

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SPOKANE COUNTY HEARING EXAMINER

PRELIMINARY PLAT OF ELK MEADOWS TO DIVIDE 282.38 ACRES INTO 28 CLUSTER LOTS FOR SINGLE-FAMILY HOMES IN THE RURAL TRADITIONAL (RT) AND RURAL CONSERVATION (RCV) ZONES.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

APPLICANT: PARAMETRIX

FILE NO. PN-2083-2019

I. SUMMARY OF DECISION

Hearing Matter: Preliminary plat of Elk Meadows to divide 282.38 acres into 28 cluster lots for single-family homes in the Rural Traditional (RT) and Rural Conservation (RCV) zones.

Summary of Decision: Approved, subject to *revised* conditions. The preliminary plat, as conditioned, will expire on February 19, 2025, 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:

An application for a Preliminary plat of Elk Meadows, to divide 282.38 acres into 28 cluster lots for single-family homes in the Rural Traditional (RT) and Rural Conservation (RCV) zones, was submitted to the Spokane County Building and Planning Department (“Department”) on August 29, 2019. A Determination of Completeness was issued for the subject application on September 9, 2019. As noted herein below a Notice of Application was mailed and Notice of Application signs were posted on the site on September 11, 2019.

The subject property is generally located adjacent to and south of Big Meadows Rd. and north of and adjacent to Woolard Road approximately ½ mile east of Hardesty Road in Section 12, Township 27 North, Range 43 EWM, Spokane County, Washington. The parcels making up the site are identified as Auditor’s Parcel Numbers: 37121.9001, 37121.9002, 37121.9005, 37124.9043, 37124.9013, 37124.9019, 37124.9015 and 37124.9062.

1 The applicant is Parametrix, 835 N. Post St. Suite 201, Spokane, Washington.
2 The applicant's representative is Whipple Consulting Engineers, 21 S. Pines Rd.
3 Spokane Valley, Washington.

4 Pursuant to Spokane County Code (SCC) Section 13.500, Notice of Application,
5 and SCC Section 13.700, Notice of Hearing, the following notices were properly
6 prepared, mailed, and posted as noted:

7 Notice of Application – mailed by the Department on September 11, 2019.
8 Certification of Mailing signed by Martha Thornton dated September 11, 2019.

9 Notice of Application – On September 12, 2019, signs were posted at 7102 E.
10 Big Meadows Chattaroy, WA and 7000 E. Woodlard, Chattaroy, WA. Affidavit
11 of Posting signed by William Bates, dated September 12, 2019.

12 Notice of Public Hearing – mailed on January 13, 2020, deposited in the
13 United States Post Office to the real property owners and/or taxpayers of
14 record as shown on the Spokane County Treasurer's records, dated January 9,
15 2020, who have been found to own property within a four hundred-foot (400')
16 periphery of the applicant's owned, controlled or under option property.
17 Affidavit of Mailing signed by Frank Ide dated January 13, 2020.

18 Notice of Public Hearing – Posted on January 14, 2020 at the property fronting
19 Woodland Road and the property fronting Big Meadows Road. Affidavit of
20 Posting Signed by Bill Bates dated January 24, 2020.

21 Notice of Hearing – published in the Spokesman Review, a recognized legal
22 newspaper for the publication of notices, on January 14, 2020. Affidavit of
23 Publication by E. Jean Robinson dated January 14, 2020.

24 A Determination of Nonsignificance (DNS) was issued on January 14, 2020,
25 with a comment and appeal period ending on January 28, 2020. The DNS was
26 not appealed.

27 The Hearing Examiner visited the site and the surrounding area on January
28 27, 2020.

29 The Hearing Examiner heard the matter at 10:30 a.m. on January 29, 2020, in
30 the Commissioner's Hearing Room, 1026 East Broadway, Spokane, Washington,
31 pursuant to the Spokane County Hearing Examiner Ordinance, codified in SCC
32 Chapter 1.46; the County Hearing Examiner Rules of Procedure, adopted by County
33 Resolution No. 1996-0294; Chapter 14.406 (Variance) Chapter 14.404 (Conditional
34 Use Permits) and SCZC Section 14.606.240(1).

1 The following persons testified at the hearing, under an oath administered by
2 the Hearing Examiner:

3 Robert Brock
4 Building and Planning Department
5 1026 W. Broadway Avenue
6 Spokane WA 99260

Frank Ide
835 N. Post St. Suite 201
Spokane, WA 99201
fide@parametrix.com

6 Connie Lamont
7 Lamconm@yahoo.com

Cheryl Whitney
Cherylwhitney58@yahoo.com

8 Bill and Barbara Bates
9 Lonewolf81040@aol.com

Karl Hill
Karlhill@peoplepc.com

10 Rodger Koefod
11 rkoefod@protonmail.com

12 No exhibits were submitted at the hearing.

13 The Hearing Examiner takes notice of the Spokane County Comprehensive
14 Plan ("Comprehensive Plan"), the Spokane County Zoning Code (SCZC), the Spokane
15 County Code (SCC), and other applicable development regulations; recent land use
16 decisions for the site and area, including those listed in the Staff Report submitted by
17 the Department.

18 The record includes the documents in the Building and Planning File No. PN
19 2083-19 at the time of the hearing, the electronic recording of the hearing by Hearing
20 Examiner staff, the sign-in sheet for the hearing, all testimony given and exhibits
21 admitted at the hearing, and the items taken notice of by the Hearing Examiner.

22 Having heard testimony from the Department staff, applicant and others
23 wishing to testify on the matter, the record was closed at 12:00 p.m., January 29,
24 2020 and the hearing adjourned at approximately 12:00 p.m. on Wednesday, January
25 29, 2020.

23 B. Agency/Public Comments

24 Agency Comments:

25 Agency comments are in the form of recommended conditions of approval and
26 advisory comments.
27
28

1 Public Comments:

2 Prior to the public hearing, two public comment letters were received by the
3 Department and provided to the Hearing Examiner.

4 **C. Issues Raised by Public Comment:**

5 Concerns expressed in the public comments include an objection to the three,
6 three acre lots, proposed on Big Meadows Road, which allegedly will conflict with the
7 ten acre parcels nearby on Big Meadow Road and, a request for a condition of
8 approval that the lighting in the 24 lot clusters in the southern portion of the
9 development be required to be downward facing and capped lighting so as to avoid
10 light pollution in the surrounding valley. The public comments are addressed below
11 in this decision.

12 **D. Description of Site:**

13 The subject site is comprised of eight parcels totaling approximately 282.38
14 acres with frontage on both Woolard Road to the south and Big Meadows Road to the
15 north. Land use designations for the subject site are Rural Traditional (RT) and
16 Rural Conservation (RCV). A single-family home, associated outbuildings, and
17 agricultural buildings are clustered and located approximately midway between Big
18 Meadows Road on the north and Woolard Road on the south. The existing residence
19 and outbuildings are accessed from Big Meadows Road via a private driveway
20 leading onto the subject site.

21 The topography of the site slopes downward from the northeast to the
22 southwest, losing about 80 feet of elevation across the property. The land is primarily
23 tilled farmland but also has two distinctly identified forested areas. Little Deep
24 Creek, a Type F stream (fish bearing habitat), traverses the site in the southeast
25 corner. A Type F stream enters the site from the northwest and then converges with
26 Type N stream (non-fish bearing), which originates on the northeast portion of the
27 site, together they then converge with Little Deep Creek in the southeast corner of
28 the property. There is a small wetland/pond located northwest of the existing
homestead, near the center of the property.

The subject property is located within both the High and the Moderate
Susceptibility Critical Aquifer Recharge Areas (CARA). The proposed preliminary
plat will be served by public water and on-site septic systems.

Spokane County records indicate the existence of wetlands near the center
(northwest of the farmhouse) and in the southeast corner of the site. A letter from a
wetland specialist and submitted by the applicant states that the wetlands in the

1 southeast portion of the site do not exist, thus protections otherwise required of
2 wetlands are not applicable to southeast portion of the site.

3 Spokane County Critical Areas Maps identify the presence of Erodible Soils
4 and Geohazards on the subject site. A Geo-hazard Evaluation was submitted by the
5 applicant as required by Section 11.20.070D of the Spokane County Critical Areas
6 Ordinance.

7 An Open Space Corridor was identified on the site. The proposal was
8 circulated to the Washington State Department of Fish and Wildlife who did not
9 comment, nor did WSDFW require a habitat management plan relative to the
10 proposed plat.

11 The site is located outside the Urban Growth Area (UGA) and is located
12 outside the Public Transportation Benefit Area (PTBA).

13 The Preliminary Plat of Record is date stamped January 10, 2020.

14 **E. Description of Proposed Project:**

15 The Preliminary Plat of Elk Meadows proposes to divide 282.38 acres into 28
16 cluster lots in the Rural Traditional (RT) and Rural Conservation (RCV) zones, with
17 an average density of one unit per 10 acres. The proposed cluster lots will range in
18 sizes between one and three acres. The proposed Remainder Parcel is 247.5 acres,
19 equal to 87% of the site. The four internal clusters in the southwest portion of the
20 plat, will be served by private roads which will access Woolard Road to the south.
21 The proposed three lot cluster along the northern boundary of the subject site will
22 access Big Meadows Road to the north by a frontage road which will parallel Big
23 Meadows Road. The access of the northern lots to Big Meadows Road via a frontage
24 road is due to the desire of the Spokane County Public Works Department's desire to
25 limit the number of direct access points to Big Meadows Road. Testimony of David
26 Istrate.

27 **F. Land Use Designations and Conditions for Surrounding and Neighboring 28 Land:**

29 The land use designations for the surrounding properties include Rural
30 Traditional (RT) to the north, northeast and west, and Rural Conservation (RCV) to
31 the south, southwest and southeast. The land use north of the site consists of large-
32 lot rural residential with agricultural and timber uses to the North. Zoning to the
33 north, northeast and west is Rural Traditional (RT).

34 Zoning to the south, southwest and southeast of the site is Rural Conservation
35 (RCV) and consists of large-lot rural residential with agricultural and timber uses.

1 The land use south, southwest and southeast of the site consists of large-lot rural
2 residential with agricultural and timber uses. Zoning to the east and west of the site
3 are both Rural Conservation (RCV) and Rural Traditional (RT) consisting of large-lot
4 rural residential with agricultural and timber uses.

5 **G. Consistency with Comprehensive Plan and zoning Regulations:**

6 **Comprehensive Plan:**

7 The Spokane County Comprehensive Plan describes rural lands as lands
8 located outside the Urban Growth Area and outside of designated agricultural, forest
9 and mineral lands, that have received their identity from a rural way of life rooted in
10 history and resource-based industries, including farming and forestry.

11 The following principles for defining and preserving rural character have
12 evolved:

- 13 a. The rural landscape should reflect a traditional development setting
14 with low population density.
- 15 b. *Interconnected open spaces and natural areas should be provided
16 through clustering and other innovative techniques.*
- 17 c. Rural residents should be self-sufficient and accept a traditional
18 lifestyle with low levels of governmental services.
- 19 d. Rural towns and centers should provide a community focal point and
20 offer opportunities for shopping and other services.
- 21 e. Scenic roadways and vistas should be preserved by prohibiting
22 billboards and strip commercial development.
- 23 f. Agriculture and forestry uses within the Rural category should be
24 accepted as being consistent with rural area lifestyles.
- 25 g. Land use practices should be conducted in a way that protects the
26 environment, providing for clean air and water.
- 27 h. Rural lands should have low population densities, allowing much of the
28 area to be retained in a natural state, providing wildlife habitat and the
preservation of natural systems.

Spokane County Comprehensive Plan (Comprehensive Plan), Chapter 3 –
Rural Land Use (Emphasis added).

24 **Rural Traditional Category**

25 Rural lands in this category will include large-lot residential uses and resource
26 based industries. Rural residential clustering is allowed in this category. *Id.*

27 Consistent with the Comprehensive Plan, the proposed Preliminary Plat is a
28 rural cluster subdivision with the stated intent of preserving approximately 87% of
the land for forestry and agricultural uses.

1 The density allowed in the RCV category is 1 dwelling unit per 20 acres, with a
2 bonus density of 1 dwelling unit per 10 acres for preserving open space and
3 environmentally sensitive areas through clustered housing, density allowed in the
4 RT category is 1 dwelling unit per 10 acres. Comprehensive Plan, pp. RL-1 and RL-2.

5 The Preliminary Plat proposes a density of 1 dwelling unit per 10 acres or a
6 total of 28 dwelling units on the 282 acre site (282 acres x 1 dwelling unit/10 acres =
7 28.2 dwelling units allowed).

8 The Rural Residential section of the Comprehensive Plan provides for
9 development of a variety of residential uses consistent with maintaining rural
10 character, including large lot development patterns and clustering.

11 Goal RL.1 – Provide for rural residential development consistent with traditional
12 rural lifestyles and rural character.

13 Policy RL.1.1 – Unplatted property cannot be allowed to be developed to urban
14 densities unless, and until, located within an Urban Growth Area (UGA)
15 boundary designated as a master planned resort, rural activity center, limited
16 development area or new, fully contained community.

17 Policy RL.1.2 – Designated rural lands shall have low densities which can be
18 sustained by minimal infrastructure improvements such as septic systems,
19 individual wells and rural roads without significantly changing the rural
20 character, degrading the environment or creating the necessity for urban
21 levels of service.

22 The proposed development of 1 dwelling unit per 10 acres is not urban density,
23 which is typically in the range of 1 dwelling unit per acre or higher. The lot sizes
24 proposed in the Preliminary Plat are from 3 to 10 acres. The proposed lot sizes are
25 consistent with rural density and lot sizes, taking into consideration the standards
26 for cluster development lot sizes in the Comprehensive Plan and Zoning Code.
27 Comprehensive Plan, pp. RL-1 and RL-2; SCZC 14.820.100.

28 Policy RL.1.8 – Implement strategies for the acquisition of natural areas of
high scenic value through techniques such as residential clustering,
conservation easements, conservation futures funding, open space zoning and
other techniques.

The proposed Preliminary Plat is a residential clustering development that is
specifically encouraged by the Comprehensive Plan.

1 Rural Clustering

2 Large-lot (10-acre) zoning, while effective at controlling population density,
3 has divided our rural lands with little sensitivity to the effects on rural resources and
4 the natural environment, and combined with a lack of road standards, has also
5 created many miles of poorly maintained private roads, making fire and emergency
6 access difficult. Comprehensive Plan, p. RL-6. Rural clustering encourages the
7 grouping of home sites on areas of the site that are best suited for development, while
8 retaining the remainder of the site for open space. Id.

9 Policy RL.1.9 – Clustering of rural development may be permitted as a tool for
10 the preservation of rural open space as long as it can be demonstrated that the
11 rural character of the area can be maintained and that urban services are not
12 required to serve the new development.

13 The density, location within the subject site, and the size of the lots in the
14 proposed Preliminary Plat demonstrate the applicant’s intent to preserve the rural
15 open space of the subject site and surrounding area. The lots are located in areas that
16 maintain the open space look and feel surrounding the clusters of lots, and the three
17 acre size of the lots along Big Meadows Road are sufficient to maintain an openness
18 and, though smaller than the nearby 10 acre lots, are large enough as to be
19 compatible with the surrounding development and rural character or the
20 neighborhood.

21 Policy RL.1.10 – Provisions to allow clustered housing in rural areas should
22 adhere to the following guidelines:

- 23 a) Development should be limited through density requirements that
24 protect and maintain existing rural character, open space systems and
25 water resources and control traffic volumes and road building.
- 26 b) Siting of cluster projects should minimize impacts on neighbors,
27 infrastructure and the surrounding environment.
- 28 c) Permitting procedures for rural cluster projects should be no more
difficult for cluster developments than for traditional subdivisions and
should include incentives to encourage their use.
- d) Standards should be established for minimum and maximum project
size so projects are large enough to support viable open spaces but small
enough to prevent the residential cluster development from
overwhelming the surrounding area.
- e) The primary component of the project site is the open space system.
The system should be a network of spaces designed to be usable for their
intended purposes and permanently protected or explicitly designated
for future development if located in an urban reserve area. Preparation
and implementation of an open space management plan should be

1 required. The management plan should explicitly include details
2 concerning ownership, taxes, liability, future use, etc.

- 3 f) There should be a pattern of cluster areas established within the project
4 site which does not cause significant impacts on neighboring properties
5 or interrupt the continuity of existing and planned agricultural and
6 related uses.
- 7 g) Lots within a rural cluster in the Rural Traditional, Rural Conservation,
8 and Rural-5 categories shall be one acre or larger to maintain rural
9 character and allow for rural-type lifestyles, such as animal keeping,
10 orchards and gardening. Lots within the Urban Reserve category
11 should range from 10,000-sq. ft. to 1 acre to preserve the area for future
12 urbanization.
- 13 h) The number of home sites per cluster should be limited. Within the
14 cluster, there should be a minimum of 2 and a maximum of 8 home
15 sites. Clusters should be visually and physically separated from one
16 another by open-space buffers. The scenic nature of roadways should be
17 protected by varied setbacks and/or open space buffers.
- 18 i) Lot dimensions, building heights and setbacks should be compatible
19 with rural character and provide the privacy, seclusion and access to
20 open space that are normally expected in rural areas.
- 21 j) A minimum of 70% of the site in a rural cluster development shall be
22 preserved for open space, wildlife habitat and/or resource use; or in the
23 case of urban reserve areas, to avoid precluding future development
24 options.
- 25 k) An aggregation of clustered developments cannot be so arranged that it
26 forms the basis for a rural activity center.
- 27 l) Clustered housing should not become the predominate pattern of
28 development throughout the rural area.
- 29 m) Special consideration should be given to clustered housing in Urban
30 Reserve Areas to ensure that development does not preclude the
31 eventual conversion to urban densities on the remainder parcel.

32 As conditioned herein, the proposed Preliminary Plat is consistent with the
33 above stated policies. As conditioned the proposed development will entail an open
34 space tract of 87% of the area of the subject site. The Open Space Management Plan
35 submitted by the applicant is consistent with the requirements for such a plan.

36 Transportation

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

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

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

3 The application for the proposed Preliminary Plat has been circulated for
4 review and comment to agencies with jurisdiction over various aspects of the project.
5 The comments and suggested conditions received from the interested agencies are
6 considered and reflected in the conditions of approval hereinafter. As conditioned the
7 proposed Preliminary Plat is consistent with the policies above.

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

10 Policy T.4a.1 – Utilize best available engineering practices to ensure a safe and
11 efficient roadway system.

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

- 14 a. Use border easements to accommodate drainage and pedestrian
15 facilities.
- 16 b. Building set back requirements should be established from centerline of
17 right-of-way and should be minimized to reduce impact on use of private
18 property while maintaining public safety and aesthetic values.

19 The propose Preliminary Plat will be served by private roads within the
20 platted area and provide access to the adjacent public roads. As conditioned hereby
21 the development is consistent with the above policies.

22 Housing

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

25 Goal H.3a – Develop a variety of housing options for all economic groups.

26 The proposed development is consistent with this goal.

27 Capital Facilities and Utilities

28 Policy CF.6.3 – Prohibit the extension of water service to new development
that will decrease the level of service of the existing water system below the
adopted minimum level of service standards.

Whitworth Water has signed a water concurrency form indicating they have
the capacity to serve the proposal.

Parks and Open Space

1 Policy PO.2.8 – New development shall mitigate a portion of its direct impacts
2 on the availability of parks, open spaces and recreation facilities. Methods may
3 include, but are not limited to, dedication of land, donated labor, equipment
4 and materials and/or an agreement with Spokane County to provide for the
payment of a fee.

5 As conditioned the proposed Preliminary Plat is consistent with this policy.

6 **Zoning Code:**

7 The zoning of the subject site is within both the Rural Traditional (RT) and
8 Rural Conservation (RCV) zones. Land in the general vicinity of the subject site
9 similarly zoned. The cluster platting provisions within the Spokane County Zoning
10 Code Chapter 14.820, which implements the Comprehensive Plan, allow for density
of one dwelling unit per ten acres.

11 The proposal before the Hearing Examiner is to divide 282.38 acres into 27
12 parcels for residential use and one Remainder Parcel for residential, open space,
13 agricultural and ranching uses.

14 The Preliminary Plat of Record (date stamped January 10, 2020), illustrates
15 27 lots ranging in size from one to three acres in size and one Remainder Parcel
247.5 acres in size which equals approximately 87% of the site.

16 **Preliminary Plat Data:**

17	Site Size:	282.38 acres	
18	Total Building Lots:	28 lots for single-family residences	
19			<u>Permitted in RT/RCV</u>
20		<u>Proposed</u>	<u>Zone</u>
21	Remainder Parcel	247.5 acres or 87% of site	197.7 acres or 70% of site
22	Density	One unit per 10 acres	One unit per each 10 acres
23	Lot Size	One to three acres	One to three-acre minimum
24	Internal Frontage Lots	>125 feet	125 feet minimum
25	External Frontage Lots	>300	300 feet minimum
26	Building Coverage	<20%	20% maximum
27	Building Height	35 feet maximum	35 feet maximum
28	Internal Cluster Separation	300 feet	300 feet

1 Perimeter Setbacks 100 feet 100 feet
2 (side/rear)

3 Rural Cluster Standards

4 SCZC 14.820.100 Density

- 5 1. Maximum density for rural cluster developments shall be 1 unit per 10
6 acres in the Rural Traditional (RT) and Rural Conservation (RCV) zones
7 and 1 unit per 5 acres in the Urban Reserve (UR) and Rural-5 (R-5) zones.
8 2. The remainder parcel may include one residential dwelling unit or may be
9 restricted to open space or other nonresidential uses as specified in the
10 open space management plan and allowed within the underlying zoning
11 category. If a residence is located on the remainder parcel, it shall be
12 counted as a residential unit within the total allowed residential units for
13 the subdivision.

14 3. Land with Limited Development Potential

- 15 a. Within all rural cluster developments, 100 percent of the land area
16 that is dedicated to open space use through conservation easements,
17 deed restrictions or restrictive covenants shall be subtracted from
18 the gross land area when calculating density.

19 b. Rural Conservation Zone

- 20 i. Within the Rural Conservation zone, fifty percent of the land
21 area for lands covered by water, wetlands and/or slopes over
22 30% shall be subtracted from the gross land area when
23 calculating density. These lands shall be subtracted from the
24 gross land area as shown in the following example:

25 For a 100 acre development in the RCV zone with 20 acres
26 of land covered by water:

27 $[100 \text{ acres} - (20 \text{ acres} \times .5)] \times 1 \text{ unit}/10 \text{ acres} = 9 \text{ residential}$
28 lots

- ii. Lots 40 acres or less, created prior to January 19, 2010 are
exempt from 14.820.100(3)(b).

29 The proposed density of the Preliminary Plat is one unit per 10 acres. The
30 existing dwelling unit will occupy the Remainder Parcel and has been factored into
31 the density calculations. The proposal was reviewed for lands zoned Rural
32 Conservation with Limited Development Potential due to the presence of wetlands
33 and Little Deep Creek noted on County Critical Areas Maps. An addendum to the
34 Wetland Specialist letter date stamped January 9, 2020, demonstrates that the
35 wetlands noted in the southeast corner of the plat, did not exist. The wetlands
36 depicted in the center of the plat are zoned Rural Traditional and do not need to be

1 factored into Limited Development Potential calculations. The applicant has provided
2 a calculation of the Lands with Limited Development Potential on the site plan of
3 record, date-stamped January 10, 2020.

4 SCZC 14.820.110 Lot Standards for Rural Cluster Developments

5 Lot standards for rural cluster developments shall be as provided in Table 820-
6 110.

7 SCZC 14.820.120 Residential Clusters

- 8 1. Within an internal residential cluster, there shall be a minimum of 4 and a
9 maximum of 8 lots except that existing parcels that are 40 acres or less in
10 size may reduce the minimum number of lots in a residential cluster to 2
11 lots.
- 12 2. Within a frontage residential cluster, there shall be a minimum of 2 and a
13 maximum of 4 lots.
- 14 3. Residential clusters shall be physically separated from one another by open
15 space buffers. The minimum buffer between residential clusters shall be
16 300 feet for internal clusters and 500 feet for frontage clusters. The buffer
17 width may be reduced if the requirements of 14.820.120(5) cannot be
18 achieved without reducing the overall maximum density of the
19 development. Buffer reductions shall only be reduced to the minimum
20 necessary to allow full development of the site, but in no case shall be less
21 than 150 feet.
- 22 4. The requirements of SCZC 14.820.120(1)(2)(3) above shall not apply to
23 rural cluster developments within the Urban Reserve category, provided a
24 minimum of 85% of the site is retained as open space.
- 25 5. Residential clusters shall be sited to retain rural character and minimize
26 conflicts between dwelling units, adjacent agricultural/forest lands,
27 shorelines, and critical areas.
- 28 6. Buildings and structures shall be setback 100 feet from the side/rear
perimeter boundaries of the rural cluster development. The setback
requirement shall apply to all structures, including accessory structures
that may not require a building permit. Streets and driveways shall not be
located within the setback area; except where a street or driveway may
cross perpendicular to the lot line to provide access to an adjacent parcel.
7. Internal Residential clusters shall be physically separated from existing
county public roads by open space buffers and shall not occur as strip
development along existing county public roads. The minimum
buffer/setback between an internal residential cluster and an existing
public roadway shall be 200 feet, except there shall be no buffer
requirement when a cluster is located at the terminus of an existing county

1 public road. An exception to the buffer setback requirement shall allow a
2 two-lot cluster within the 200 foot buffer area for developments less than 40
3 acres that have an existing residence located within the buffer area.

- 4 8. Consistent with the wildfire protection plan, the Fire District and/or the
5 Department may require the establishment of a wildfire defensible space
6 within the rural residential cluster(s). The defensible space and the
7 modification/removal of wildfire fuels within the defensible space must be
8 completed prior to issuance of a certificate of occupancy for each structure.

9 The proposed internal clusters have a minimum of four and a maximum of
10 eight lots. The proposed frontage cluster has three lots. The proposed internal
11 clusters are separated by 300 feet. There is only one frontage cluster which is
12 consistent with SCZC 14.820.120(3). The residential clusters are located outside of
13 the stream buffers. A 100- foot building setback line from public roads has been
14 depicted on the preliminary plat. The preliminary plat depicts a 200-foot separation
15 of the internal cluster lots and the public road.

16 As conditioned hereby the proposed Preliminary Plat is consistent with the
17 above code requirements.

18 SCZC 14.820.140 Remainder Parcel

- 19 1. Remainder parcels shall be designed to best accommodate their intended
20 open space use (small scale agriculture/forestry, habitat, or future
21 urbanization). The use of the remainder parcel shall be consistent with the
22 purpose and intent of this chapter and the underlying zone category. The
23 use of the remainder parcel shall be limited to agriculture, forestry, habitat
24 or undeveloped land. Structures shall be prohibited on the remainder
25 parcel; except for a single family residence (if allowed under SCZC
26 14.820.100(2)) and accessory structures that support on-site uses. The
27 remainder parcel shall not include existing improvements or existing uses
28 other than those listed above. Proposed future structures on the remainder
parcel shall be identified in the open space management plan. Use of the
remainder parcel shall be included in the open space management plan. A
reference shall be placed on the face of the plat and a title notice shall be
recorded that clearly states that only the use(s) defined in the open space
management plan are permitted on the remainder parcel.
1. In the Rural Conservation (RCV), Rural Traditional (RT) and Rural-5 (R-5)
zones the remainder parcel shall be permanently protected as open space as
defined under SCZC 14.820.020.
3. The remainder parcel shall contain to the maximum extent possible
forested areas, prominent hillsides, meadows, ridges and environmentally
sensitive areas.
4. The remainder parcel must have feasible, legal access to public roads.

- 1 5. The remainder parcel within a rural cluster development (RCD) shall
2 include a minimum of 70% of the total site area.
- 3 6. The remainder parcel within a rural cluster development (RCD) shall be
4 one contiguous parcel; except that multiple noncontiguous parcels may be
5 allowed provided the Director finds that multiple noncontiguous parcels
6 provide more beneficial protection of the open space based on unique
7 attributes of the site such as topography, geology or soils.
- 8 7. The remainder parcel(s) shall be owned in common by the owners of the
9 residential cluster lots; except that a remainder parcel(s) may be owned as
10 a single ownership provided:
- 11 a. The parcel is located in the Urban Reserve zone; or
 - 12 b. The parcel includes a residential dwelling unit consistent with SCZC
13 14.820.100(2).

14 As conditioned hereinafter, the uses proposed on the remainder parcel will be
15 consistent with the above code requirements. The Remainder Parcel contains the
16 forested areas and the streams buffers. The Remainder Parcel has legal access for
17 ingress and egress to public roads. The Remainder Parcel, as proposed, contains 87%
18 of the plat's area. The Remainder Parcel is one contiguous parcel. The Remainder
19 Parcel contains a dwelling and will be owned by the homeowner of that dwelling.

20 SCZC 14.820.160 Open Space Management

- 21 1. An open space management plan is required for the remainder parcel. The
22 plan shall be submitted and approved with the preliminary plat
23 application. The plan shall include all of the following items.
- 24 a. Details concerning ownership, tax liability, and responsible parties for
25 maintenance of open space.
 - 26 b. Use of the remainder site, which shall be consistent with SCZC
27 14.820.140.
 - 28 c. Details concerning permanent protection of open space if located in the
Rural Conservation (RCV), Rural Traditional (RT) or Rural-5 (R-5)
zones.
 - d. Details on interim use if located in the Urban Reserve (UR) zone.
 - e. Details on maintenance of the open space, including control of noxious
weeds.
 - f. Any construction activities (trails, fencing, agricultural buildings) and
vegetative clearing that may occur on site.
 - g. A wildfire protection plan, where applicable, addressing the creation
and maintenance of wildfire defensible spaces within rural clusters
consistent with nationally recognized standards. The wildfire protection

1 plan shall be developed in consultation with the Fire District or a
2 forestry consultant that is recognized and approved by the Department.

- 3 2. All subsequent activities must be conducted in conformance with the
4 approved open space management plan. Open space management plans
5 may be modified through amendment procedures within the zoning code
6 and/or a plat alteration, but in no case shall perpetually dedicated open
7 space be revoked.
- 8 3. The open space management plan, as described above, shall be referenced
9 on the face of the final plat and shall be filed as a title notice.
- 10 4. If the remainder parcel is within an urban reserve area, the following title
11 notice shall be filed on the property and adjacent properties within the plat
12 and the wording shall additionally be placed on the face of the plat:

13 Lot __, Block__, of _____ is an open space parcel reserved for future
14 development when the Urban Growth Area Boundary is expanded to
15 include the open space parcel. Future development of this parcel may
16 include small lot residential uses and/or commercial/industrial uses
17 commonly found in an urban area. The open space parcel is not intended
18 to be preserved in perpetuity.

- 19 5. Applicants for rural cluster developments should be encouraged to review
20 Spokane County's Open Space taxation program for applicability to their
21 development.
- 22 6. If the remainder parcel is within the Rural Conservation (RCV), Rural
23 Traditional (RT), or Rural-5 (R-5) zones, the following title notice shall be
24 filed on the property and the wording shall additionally be placed on the
25 face of the plat:

26 Lot __, Block__ (or Tract__), of _____ is an open space parcel and
27 uses on the parcel are restricted. The open space parcel is permanently
28 preserved as open space and future subdivision of the parcel to allow
increased residential density is prohibited. Only those uses identified in
the open space management plan shall be allowed.

As conditioned hereinafter, the Open Space Management Plan will be
consistent with the above requirements.

As conditioned hereinafter, the proposed Preliminary Plat is consistent with
the development standards of the cluster provision of the Chapters 14.618 and
14.820.

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:

- 1 4. The Building and Planning Director/designee shall review any proposed final plat
2 to ensure compliance with these Findings and Conditions of Approval.
- 3 5. A final plat name and land action number shall be indicated before the final plat
4 is filed, such name/number to be approved by the Building and Planning
5 Director/designee.
- 6 6. Appropriate road name(s) shall be indicated.
- 7 7. The preliminary plat is given conditional approval for five (5) years, specifically to
8 February 19, 2025. The applicant may request an extension of time by submitting
9 a written request no later than thirty (30) days prior to the above expiration date.
- 10 8. Appropriate utility easements shall be indicated on copies of the proposed final
11 plat. Approval of utility easements by appropriate utility companies shall be
12 provided to the Department with the submittal of the final plat.
- 13 9. The final plat shall illustrate or identify all required Rural Cluster setbacks
14 including perimeter building setbacks and separation standards as required by
15 Chapter 14.820 of the Spokane County Zoning Code, as amended.
- 16 10. Four (4) current certificates of title shall be furnished to the Spokane County
17 Department of Building and Planning prior to filing the final plat.
- 18 11. At the time of final plat submittal, the applicant shall demonstrate either on the
19 face of the final plat or on an acceptable attachment that all lots located on a cul-
20 de-sac or curvilinear street meet or exceed the minimum required frontage.
- 21 12. A survey is required prior to the filing of the final plat.
- 22 13. The final plat shall demonstrate compliance with the Spokane County Critical
23 Areas Ordinance, as amended.
- 24 14. The final plat shall demonstrate compliance with the mitigations measures listed
25 within the Geo-Hazard Evaluation prepared by Parametrix and dated August 15,
26 2019.
- 27 15. The final plat shall indicate in the dedication which lots are affected by
28 geohazards and shall illustrate the location of geo-hazard areas on the final plat
map.
16. The final plat shall illustrate the location of all wetlands and their required
wetland buffer areas.
17. The final plat shall illustrate the location of all Type F and Type N Streams and
their required riparian buffer areas.

- 1 18. Prior to any land-disturbing activities such as clearing, grading or infrastructure
2 installation, a cultural resource survey shall be submitted, reviewed and accepted
3 by both the Spokane Tribe of Indians' Historic Preservation Office and the
4 Washington State Department of Archaeology & Historic Preservation. Written
5 confirmation of such acceptance is required. A copy of said survey shall be
6 provided to the Department of Building and Planning for placement in the land
7 use file.
- 8 19. *If any artifacts or human remains are found upon excavation, the office of the
9 Spokane Tribe of Indians should be immediately notified and the work in the
10 immediate area cease, should additional information become available the tribes
11 assessment may be revised.*
- 12 20. *An Inadvertent Discovery Plan (IDP) shall be provided to the Department by a
13 qualified professional. The IDP shall be kept on site during all land disturbance
14 activity.*
- 15 21. The following title notice shall be filed on the property and adjacent properties
16 and the wording shall additionally be placed on the face of the final plat:
17
18 "Lot __, Block__ (or Tract__), of _____ is an open space parcel and uses on
19 the parcel are restricted. The open space parcel is permanently preserved as
20 open space and future subdivision of the parcel to allow increased residential
21 density is prohibited. Only those uses identified in the open space
22 management plan shall be allowed."
- 23 22. The Open Space Management Plan shall be revised to specify that future uses
24 and structures located on the Remainder Parcel must be accessory to and for the
25 specific use of the single-family home occupying that parcel for recreational,
26 agricultural, or rural uses. Accessory uses for the cluster lots are not allowed on
27 the Remainder Parcel. Those uses may be placed on tracts adjacent to the
28 residential clusters. The plan must also specifically address tax liability, must
state that the remainder parcel is to be "permanently protected", that the owner
of the Remainder Parcel shall be solely responsible for maintenance of the
Remainder Parcel, and demonstrate a wildfire protection component. See SCZC
14.820.160.
23. Prior to filing a final plat, the applicant shall submit a revised Open Space
Management Plan to the Department of Building and Planning. Once this plan
has been accepted and approved, the applicant will need to record it at the
Auditor's Office and provide a stamped, copy to the Department. The recording
number of the Plan shall be referenced on the face of the final plat.

- 1 24. The borders of the floodplain shall be depicted on the final plat map.
- 2 25. The Spokane County Building and Planning Department shall prepare and record
3 with the Spokane County Auditor a Title Notice containing the following
4 statement:
5 “This property was the subject of a preliminary plat and rural cluster
6 application. An Open Space Management Plan was developed for the
7 remainder parcel and only those uses specified within the Open Space
8 Management Plan are permitted on the remainder parcel, as allowed by the
9 underlying zone, as amended. Additional information is available for
10 inspection at the Spokane County Building and Planning Department. See
11 File No. PN-2083-19.”
- 12 26. The Building and Planning Department shall prepare and record with the
13 Spokane County Auditor notice, noting that the property in question is subject to
14 a variety of special conditions imposed as a result of approved of a land use action.
15 This Title Notice shall serve as a public notice of the conditions of approval
16 affecting the property in question. The Title Notice should be recorded within the
17 same time frame as allowed for an appeal and shall only be released, in full or in
18 part, by the Building and Planning Department. The Title Notice shall generally
19 provide as follows:
20 “The parcel of property legally described as [insert legal description here]
21 is the subject of a land use action by the Spokane County Hearing Examiner
22 on February 19, 2020 approving a preliminary plat application and imposing a
23 variety of special development conditions, relating to such approval. File No.
24 PN-2083-19 is available for inspection and copying in the Spokane County
25 Department of Building and Planning.”
- 26 27. The applicant should contact the Department of Building and Planning at the
27 earliest possible stage to obtain the latest code requirements administered/
28 enforced as authorized by the State Building Code Act. Design concerns include
addressing, grading, fire apparatus access roads, fire hydrant spacing and fire
flow, approved water systems, building accessibility, construction type, occupancy
classification, exterior wall protection and energy code requirements. A
building/grading permit is required before commencement of construction
activities, to include all grading.
- 28 28. Grading permits may be required for on-site/ off-site grading activities.
29. Spokane County Timber Harvest Permit exemption includes logging on land
which has already been recognized for conversion by a prior land us action

1 supplemented with a completed Environmental Checklist and logging was part of
2 that proposal; contact Building and Planning for the exemption form.

3 30. After reviewing the geotechnical evaluation which indicated the presence of
4 erodible soils, additional geotechnical analysis may be required for this proposal.

5 31. This preliminary plat is in an area that has a 50lb snow load and structures will
6 be required to be designed for those loads.

7 32. Prior to the issuance of the initial building permit(s), the applicant shall submit to
8 Spokane County Building and Planning documentation signed by the applicable
9 Fire District stating that the fire access/roads, road signage and fire hydrants are
10 installed and operational per the approved water plan and county engineers
11 approved road plan. (see enclosed)

12 33. Prior to the issuance of the initial building permit(s), the applicant shall submit to
13 Spokane County Building and Planning documentation signed by the water
14 purveyor stating that the public water system has been installed, tested and
15 accepted as operational pursuant to the approved water plan. (see enclosed)

16 Spokane County Public Works:

17 Conditional approval of the plat by the County Engineer is given with approval
18 of the private road system as indicated in the preliminary plat of record.

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

- 20 1. A Professional Engineer, licensed in the State of Washington, shall submit final
21 private road and drainage plans, a drainage report, and calculations that conform
22 to the 2018 Edition of the Spokane County Road Standards, the 2008 Spokane
23 Regional Stormwater Manual, and all other applicable standards. The plans and
24 report shall receive the County Engineer's acceptance prior to release of a
25 construction or building permit or approval of the final plat.
- 26 2. The proposed plat shall be improved to the standards set forth in Spokane County
27 Board of Commissioners Resolution No. 17-1076, as amended, which establishes
28 regulations for roads, approaches, drainage and fees in new construction.
3. A concept drainage plan for this project has been accepted by the County
Engineer. However, the acceptance of the concept drainage plan does not
constitute final approval of the roads and drainage facilities for construction. The
County Engineer may have additional comments that will need to be addressed
prior to acceptance of final road and drainage plans.
4. The regulations of the National Flood Insurance Program shall be observed since
the proposed plat is affected by a Flood Hazard Zone. A development permit shall

1 be obtained from the County Engineer before development begins on any lot
2 affected by a special flood hazard area. Development includes, but is not limited
3 to fill, excavation, grading, paving, and construction of buildings or other
4 structures (reference Spokane County Ordinance 11-0281). This condition is also
5 applicable to driveway approaches, driveways, and private roads constructed on
6 the site for access.

6 The following statement shall appear within the dedicatory language of the plat:

7 "Development within this subdivision shall conform to the requirements of the
8 National Flood Insurance Program and Chapter 3.20 of the Spokane County
9 Code. Purchasers of property in this subdivision are warned of possible
10 flooding or ponding, potential special construction standards and the potential
11 requirement to purchase Flood Insurance. This warning shall be carried in a
12 title notice to be placed on each tract or parcel or portion of which is located
13 within the Area of Special Flood Hazard."

12 This condition is applicable to driveway approaches, driveways and private roads
13 constructed on the site for access.

14 5. Construction within the proposed public streets and easements shall be performed
15 under the direct supervision of a licensed engineer/surveyor, who shall furnish the
16 County Engineer with "Record Drawings" plans and a certificate in writing that
17 all improvements were installed to the lines and grades shown on the approved
18 construction plans and that all disturbed monuments have been replaced.

19 6. Construction work is prohibited within the existing or proposed public right-of-
20 way until a permit has been issued by the County Engineer. All work is subject to
21 inspection and approval by the County Engineer.

22 7. Approach Permits are required for any access to the Spokane County road system.

23 Note: All private road access points to the County road system shall have a
24 sight distance analysis performed demonstrating the adequate sight distance
25 exists.

26 8. A statement shall be placed in plat dedication that no direct access be allowed
27 from lots to Woolard Road and Big Meadows, until such time as authorized by the
28 County Engineer.

29 9. To construct the road improvements stated herein, the applicant may, with the
30 approval of the County Engineer, join in and be a willing participant in any
31 petition or resolution which purpose is the formation of a Road Improvement
32 District (RID) for said improvements, pursuant to RCW 36.88, as amended. At
33 such time as an RID is created or any Road Improvement Project is sanctioned by

1 Spokane County, the improvements required (curb, sidewalk, drainage control
2 and paving to existing pavement) will be at the sole expense of the undersigned
3 owner, their heirs, grantees and assigns. This provision is applicable to Woolard
4 Road and Big Meadows Road.

5 10. As an alternative method of constructing the road improvement stated herein, the
6 applicant may, with the approval of the County Engineer, accomplish the road
7 improvements stated herein by joining and participating in a County Road Project
8 (CRP) to the extent of the required road improvement. At such time as an RID is
9 created or any Road Improvement Project is sanctioned by Spokane County, the
10 improvements required (curb, sidewalk, drainage control and paving to existing
11 pavement) will be at the sole expense of the undersigned owner, their heirs,
12 grantees and assigns. This provision is applicable to Woolard & Big Meadows
13 Road.

14 11. The following statement shall appear within the dedicatory language of the final
15 plat:

16 That, in consideration of Mutual Benefits now or to be hereafter derived for
17 themselves, their heirs, grantees, assigns and successor(s) in interest, do
18 hereby request and authorize Spokane County to include the above described
19 property in a Road Improvement District (RID) and to support the formation of
20 a Road Improvement District for improvement of the road(s) described below
21 by requesting and authorizing Spokane County to place their name(s) on a
22 petition for the formation of a Road Improvement District pursuant to RCW
23 36.88.050, or by requesting and authorizing Spokane County to cast their
24 ballot in favor of a RID being formed under the resolution method pursuant to
25 RCW 36.88.030, and/or by not filing a protest against the formation of a RID
26 being formed under the alternative resolution method provided for in RCW
27 36.88.065 and Chapter 35.43 RCW.

28 If a RID is proposed for improvement of the road(s) described below, said
owner(s) and successor(s) further agree: (1) that the improvements or
construction contemplated within the proposed RID are feasible, and (2) that
the benefits to be derived from the formation of the RID by the property
included therein, together with the amount of any County participation,
exceeds the cost and expense of formation of the RID, and (3) that the
property within the proposed RID is sufficiently developed; provided
themselves, their heirs, grantees, assigns and successor(s) shall retain the
right, as authorized under RCW 36.88.090, to object to any assessment(s) on
the property as a result of the improvements called for in conjunction with the
formation of a RID by either the petition or resolution method under Chapter

1 36.88 RCW and to appeal to the Superior Court the decision of the Board of
2 County Commissioners confirming the final assessment roll; provided further,
3 it is recognized that actual assessments may vary from assessment estimates
4 as long as they do not exceed a figure equal to the increased true and fair value
improvement(s) add(s) to the property.

5 It is further acknowledged and agreed that at such time as a RID is created or
6 any County Road Improvement project is authorized by Spokane County, the
7 improvements required shall be at the sole expense of the owner(s) of property
8 within the RID or served by the improvements without any monetary
participation by Spokane County.

9 The RID waiver contained in this agreement shall expire after ten (10) years
10 from the date of execution below. This provision is applicable to Woolard Road
and Big Meadows Road.

11 12. The County Engineer has designated a Rural Major Collector Roadway Section for
12 the improvement of Big Meadows Road which is adjacent to the proposed
13 development. This will require the addition of approximately 5 to 7 feet of asphalt
14 along the frontage of the development. The County Engineer has designated a
15 Rural Local Access Roadway Section for the improvement of Woolard Road which
16 is adjacent to the proposed development. This will require the addition of varying
17 width of asphalt along the frontage of the development.

18 13. The private roads shall be improved to adopted Spokane County Road and Sewer
19 Standards for private roads.

20 Note: Any gates used, providing access on the private road, shall be
21 documented on road plans and shall be located in a manner acceptable to the
22 County Engineer. The applicant shall also provide documentation to the
23 County Engineer that the local Fire District has reviewed and accepted the
24 location and function of the private gates

25 14. All vested owners shall sign and record private road documents as prescribed by
26 the Spokane County Engineer. These documents shall be reviewed and approved
27 by the Spokane County Engineer prior to recording with the Spokane County
28 Auditor. Recording numbers shall be referenced in the dedicatory language of the
plat.

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

"WARNING: Spokane County has no responsibility to build, improve,
maintain or otherwise service the private roads contained within or providing
service to the property described in this plat. By accepting this plat or

1 subsequently by allowing a building permit to be issued on property on a
2 private road, Spokane County assumes no obligation for said private road and
3 the owners hereby acknowledge that the County has no obligation of any kind
4 or nature whatsoever to establish, examine, survey, construct, alter, repair,
5 improve, maintain, provide drainage or snow removal on a private road. This
6 requirement is and shall run with the land and shall be binding upon the
owner, their heirs, successors or assigns including the obligation to participate
in the maintenance of the private road as provided herein."

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

12 17. If the project is phased and one phase depends on another phase for access and/or
13 drainage treatment and disposal, the prior phase shall be completed, certified and
14 accepted by Spokane County prior to the acceptance of plans for the dependent
phase of the development.

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

21 In lieu of one of the above plat condition options, a geotechnical report with
22 specific crawlspace and/or basement construction recommendations may be
23 prepared at the time of the final plat. This report must be recorded by separate
24 document along with the final plat and the recorded document referenced on the
25 face of the final plat. Additionally, if recommendations vary lot by lot the
26 geotechnical engineer shall provide Spokane County with an Excel spreadsheet
27 showing every lot, as shown in the final plat, and the corresponding
28 recommendation. If the geotechnical engineer specifies maximum depth for the
lowest living level below existing grade, then a lot plan must be prepared for all of
the lots with the depth limitation. The lot plan must show existing ground
elevation at the center of the building envelope, the maximum cut to the finished

1 floor of the lowest living level, and the top of curb at the center of the lot frontage
2 (or other easily referenced elevation).

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

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

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

19 22. Any part of the drainage system that lies outside of the public right-of-way will
20 neither be maintained nor operated by Spokane County forces. Prior to plan
21 acceptance by the County Engineer, the Sponsor shall provide a mechanism,
22 acceptable to the County Engineer, for the perpetual maintenance of the
23 stormwater drainage system. This mechanism shall also provide for the funding
24 of routine maintenance and the replacement of the various components of the
25 drainage system at the end of the service life of the respective components, and
26 any other improvements that may be legally required in the future. An
27 Operations and Maintenance Manual for the stormwater management system
28 shall be prepared by the Sponsor's Engineer, and included in the project
documents submitted to the County Engineer for acceptance, along with a
discussion of the design life of the various components, a calculated annual cost
for repair and maintenance, and a calculated replacement cost. Homeowners

1 Associations are accepted by the Spokane County Engineer for carrying out the
2 required maintenance functions and responsibilities.

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

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

14 25. The applicant shall acknowledge receipt of notice from Spokane County that prior
15 to use, all drywells and other infiltration devices regulated under WAC 173-218-
16 070 serving the proposed project shall be registered with the Washington State
17 Department of Ecology.

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

22 State of Washington Department of Archaeology and Historical Preservation:

23 A desktop review of our Statewide Predictive Model has identified the
24 proposed project area as having high potential for archaeological resources. Further,
25 the scale of the proposed ground disturbing actions would destroy any archaeological
26 resources present. Identification during construction is not a recommended detection
27 method because inadvertent discoveries often result in costly construction delays and
28 damage to the resource.

1. If any federal funds or permits are associated with this proposal, Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800, must be followed. This is a separate process from both the NEPA and SEPA environmental review processes and requires formal government-to-government consultation with the affected Tribes and the SHPO.
2. Also see "Spokane County Building and Planning Department" conditions number 18, 19 and 20 above.

1 Spokane County Environmental Services:

2 Pursuant to the Board of County Commissioners Resolution No. 80-0418, the
3 use of on-site sewer disposal systems may be authorized. This authorization is
4 conditioned in compliance with all rules and regulations of the Spokane County
5 Health District and the development regulations of the governing authority. It is
6 further conditioned and subject to specific application approval and issuance of
7 permits by the Health District.

8 Water service shall be provided as approved by the Spokane County Health
9 District and/or Washington State Department of Health.

10 Spokane Tribe of Indians:

- 11 1. See “*Spokane County Building and Planning Department*” conditions number 18,
12 19 and 20 above

13 Spokane Regional Health District:

- 14 1. The final plat shall be designed as indicated on the preliminary plat of record
15 and/or any attached sheets as noted.
- 16 2. Appropriate utility easements shall be indicated on copies of the preliminary plat
17 of record for distribution by the Planning Department to the utility companies,
18 Spokane County Engineer, and the Spokane Regional Health District. Written
19 approval of the easements by the utility companies shall be received prior to the
20 submittal of the final plat.
- 21 3. Water service shall be coordinated through the Director of Utilities, Spokane
22 County.
- 23 4. Water service shall be by an existing public water supply when approved by the
24 Regional Engineer (Spokane), State Department of Health.
- 25 5. Prior to filing the final plat, the sponsor shall demonstrate to the satisfaction of
26 the Spokane Regional Health District that an adequate and potable water supply
27 is available to each lot of the plat.
- 28 6. 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.
7. The dedicatory language on the plat shall state:
“Use of private wells and water systems is prohibited.”
8. Prior to finalizing the plat, the Spokane Regional Health District will review the
soil evaluation done by your septic design professional. This determination may
alter sewage loading rates, change plat densities, and the methods of sewage

1 disposal. The dedicatory language of the plat will state: "Subject to specific
2 application approval and issuance of permits by the Health Officer, the use of
3 individual on-site sewage disposal systems may be authorized."

4 9. The final plat dedication shall contain the following statement:

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

11 Spokane County Fire District:

- 12 1. Per Spokane County's Title 3 requirements, fire hydrant locations and
13 distribution shall be in accordance with the IFC Section 507 and IFC Appendix C.
14 Hydrant credit will not be given for a fire hydrant located on the opposite side of
15 the street unless specifically approved by the chief of the serving fire district.
- 16 2. IFC Appendix C requires fire hydrant placement of 500' average spacing between
17 hydrants
- 18 3. You will be required to meet all road standards and fire flow requirements per
19 Spokane County Building Regulations (Title 3)

20 Avista:

- 21 1. Label 10' dry utility easements fronting single-family lots.
- 22 2. Add the following utility easement language to dedication of plat
23 10 foot "dry" utility easements (electric, gas, phone, fiber, cable TV) shall front the
24 single-family lots contained within this plat. Private Roads as shown hereon can
25 also be used for utility purposes in addition to ingress and egress. Said easements
26 are hereby dedicated for the use of serving utility companies for the construction,
27 reconstruction, maintenance, protection, inspection and operation of their
28 respective facilities, together with the right to prohibit changes in grade over
installed underground facilities and the right to prohibit structures, trim and/or
remove trees, bushes, roots, landscaping, without compensation when affecting
utilities within the easements. Storm drain dry wells, swales and/or water meter
boxes shall not be placed within the "dry" easements; however, lateral crossings
by storm drain, water and sewer lines are permitted.

DATED this 12th day of February, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SPOKANE COUNTY HEARING
EXAMINER



David W. Hubert, WSBA #16488

NOTICE OF FINAL DECISION AND NOTICE OF RIGHT TO APPEAL

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

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

On February 13, 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 February 19, 2020.

THE LAST DAY FOR APPEAL OF THIS DECISION TO SUPERIOR COURT BY LAND USE PETITION IS MARCH 12, 2020.

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

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