records, dated October  
20 17, 2019, who have been found to own property within a four hundred foot  
21 (400') periphery of the applicant's owned, controlled or under option property.  
22 Affidavit of Mailing signed by Allyson Andrade dated October 23, 2019.

23 Notices of Public Hearing – two Notices of Public Hearing were posted along  
24 W. Melville Road by Jessica Howe on October 23, 2019. Affidavit of Posting by  
Jessica Howe dated October 23, 2019.

Renotice of Public Hearing – mailed on November 1, 2019, to the recorded real  
property owners and/or tax payers, as shown on the Spokane County  
Treasurer's records as of October, 17, 2019. Affidavit of Mailing signed by  
Martha Thornton dated November 5, 2019.

Notice of Hearing – published in the Spokesman Review, a recognized legal  
newspaper for the publication of notices, on November 5, 2019. Affidavit of  
Publication by E. Jean Robinson dated November 7, 2019.

Although an explanation for the sending of the "Renotice" was not given, was  
not offered and does not appear in the record before the Hearing Examiner, the

1 record indicates that the required and proper notice of hearing was provided in  
2 compliance with the applicable regulations.

3 A Mitigated Determination of Nonsignificance (MDNS) was issued by the  
4 Spokane County Department of Building and Planning for the proposed Preliminary  
5 Plat on November 5, 2019, which includes a mitigation requirement that the  
6 applicant pay a voluntary mitigation fee of \$233.00 per trip (82 trips) equaling  
7 \$19,106.00 prior to the finalization of any phase of the preliminary plat. The  
8 comment and appeal period for the MDNS ended on November 19, 2019. No appeal  
9 of the MDNS was made. Department File No. PW-2079-19.

10 The Hearing Examiner conducted a site visit and view of the surrounding area  
11 on November 19, 2019.

12 On November 20, 2019, the Hearing Examiner conducted a public hearing on  
13 the application pursuant to the Spokane County Hearing Examiner Ordinance,  
14 codified in SCC Chapter 1.46; the County Hearing Examiner Rules of Procedure,  
15 adopted by County Resolution No. 1996-0294; and SCC Chapter 12.400 (Subdivision  
16 Ordinance). Record was held open until December 2, 2019 for the purpose of  
17 allowing the Building and Planning Department to consider the revision to the  
18 proposed Preliminary Plat relative to the reduced number of lots, which revision was  
19 first made public at the hearing on November 20, 2019. Prior to the close of the  
20 record on December 2, 2019, the Building and Planning Department indicated its  
21 agreement to the revision as described above.

22 The following persons were present at and/or testified at the hearing under an  
23 oath administered by the Hearing Examiner:

24 Tom Vandervert  
Building and Planning Department  
1026 W. Broadway Avenue  
Spokane WA 99260

Ben Goodmansen  
21 S. Pines Rd.  
Spokane Valley, WA 99206  
[bgoodmansen@whipplece.com](mailto:bgoodmansen@whipplece.com)

Taudd Hume  
159 S. Lincoln Suite 225  
Spokane, WA 99201  
[thume@pblaw.biz](mailto:thume@pblaw.biz)

Todd Whipple  
21 S. Pines Rd.  
Spokane Valley, WA 99206  
[toddw@whipplece.com](mailto:toddw@whipplece.com)

The following exhibits were submitted during the hearing:

Exhibit 1: PW-2079-19 Power Point Slide issued by Tom Vandervert (5 pp.)

Exhibit 2: Letter to Hearing Examiner Re: Needham Hill at West Terrace,  
File #: PN-2079-19 118 lots vs. 113 lots, dated 11.20.2019 (1 page)

1 Exhibit 3: Letter to Hearing Examiner Re: Needham Hill at West Terrace,  
2 File #: PN-20279-19, dated 11.20.2019 (3 pp.)

3 Exhibit 4: Power Point Slides Needham Hill at West Terrace by Whipple  
4 Consulting (29 pp.)

5 Exhibit 5: Needham Hill at West Terrace Preliminary Plat Map – highlighted  
6 (1 page)

7 Exhibit 6: Needham Hill at West Terrace Preliminary Plat Map – not  
8 highlighted (1 page)

9 **B. Issues Raised by Public Comment:**

10 No written public comment was received by the Building and Planning  
11 Department prior to the hearing and there was no public testimony offered at the  
12 hearing before the Hearing Examiner.

13 **C. Description of Site and Proposed Project:**

14 The Preliminary Plat of Needham Hill at West Terrace proposes to develop  
15 23.35 acres of a larger 73.91 acre parcel into 113 single-family residential lots with  
16 the remaining 48.5 acre recreational parcel continuing to be used as part of the  
17 Fairways Golf Course, in the Low Density Residential (LDR) zone. See the site plan  
18 for the proposed Preliminary Plat in the Department File No. PW-2079-19. The area  
19 of the proposed Preliminary Plat is currently the undeveloped western portion of the  
20 waste way of the Fairways Golf Course, characterized by predominantly open field  
21 with a sparse amount of vegetation. The topography of the site slopes gently to the  
22 north and the west. The site is north and adjacent to W. Melville Road, which is a  
23 paved roadway.

24 The subject site is located within a Joint Planning Area (JPA) with the City of  
Spokane. A Community Informational Meeting was held by the applicant on  
January 31, 2019, consistent with SCC 13.300.103. The City of Spokane  
communicated to the Department that the City had no objection the hearing  
regarding the proposed Preliminary Plat. E-mail to Tom Vandervert (Department)  
from Erik Johnson (City), dated November 11, 2019. The record indicates no further  
comment was received from the City of Spokane.

A Geohazard Evaluation, prepared by Inland Pacific Engineering Company  
(IPEC), dated February 4, 2019, identified that the site does have erodible soils on  
the subject site and recommended best management practices to mitigate erosion  
during construction activity. In addition, IPEC recommended a maximum slope  
angle of 2:1 for temporary and/or permanent slopes.

1 This proposal is located inside the Public Transportation Benefit Area (PTBA).

2 The subject site is located within a Critical Aquifer Recharge Area (CARA)  
3 identified as having Moderate Susceptibility. The proposed Preliminary Plat will be  
4 served by public water and sewer, and disposal of stormwater shall be consistent  
5 with Chapter 9.14 of the Spokane County Code.

5 **D. Land Use Designations and Conditions for Site and Neighboring Land:**

6 Zoning to the north of the site is Low Density Residential (LDR) established  
7 June 1, 2004. Land immediately north of the western portion of the site is currently  
8 undeveloped, though that property is expected to be developed into a single family  
9 residential use in the near future. Zoning to the south of the site is Rural Traditional  
10 (RT). Land uses south of the site consists of large rural residential lots and a church  
11 building. Zoning to the east of the site is Low Density Residential (LDR). Land use  
12 east of the site consists of a golf course. Zoning to the west of the subject site is Low  
13 Density Residential (LDR). Land use west of the site consists of a single-family home  
14 and undeveloped acreage.

15 The subject site is located within a Critical Aquifer Recharge Area (CARA)  
16 identified as having Moderate Susceptibility.

13 **E. Agency Comments:**

14 Prior to the hearing on November 20, 2019, the Department received  
15 comments from Spokane County Public Works, Spokane Regional Health District,  
16 Spokane County Department of Building and Planning, and Spokane County  
17 Environmental Services, Washington State Department of Transportation, and the  
18 City of Spokane. The agency comments are in the form of suggested conditions of  
19 approval of the Preliminary Plat and are included herein as such.

20 Although notice of the application was provided to the following departments  
21 and agencies, no comment was received by the Building and Planning Department in  
22 response, thus the lack of comment is taken as an indication that the proposed  
23 Preliminary Plat is in compliance with the regulations relative to or administered by  
24 the agency or department mentioned: Cheney School District, Spokane County Fire  
Department No. 3, Spokane Clean Air, Spokane County Parks and Recreation,  
Washington State Department of Ecology.

1 **F. Consistency with the Comprehensive Plan:**

2 **Urban Land Use:**

3 The proposed Preliminary Plat is located within the Low Density Residential  
4 (LDR) category of the Urban Land Use chapter of the Spokane County  
5 Comprehensive Plan, which allows a density range of 1 to 6 dwelling units per acre.  
6 The proposed density for the Preliminary Plat is 1.54 units per acre falling within the  
7 required range. Goals and policies applicable to the proposed Preliminary Plat  
8 include:

9 Goal UL.2 - Maintain and enhance the quality of life in Spokane County through  
10 urban design standards.

11 Policy UL.2.14 - Separated sidewalks shall be required on public roads in all  
12 new residential subdivisions.

13 The proposed development will be served by public roads including the  
14 required curbing and sidewalks.

15 Goal UL.5 - Provide for an aesthetically pleasing urban environment and  
16 encourage the maintenance and enhancement of natural and cultural views.

17 Policy UL.5.7 - Encourage placing power and telecommunication lines  
18 underground, at the rear of the properties or in alleyways.

19 Pursuant to SCC 12.400.132 underground utilities are required at the  
20 proposed Preliminary Plat.

21 Goal UL.7 - Guide efficient development patterns by locating residential  
22 development in areas where facilities and services can be provided in a cost  
23 effective and timely fashion.

24 Policy UL.7.1 - Identify and designate land areas for residential use,  
including categories for low-medium-and high-density areas.

The subject site is located adjacent to existing and proposed urban style  
developments. Both public water and sewer are available to this site.

Policy UL.7.3 - New development must be located within the Urban Growth  
Area (UGA) boundary.

The subject site is located within the Urban Growth Area (UGA).

Policy UL.7.10 - Phasing of land development shall be consistent with the  
established levels of service for the provision of public facilities and services  
within the UGA's.

1 The applicant has indicated that the proposed Preliminary Plat will be  
2 finalized as determined by market demand. Public water and sewer are available at  
3 this site.

4 Policy UL.7.11 - Establish zoning and subdivision regulations that require  
5 residential developments to provide the following improvements:

- 6 a) Paved streets (and alleys if appropriate), curbs and sidewalks,  
7 paths and internal walkways, when appropriate;
- 8 b) Adequate parking consistent with local transit levels;
- 9 c) Street lighting;
- 10 d) Storm water control;
- 11 e) Public water supply;
- 12 f) Public sewers.

13 Policy UL.7.12 - New development within the UGA shall be connected to public  
14 sewer, consistent with the requirements for concurrency.

15 Spokane County has adopted zoning and subdivision regulations compliant  
16 with the Comprehensive Plan. Public sewer is available at the site of the proposed  
17 Preliminary Plat and will be extended to each lot.

18 Goal UL.9b - Create efficient use of land and resources by reducing the conversion  
19 of land to sprawling, low density development.

20 Policy UL.9.2 - Spokane County shall seek to achieve an average residential  
21 density in new development of at least 4 dwelling units per net acre in the  
22 Urban Growth Area through a mix of densities and housing types.

23 The density of the proposal is 1.54 units per acre and will include single-family  
24 housing. Lot sizes within the proposed Preliminary Plat are consistent with the  
surrounding urban development. The low density is the result of the inclusion within  
the plat of the 48 acres of land used by the golf course and including greens and  
fairways of the golf course.

**Transportation:**

Goal T.2 - Provide transportation system improvements concurrent with new  
development and consistent with adopted land use and transportation plans.

Policy T.2.3 - Transportation improvements shall be consistent with land use  
plans, capital funding and other planning elements.

Policy T.2.5 - Coordinate planning with appropriate jurisdictions and utility  
companies for utility corridors that may affect the transportation system.

1 The application for the proposed Preliminary Plat has been circulated for  
2 review and comment to all affected reviewing agencies. The MDNS issued relative to  
3 the proposed Preliminary Plat reflects the comments and planning done relative to  
4 the transportation system in the vicinity of the site.

4 Goal T.4a - Ensure that urban roadway systems are designed to preserve and be  
5 consistent with community character.

5 Policy T.4a.1 - Utilize best available engineering practices to ensure a safe  
6 and efficient roadway system.

7 Per conditions requested by the Spokane County Public Works Department,  
8 the applicant is required to improve West Melville Road, which is adjacent to the  
9 proposed development; (not the portion that will remain a golf course). The  
10 construction of curbing and sidewalk is also required.

10 Policy T.4a.16 - Reduce right-of-way width dedications to the minimum  
11 necessary to provide for transportation needs.

11 The proposed right-of-way dedications are not excessive.

### 12 **Housing:**

13 The Housing chapter is intended to serve as a framework for long-term  
14 planning and daily decision-making on housing related projects and programs.

14 Goal H.3a - Develop a variety of housing options for all economic groups.

15 Policy H.3.2 - Ensure that the design of infill development preserves the  
16 character of the neighborhood.

17 The application indicates that housing types will include single- family  
18 residences which will appeal to several economic groups.

### 18 **Capital Facilities and Utilities**

19 Policy CF.6.3 - Prohibit the extension of water service to new development that  
20 will decrease the level of service of the existing water system below the  
21 adopted minimum level of service standards.

21 A public water system operated by the City of Spokane is available to and will  
22 serve the proposed development. As conditioned hereby the proposed Preliminary  
23 Plat is consistent with the concurrency provisions of Spokane County Code.

23 Goal CF.7 - Coordinate private and public sanitary sewer planning to promote  
24 efficient service, protect the natural resources and ensure the orderly physical  
development of Spokane County consistent with adopted plans and policies.

1 Policy CF.7.2 - Prohibit the extension of any sewer system that will degrade  
2 the existing system below the adopted level of service.

3 A public sewer system operated by the City of Spokane is available to serve the  
4 proposed development.

#### 4 **West Terrace Neighborhood/Community Plan**

5 The proposed Preliminary Plat is also located within the West Terrace  
6 Neighborhood/Community Plan. The West Terrace Neighborhood /Community Plan  
7 was adopted in September of 1990 (CPA-63-90) as the first neighborhood plan for  
8 Spokane County. The purpose of the West Terrace Neighborhood Plan is to provide  
9 specific guidelines for future development in terms of land use, circulation,  
10 community facilities and design. Chapter 12, Subarea Planning, of the Spokane  
11 County Comprehensive Plan, states the West Terrace Neighborhood Plan "will  
12 remain in effect and continue as county policy until they are reviewed and revised to  
13 be consistent with the GMA Comprehensive Plan. In the case of conflict or  
14 inconsistency between the policies of the existing neighborhood plans and the GMA  
15 Comprehensive Plan, the Comprehensive Plan will govern."

16 The West Terrace Neighborhood Plan designates the subject site as within the  
17 Medium Density Residential (MR) category of the West Terrace Neighborhood /  
18 Community Plan and of the 1990 Generalized Comprehensive Plan. The Medium  
19 Density Residential (MR) category is intended to provide the opportunity for the  
20 development of predominantly single-family residential development with residential  
21 densities ranging from 1 dwelling unit to 3.5 dwelling units per acre. This category  
22 will be comprised primarily of single-family dwelling developments and will require a  
23 full level of public services and facilities and is intended to be implemented by the  
24 Urban Residential-3.5 (UR-3.5) and the Suburban Residential ½ (SR-1/2) zones. The  
Preliminary Plat proposes lot sizes consistent with those allowed in the existing Low  
Density Residential (LDR) zone and the West Terrace Neighborhood Plan, with a  
proposed density of 1.54 dwelling units per acre.

#### 20 **G. Consistency with Zoning**

21 The Low Density Residential (LDR) zone implements the Low Density  
22 Residential category of the Comprehensive Plan and is primarily for single-family  
23 and duplex residential developments. This zone allows a density of up to 6 dwelling  
24 units per acre.

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**Preliminary Plat Data**

Site Size:	73.91 acres	
Total Building Lots:	113 single-family residential lots and 1 recreational lot	
	<u>Proposed</u>	<u>Permitted in LDR zone</u>
Density:	1.54 units per acre	6 units per acre maximum
Single-Family Lot Size:	5,002 to 10,632 sq. ft.	5,000 sq. ft. minimum
Frontage:	50 – 100 + feet typical	50 feet minimum
Building Coverage:	<55%	55% maximum
Building Height:	<35 feet	35 feet maximum

As proposed, the Preliminary Plat is consistent with the development standards of the Low Density Residential (LDR) zone.

**Connectivity**

Section 12.400.123, Urban Connectivity Design, of the Spokane County Subdivision Ordinance is intended to provide for a system of streets that offer multiple routes, connections, include frequent intersections and few closed end streets (cul-de-sacs) within the Urban Growth Area (UGA). The design of plats shall adhere to urban connectivity design standards, unless otherwise approved by the Director and the Spokane County Engineer pursuant to Section 12.400.123(1).

The Spokane County Planning Director granted relief from connectivity via a letter dated September 25, 2019. Department File. By letter dated September 19, 2019, the Spokane County Public Works Department indicated its concurrence with connectivity exemption request. Department File. The location of the Fairways Golf Course to the east does not provide the opportunity to extend public or private roads beyond the boundaries of the proposed preliminary plat.

Any finding of fact above that is a conclusion of law is deemed a conclusion of law.

Based on the above findings of fact, the Hearing Examiner enters the following:

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### III. CONCLUSIONS OF LAW

1. Any finding of fact above that is a conclusion of law is deemed a conclusion of law.
2. Minor revisions should be made to the conditions of approval to ensure proper formatting, clarity, and consistency with the findings of fact above.
3. The approval of the proposed Preliminary Plat is appropriate under SCC 1.46.110 (Hearing Examiner Ordinance) and the Spokane County Zoning Code.
4. As conditioned hereby, the proposed Preliminary Plat makes necessary and appropriate provisions for the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
5. As conditioned hereby, the public use and interest will be served by the platting of the proposed Preliminary Plat.
6. Any conclusion of law above that is a finding of fact is deemed a finding of fact.

13

### IV. DECISION

14 Based on the Findings of Fact and Conclusions of Law above, the application  
15 for a preliminary plat in the Low Density Residential (LDR) zone, is hereby  
16 approved, subject to compliance with the conditions of the various agencies specified  
17 below.

18 Any conditions of approval of public agencies that have been added or significantly  
19 altered by the Examiner are *italicized*. This approval does not waive the applicant's  
20 obligation to comply with all other requirements of other public agencies with  
21 jurisdiction over land development.

22

#### Conditions of Approval:

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#### Spokane County Building and Planning Department:

- 24 1. All conditions imposed by the Hearing Examiner shall be binding on the "Applicant," which term shall include the owner and developer of the site and their heirs, assigns, and successors.
2. The proposal shall comply with the Low Density Residential (LDR) zone, and all other applicable provisions of the Spokane County Zoning Code, as amended.

- 1 3. The final plat shall be designed substantially in conformance with the  
2 preliminary plat of record submitted on October 8, 2019. No increase in density  
3 or numbers of lots, or substantial modification of the preliminary plat or  
4 conditions of approval, shall occur without a change of conditions application and  
5 its approval by the Hearing Examiner after a public hearing.
- 6 4. The Building and Planning Director/designee shall review any proposed final plat  
7 to ensure compliance with these Findings and Conditions of Approval.
- 8 5. A final plat/name/number shall be indicated before the final plat is filed, such  
9 name/number to be approved by the Division Director/designee.
- 10 6. Appropriate road name(s) assigned by the Building and Planning Department  
11 shall be drafted on the face of the final plat.
- 12 7. The preliminary plat is given conditional approval for five (5) years, specifically to  
13 *January 10, 2025*. To request and extension of time, the applicant must submit a  
14 written application to the County Division of Planning at least thirty (30) days  
15 prior to expiration of the final plat, in accordance with the extension of time  
16 provisions of the County Subdivision Ordinance. Submission of a time extension  
17 application after the close of business hours on *January 10, 2025* will not be  
18 accepted, and the preliminary plat will become null and void at such time to the  
19 extent it has not received final plat approval.
- 20 8. Appropriate utility easements shall be indicated on copies of the proposed final  
21 plat. Approval of utility easements by appropriate utility companies shall be  
22 received with the submittal of the final plat.
- 23 9. The dedication shall contain the following statement:  
24 "Setbacks shall be determined at the time of building permit issuance."
10. Four (4) current certificates of title shall be furnished to the Spokane County  
Building and Planning Department prior to filing the final plat.
11. Prior to filing of all or a portion of the final plat, the applicant's surveyor shall  
submit one or more maps outlined in red of the area being finalized. The scale  
shall match the appropriated assessor's map scale.
12. At the time of final plat submittal, the applicant shall demonstrate either on the  
face of the final plat or on an acceptable attachment that all lots meet or exceed  
the minimum required frontage.
13. A survey is required prior to the filing of the final plat.

- 1 14. The Building and Planning Department shall prepare and record with the  
2 Spokane County Auditor Notice, noting that the property in question is subject to  
3 a variety of special conditions imposed as a result of approval of a land use action.  
4 This Title Notice shall serve as a public notice of the conditions of approval  
5 affecting the property in question. The Title Notice should be recorded within the  
6 same time frame as allowed for an appeal and shall only be released, in full or in  
7 part, by the Building and Planning Department. The Title Notice shall generally  
8 provide as follows:  
9       “The parcel of property legally described as *(insert legal description here)*  
10 is the subject of a land use action by a Spokane County Hearing Examiner on  
11 *January 10, 2020*, imposing a variety of special development conditions. File  
12 No. PW-2079-19 is available for inspection and copying in the Spokane County  
13 Building and Planning Department.”  
14  
15 15. The final plat shall identify the Category 4 wetland and 50-foot buffer located in  
16 Tract "D", and the 150-foot Category 1 wetland buffer that extends onto the  
17 subject site from the north. The final plat shall be developed consistent with the  
18 recommendations included within the Wetland Delineation Report, dated  
19 September 23, 2019.  
20  
21 16. The final plat shall show the location of erodible soils on the subject site, and shall  
22 be developed consistent with the recommendations within the Geohazard  
23 Evaluation, dated April 17, 2019.  
24  
25 17. Per Spokane County's Title 3 requirements, fire hydrant locations and  
26 distribution shall be in accordance with the IFC Section 507 and IFC Appendix C.  
27 Hydrant credit will not be given for a fire hydrant located on the opposite side of  
28 the street unless specifically approved by the chief of the serving fire district.  
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30 18. IFC Appendix C requires fire hydrant placement of 500' average spacing between  
31 hydrants.  
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33 19. *The gate and access road that is designated as a “for fire access only” entrance to  
34 the site shall be approved and accepted by the serving Fire District prior to  
35 issuance of the first building permit.*  
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37 20. Prior to the issuance any building permit(s), the applicant shall submit to  
38 Spokane County Building and Planning the signed acknowledgment from the  
39 applicable Fire District stating that the fire access/roads, road signage and fire  
40 hydrants are installed and operational per the approved water plan and county  
41 engineers approved road plan.

1 21. Prior to the issuance of the initial building permit(s), the applicant shall submit to  
2 Spokane County Building and Planning the signed acknowledgment from the  
3 water purveyor stating that the public water system has been installed, tested  
and accepted as operational pursuant to the approved water plan.

4 Spokane County Public Works:

5 Prior to release of a building permit or use of property as proposed:

- 6 1. Conditional approval of the plat by the County Engineer is given, subject to  
7 dedication of right-of-way and approval of the road system as indicated in the  
8 preliminary plat of record.
- 9 2. *Except as specifically stated hereinabove*, the proposed plat shall be in compliance  
10 with section 1.32 on connectivity as stated in the 2018 Spokane County Standards  
11 for Road and Sewer Construction.
- 12 3. *Pursuant to the MDNS issued on November 5, 2019*, in lieu of a full Traffic Impact  
13 Analysis (TIA), a voluntary mitigation fee of \$233 per trip equaling \$19,106 total  
14 for the 82 trips, *shall be paid by the applicant prior to approval of the final plat*.
- 15 4. A concept drainage plan for this project has been accepted by the County  
16 Engineer. However, the acceptance of the concept drainage plan does not  
17 constitute final approval of the roads and drainage facilities for construction. The  
18 County Engineer may have additional comments that will need to be addressed  
prior to acceptance of final road and drainage plans.
- 19 5. A Professional Engineer, licensed in the State of Washington, shall submit final  
20 road and drainage plans, a drainage report, and calculations that conform to the  
21 2018 Edition of the Spokane County Road Standards, the 2008 Spokane Regional  
22 Stormwater Manual, and all other applicable standards. The plans and report  
23 shall receive the County Engineer's acceptance prior to release of a construction  
24 or building permit or approval of the final plat.
6. Construction work is prohibited within the existing or proposed public right-of-  
way until a permit has been issued by the County Engineer. All work is subject to  
inspection and approval by the County Engineer.
7. Construction within the proposed public streets and easements shall be performed  
under the direct supervision of a licensed engineer/surveyor, who shall furnish the  
County Engineer with "Record Drawings" plans and a certificate in writing that  
all improvements were installed to the lines and grades shown on the approved  
construction plans and that all disturbed monuments have been replaced.

- 1 8. All construction within the existing or proposed public right-of-way is to be  
2 completed prior to filing the final plat or *in the alternative* a bond in the amount  
3 estimated by the County Engineer to cover the cost of construction of  
4 improvements, construction certification, "Record Drawings" plans and  
5 monumenting the street centerlines shall be filed with the County Engineer.
- 6 9. Direct access from lots to 1/2 right-of-ways are prohibited until such roads are  
7 constructed to county standards and established as county roads.
- 8 10. Direct access from lots to stub road connections is prohibited until such roads are  
9 constructed to county standards and established as county roads.
- 10 11. Road design, construction and drainage control for 1/2 right-of-ways and stub road  
11 connections are the responsibility of the developer.
- 12 12. Appropriate provision shall be made that 1-foot strips at the ends or edges of all  
13 streets that terminate or border the plat boundary be held in trust until the  
14 continuation of the streets is dedicated or deeded. Note: Temporary cul-de-sacs  
15 are required when streets terminate at the plat boundaries.
- 16 13. Approach Permits are required for any access to the Spokane County road system.
- 17 14. Applicant shall dedicate right-of-way as specified in the Spokane County  
18 Standards for all internal public roads.
- 19 15. All internal intersections shall have clear-view triangle easements unless  
20 alternate mitigation is approved by the County Engineer.
- 21 16. The County Engineer has designated an Urban Local Access Roadway Section for  
22 the improvement of all internal roadways which are to be constructed within the  
23 proposed development. This will require the dedication of 38 feet of ROW with  
24 applicable boarder easements and the installation of 29 feet of asphalt. The  
construction of curbing and separated sidewalk is also required.
17. The County Engineer has designated a Rural Local Access Roadway Section for  
Melville Road which is adjacent to the proposed development. However, since the  
plat boundary is in the urban area, improvements to Melville Road shall be  
treated as an Urban Local Access Road Section. The total width of asphalt shall  
equal 29 feet. The construction of curbing and separated sidewalk is also required.
18. Final road names shall be agreed upon with Public Works. These may change  
from what is shown on the preliminary plat.
19. Prior to 30 lots being built, Colwood Road shall be a full and open roadway with a  
minimum of 24 feet in width connecting to Richland Road.

1 20. The following statement shall be placed in the plat dedication:

2 "WARNING: Spokane County has no responsibility to build, improve,  
3 maintain or otherwise service the private roads contained within or providing  
4 service to the property described in this plat. By accepting this plat or  
5 subsequently by allowing a building permit to be issued on property on a  
6 private road, Spokane County assumes no obligation for said private road and  
7 the owners hereby acknowledge that the County has no obligation of any kind  
8 or nature whatsoever to establish, examine, survey, construct, alter, repair,  
9 improve, maintain, provide drainage or snow removal on a private road. This  
10 requirement is and shall run with the land and shall be binding upon the  
11 owner, their heirs, successors or assigns including the obligation to participate  
12 in the maintenance of the private road as provided herein."

13 21. The proposed plat shall be improved to the standards set forth in Spokane County  
14 Board of Commissioners Resolution No. 17-1076, as amended, which establishes  
15 regulations for roads, approaches, drainage and fees in new construction.

16 22. The applicant is advised that there may exist utilities either underground or  
17 overhead affecting the applicant's property, including property to be dedicated or  
18 set aside future acquisition. Spokane County will assume no financial obligation  
19 for adjustments or relocation regarding these utilities. The applicant should  
20 contact the applicable utilities regarding the responsibility for adjustment or  
21 relocation costs, and to make arrangements for any necessary work.

22 23. The applicant shall grant applicable border easements adjacent to Spokane  
23 County Right-of-Way per Spokane County Standards.

24 24. If the project is phased and one phase depends on another phase for access and/or  
25 drainage treatment and disposal, the prior phase shall be completed, certified and  
26 accepted by Spokane County prior to the acceptance of plans for the dependent  
27 phase of the development. One foot no access strips on public roads will not be  
28 released until the subject phase is completed, certified and accepted by Spokane  
29 County for maintenance.

30 25. The sponsor's geotechnical engineer shall make crawlspace and/or basement  
31 recommendations for the building lots within this plat. One of the following four  
32 conditions must appear on the face of the final plat: 1) crawlspaces and/or  
33 basements (must specify) are prohibited, 2) no crawlspaces and/or basements  
34 (must specify) allowed unless a lot specific geotechnical report is provided at the  
35 time of the residential building permit, 3) IRC prescriptive waterproofing or  
36 dampproofing (must specify) measures required, or 4) crawlspaces and/or  
37 basements (must specify) are acceptable without any special consideration.

1 In lieu of one of the above plat condition options, a geotechnical report with  
2 specific crawlspace and/or basement construction recommendations may be  
3 prepared at the time of the final plat. This report must be recorded by separate  
4 document along with the final plat and the recorded document referenced on the  
5 face of the final plat. Additionally, if recommendations vary lot by lot the  
6 geotechnical engineer shall provide Spokane County with an Excel spreadsheet  
7 showing every lot, as shown in the final plat, and the corresponding  
8 recommendation. If the geotechnical engineer specifies maximum depth for the  
9 lowest living level below existing grade, then a lot plan must be prepared for all of  
10 the lots with the depth limitation. The lot plan must show existing ground  
11 elevation at the center of the building envelope, the maximum cut to the finished  
12 floor of the lowest living level, and the top of curb at the center of the lot frontage  
13 (or other easily referenced elevation).

14 26. If the proposed drainage system incorporates infiltration as a method of  
15 stormwater disposal in the design, there shall be a site investigation and study  
16 conducted by a qualified Geotechnical Engineer prior to submittal of the road and  
17 drainage plans. The geotechnical report, at a minimum, shall cover all sites where  
18 drywells or infiltration may be proposed, draw conclusions about the ability of any  
19 proposed drywells to function according to the Spokane Regional Stormwater  
20 Manual, and make recommendations with respect to design parameters and  
21 infiltration rates.

22 27. All open drainage features such as channels, swales, and ponds shall be placed in  
23 separate tracts owned by the Home Owners Association. Swales will not be  
24 allowed on residential lots that average less than an acre size.

25 28. Erosion Control: A Temporary Erosion and Sedimentation Control (TESC) plan is  
26 to be prepared by a WA State licensed Professional Engineer and implemented  
27 throughout the duration of construction. The TESC plan is to be prepared using  
28 best management practices (BMP's) currently accepted within the Civil  
29 Engineering profession. The TESC plan is to include, as a minimum, a grading  
30 plan, location and details of silt control structures, and street cleaning program.  
31 Runoff from exposed areas must be filtered prior to discharging into a detention  
32 pond or evaporation pond. The TESC major structures (such as silt ponds, silt  
33 traps) are to be installed prior to other site work and the TESC measures are to  
34 be implemented and maintained throughout the duration of construction,  
including house construction.

35 29. Any part of the drainage system that lies outside of the public right-of-way will  
neither be maintained nor operated by Spokane County forces. Prior to plan

1 acceptance by the County Engineer, the Sponsor shall provide a mechanism,  
2 acceptable to the County Engineer, for the perpetual maintenance of the  
3 stormwater drainage system. This mechanism shall also provide for the funding of  
4 routine maintenance and the replacement of the various components of the  
5 drainage system at the end of the service life of the respective components, and  
6 any other improvements that may be legally required in the future. An  
7 Operations and Maintenance Manual for the stormwater management system  
8 shall be prepared by the Sponsor's Engineer, and included in the project  
9 documents submitted to the County Engineer for acceptance, along with a  
10 discussion of the design life of the various components, a calculated annual cost  
11 for repair and maintenance, and a calculated replacement cost. Homeowners  
12 Associations are accepted by the Spokane County Engineer for carrying out the  
13 required maintenance functions and responsibilities.

14 30. This land action is located in a general drainage problem area recognized by the  
15 County Engineer. This area is characterized by shallow, rocky soils and seasonal  
16 high ground water that are generally non suitable for standard drywell practice.  
17 Strict management of annual subsurface disposal volumes and individual storm  
18 event surface release rates are in effect, unless hydro-geologically justified. The  
19 design 25 and 2 year storms shall be held to pre- development rates of flow for the  
20 detention pond as a minimum, unless approved by the County Engineer.

21 31. The proposed plat is located within a Critical Aquifer Recharge Area (CARA) of  
22 Moderate susceptibility to groundwater contamination pursuant to the County  
23 Critical Areas Ordinance. The treatment of stormwater runoff shall be provided  
24 for directly connected pollution generating impervious surfaces including traveled  
ways and parking areas that are designated as high susceptibility or drain to an  
area of high susceptibility. The final plat shall protect these critical areas as  
required by the Critical Areas Ordinance.

32. If the requested plat is approved, the Spokane County Engineer will issue a  
Transportation Concurrency Certificate for one hundred and seventeen (117) PM  
peak hour trips for a 118 single family lot plat.

33. Preservation of the Natural location of Drainage System(s) to ensure that  
stormwater runoff can continue to be conveyed and disposed of in its natural  
location shall be addressed in the drainage submittal and identified on the face of  
the plat prior to final plat acceptance.

34. This project is located within a potential Regional Stormwater Facility Service  
Area. Coordination with the appropriate jurisdiction to increase the opportunity  
and ability to utilize regional stormwater facilities is required.

1 35. The applicant shall acknowledge receipt of notice from Spokane County that prior  
2 to use, all drywells and other infiltration devices regulated under WAC 173-218-  
3 070 serving the proposed project shall be registered with the Washington State  
Department of Ecology.

4 36. The applicant is being given notice by Spokane County that site disturbances of  
5 greater than 1- acre with a discharge to "waters of the state" regulated by the  
6 National Pollutant Discharge Elimination System (NPDES) under WAC 171-220  
must apply with the Washington State Department of Ecology.

7 Spokane Regional Health District:

- 8 1. The final plat shall be designed as indicated on the preliminary plat of record  
and/or any attached sheets as noted.
- 9 2. Appropriate utility easements shall be indicated on copies of the preliminary plat  
10 of record for distribution by the Planning Department to the utility companies,  
11 Spokane County Engineer, and the Spokane Regional Health District. Written  
approval of the easements by the utility companies shall be received prior to the  
12 submittal of the final plat.
- 13 3. Sewage disposal method shall be as authorized by the Director of Utilities,  
Spokane County and the City of Spokane Public Works.
- 14 4. Water service shall be coordinated through the Director of Utilities, Spokane  
County.
- 15 5. Water service shall be by an existing public water supply when approved by the  
16 Regional Engineer (Spokane), State Department of Health.
- 17 6. Prior to filing the final plat, the sponsor shall demonstrate to the satisfaction of  
18 the Spokane Regional Health District that an adequate and potable water supply  
is available to each lot of the plat.
- 19 7. Prior to filing the final plat, the sponsor shall present evidence that the plat lies  
within the recorded service area of the water system proposed to serve the plat.
- 20 8. A public sewer system will be made available for the plat and individual service  
21 will be provided to each lot prior to sale. Use of individual on-site sewage disposal  
systems shall not be authorized.
- 22 9. A statement shall be placed in the dedication to the effect that:  
23 "A public sewer system will be made available for the plat and individual  
24 service will be provided to each lot prior to sale. Use of individual on-site  
sewage disposal systems shall not be authorized."

1 10. The dedicatory language of the plat shall state:

2 "The use of private wells and water systems is prohibited."

3 11. The final plat dedication shall contain the following statement:

4 "The public water system, pursuant to the Water Plan approved by county and  
5 state health authorities, the local fire protection district, County Building and  
6 Planning Department and water purveyor, shall be installed within this  
7 subdivision and the applicant shall provide for individual domestic water  
8 service as well as fire protection to each lot prior to sale of each lot and prior to  
9 issuance of a building permit for each lot."

10 Spokane County Environmental Services:

- 11 1. This project lies within the City of Spokane Sewer Service Area. Applicant is  
12 required to notify them of this proposal and conform to their requirements.

13 DATED this 9<sup>th</sup> day of January, 2020

14 SPOKANE COUNTY HEARING EXAMINER



15 David W. Hubert, WSBA #16488

16 **NOTICE OF FINAL DECISION AND NOTICE OF RIGHT TO APPEAL**

17 Pursuant to Chapter 1.46 (Hearing Examiner) of the Spokane County Code,  
18 the decision of the Hearing Examiner on an application for a preliminary plat is final  
19 and conclusive unless within twenty-one (21) calendar days from the issuance of the  
20 Examiner's decision, a party with standing files a land use petition in Superior Court  
21 pursuant to Chapter 36.70C of the Revised Code of Washington (RCW).

22 Pursuant to RCW Chapter 36.70C, the date of issuance of the Hearing  
23 Examiner's decision is three (3) days after it is mailed, counting to the next business  
24 day when the last day for mailing falls on a weekend or holiday.

On January 10, 2020, a copy of this decision will be mailed by first class mail  
to the Applicant, and by e-mail to other parties of record. The date of issuance of the  
Hearing Examiner's decision is January 15, 2020.

**THE LAST DAY FOR APPEAL OF THIS DECISION TO SUPERIOR COURT  
BY LAND USE PETITION IS FEBRUARY 5, 2020.**

1           The complete record in this matter, including this decision, is on file during  
2 the appeal period with the Office of the Hearing Examiner, Third Floor, Public Works  
3 Building, 1026 W. Broadway Avenue, Spokane, Washington, 99260-0245, (509) 477-  
4 7490. The file may be inspected Monday through Friday of each week, except  
5 holidays, between the hours of 8:00 a.m. and 4:30 p.m. Copies of the documents in the  
6 record will be made available at the cost set by Spokane County.

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