

Exhibit A

CITY OF LIBERTY LAKE HEARING EXAMINER

Re: Application for Preliminary Plat by) FINDINGS, CONCLUSIONS,
Holt Opportunity Fund 2013, LP for) AND DECISION
a 198.6 acre development to be)
known as Legacy Ridge West.) FILE NO. 2014.PL0003

SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant is proposing a preliminary plat to subdivide 198.6 acres into 281 lots for attached and detached single family dwellings in the R-1 zone and 3 lots in the M-2 zone for future uses allowed within that zone.

Decision: Recommend approval with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant: The Holt Group, Inc.
Attn: Rian Tuttle
P.O. Box 87970
Vancouver, WA 98687

Agent: Frank Ide
Taylor Engineering
106 W. Mission Avenue
Spokane, WA 99201

Owners: Holt Opportunity Fund 2013, LP
Attn: Rian Tuttle
P.O. Box 87970
Vancouver, WA 98687

Property Location: The property is located southeasterly of Henry Road and at the end of Legacy Ridge Drive.

Legal Description: The legal description of the property is provided in Exhibit 1B-9. The parcel numbers of the project site include 55163.9161 and adjusted 55216.9166.

Zoning: The property is R-1 (Single Family Residential) and M-2 (Community Center Mixed Use).

Comprehensive Plan Map Designation: The property is designated as Community Center Mixed Use and Open Space/Recreation.

Site Description: The site consists of 198.6 acres, and is hilly. Approximately 1/3 of the site has slopes exceeding 30% grade. The majority of the site has erodible soils. Development infrastructure was previously installed at the site. A 100' wide power line easement runs through the site. However, the land is vacant. There is no evidence of historical, archaeological or cultural resources on or next to the site. The site is not located within a designated floodplain. There is no evidence of any wetlands or surface waters on the site.

Surrounding Conditions and Uses: To the north, northeast, and east of the site, the land is zoned O (Open Space/Recreation) and contains the former Greenacres Landfill site. Farther to the northeast of the site, the land is zoned R-1 and contains Legacy Ridge Phase IV, a single-family residential subdivision. The land north/northwest of the site is zoned M-2 (Community Center Mixed Use), and is the location of the Country Vista Apartment project. The land to the west of the site is partially outside city limits and contains residential development and vacant land which is zoned M-2. West and to the south of the site, the land is located in Spokane County and is zoned RT (Rural Traditional). That land contains residential development and vacant land that is a part of the Saltese Uplands Conservation Area.

Project Description: The project is a preliminary plat for 281 single-family lots in the R-1 zone along with 3 lots for future mixed use as allowed under the M-2 zone.

PROCEDURAL INFORMATION

Authorizing Ordinances: Liberty Lake Development Code ("LLDC") §§ 10-2F, 10-4B-3 and 10-4J.

Notice of Application: Mailed: August 6, 2014
Posted: August 5, 2014

Notice of Public Hearing: Mailed: October 1, 2014
Posted: October 1, 2014

Public Hearing Date: October 15, 2014

Site Visit: October 15, 2014

SEPA: A Mitigated Determination of Non-Significance (MDNS) was issued on October 1, 2014. The MDNS was not appealed.

Testimony:

Amanda Tainio
Planning & Building Services Manager
City of Liberty Lake
22710 E. Country Vista Dr.
Liberty Lake, WA 99019

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

Robin Ray
139 S. Legacy Ridge Dr.
Liberty Lake, WA 99019

Exhibits:

1. Staff Report, including:
 - 1A. Recommended Conditions of Approval (Attachment A)
 - 1B. Maps & Exhibits (Attachment B)
 - 1B-1 Preliminary Plat site plan with steep slopes
 - 1B-2 Preliminary Plat site plan Phase 1
 - 1B-3 Preliminary Plat, site plan Phase 2
 - 1B-4 Preliminary Plat, site plan Phase 3
 - 1B-5 Site Analysis/Existing Conditions
 - 1B-6 Project introduction as prepared by Taylor Engineering, 07-16-14
 - 1B-7 Preliminary Geohazard Evaluation by Taylor Engineering 07-16-14
 - 1B-8 Road details
 - 1B-9 Title report, second report
 - 1B-10 County range maps
 - 1B-11 Comprehensive Plan Land Use Map
 - 1B-12 Map representing the boundary of Legacy Ridge West Preliminary Plat.
 - 1B-13 Liberty Lake 1/2 Mile Parks Service Area Analysis map
 - 1B-14 Geologic Hazards & Constraints map
 - 1B-15 Liberty Lake Watershed map
 - 1B-16 Wetlands map
 - 1B-17 Request for Water Type Modifications, Taylor Engineering, 08-27-14
 - 1B-18 Water Type Classification Worksheet, 08-27-14
 - 1B-19 Water Type Modification Form, 08-27-14
 - 1C Determination of Completeness, dated 08-01-14 (Attachment C)
 - 1D. NOA Notice of Packet Certification (Attachment D)
 - 1E Environmental Checklist, dated 07-16-14 (Attachment E)
 - 1F Notice of Application (NOA), dated 08-06-14 (Attachment F)
 - 1G. Affidavits of Posting and Mailing (Attachment G)
 - 1G-1 Affidavit of Posting, dated 08-05-14
 - 1G-2 Affidavit of Mailing, dated 08-06-14
 - 1H Technical Review Meeting Notice (Attachment H)
 - 1I Notice of Public Hearing before the City Hearing Examiner (NOH) &SEPA Threshold Determination (Attachment I)
 - 1I-1 Notice of Public Hearing dated 10-01-14
 - 1I-2 Mitigated Determination of Non-Significance (MDNS), dated 10-01-14
 - 1J NOH Notice Packet Certification (Attachment J)
 - 1K Affidavits of Posting & Mailing (NOH) (Attachment K)
 - 1K-1 Affidavit of posting of public notice sign (NOH), dated 10-01-14
 - 1K-2 Affidavit of Mailing (NOH) dated 10-01-14
 - 1L. Comments received as of 10-114 (Attachment L)
 - 1L-1 Avista Corporation 04-28 through 09-08-14
 - 1L-2 Consolidated Irrigation District, dated 03-26-14
 - 1L-3 Liberty Lake Sewer & Water District, dated 03-27-14
 - 1L-4 Spokane Valley Fire Department, dated 02-05-14
 - 1L-5 Spokane Valley Fire Department, dated 09-10-14
 - 1L-6 Spokane Valley Fire Department, dated 09-22-14

- 1L-7 Spokane County, Division of Utilities, dated 02-04-14
- 1L-8 Spokane County, Division of Utilities, dated 09-17-14
- 1L-9 Department of Ecology, dated 08-21-14
- A Exhibits received at hearing
 - A-1 Email dated 10-13-14 to Amanda Tainio from Robin Ray
 - A-2 Email dated 10-15-14 to Amanda Tainio from Abby Byrne
 - A-3 Email dated 10-15-14 to Amanda Tainio from Avista

FINDINGS AND CONCLUSIONS

To be recommended for approval, the proposed preliminary plat must comply with the criteria set forth in Section 10-4D-5 of the Liberty Lake Development Code. The Hearing Examiner has reviewed the proposed plat application and the evidence of record with regard to the application and makes the following findings and conclusions:

1. *The proposed preliminary plat complies with all the applicable Development Code sections and other applicable ordinances and regulations. See LLDC 10-4D-5(A)(1).*

The uses proposed by the Applicant are consistent with the R-1 and M-2 zoning of the subject property. The project includes 281 lots in the R-1 zone, to be developed with attached and detached single family residences. This is outright permitted in the R-1 zone. The plat also calls for the M-2 zoned property to be divided into 3 lots, for future uses as allowed in the M-2 zone. Although the specific use of the M-2 property is not currently identified, any future use must be consistent with the zoning requirements and restrictions¹. The residential density of the proposed plat is consistent with the underlying zoning, as is discussed below in Paragraph 5.

The proposed development also addresses connectivity, access and circulation. The new subdivision has primary connections to Legacy Ridge Drive and Henry Road. The Staff has also confirmed that the project is designed to align with existing streets, and includes a sidewalk and small trail system, as is further described in Paragraph 3 below.

The project site contains a substantial amount of steep slopes and erodible soils. However, the proposal as designed and conditioned addresses these conditions, and in this way is consistent with applicable development standards. For example, the project must comply with Section 10-3C-2 of the city development code, which requires that certain landscape conservation practices be followed. See Exhibit 1, p. 41. The project is also required to comply with development standards related to critical areas, found in the Chapter 6 of the development code. See id. To protect erodible soils, much of the development site has been set aside as open space. See id. For areas that will be developed, there are sufficient conditions upon the development to guard against significant impacts. See id.

¹ In public testimony, Ms. Ray objected to the description of the project in that the plat was described as including "some M-2." She was concerned that this vague description could open the door to further development or expansion of M-2 uses. However, in rebuttal testimony, Mr. Ide correctly pointed out that the M-2 zoning in question is pre-existing. This project does not include a rezone request. There is nothing impermissible about dividing the M-2 property into three lots for future development, or with including this area within the subject plat. The Hearing Examiner concludes that there is no possibility of expansion of the M-2 use, short of a rezone application. The statement that this plat includes "some M-2" is factual and accurate.

There is an existing neighborhood park connected to the subject site. This park satisfies “the ½ mile location requirement as well as the neighborhood park requirement identified in the current adopted Parks, Recreation, Open Space and Trails Plan.” See id.

Other conditions will be imposed to ensure that the project complies with applicable standards and regulations. For example, the final plat will include language requiring owners to plant street trees, consistent with city standards, as each lot is landscaped. See id. In addition, storm water management and utilities will be designed to conform to applicable standards. See Exhibit 1, pp. 40-41. In any case, the proposed conditions for development are extensive.

The Hearing Examiner concludes that the proposed development satisfies the requirements of the development code and other applicable ordinances and regulations. As a result, this criterion for approval is met.

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of RCW 58.17. See LLDC 10-4D-5(A)(2).*

The name “Legacy Ridge West” has not been used for any other subdivision in Spokane County. See Exhibit 1, p. 41. Therefore, this criterion for approval is satisfied.

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform to or transition to the plats of subdivisions and short plats and maps of land division already approved for adjoining property as to width, general direction, and in other respects. All proposed public improvements and dedications are identified on the preliminary plat or short plat. See LLDC 10-4D-5(A)(3).*

Legacy Ridge West is being developed adjacent to the existing Legacy Ridge subdivision. See Exhibit 1, p. 41. The proposed subdivision will connect to the adjacent development via Legacy Ridge Drive. See id. Legacy Ridge West will also have a connection to Henry Road. See id. The Staff has confirmed that the project appropriately accounts for connectivity to the surrounding uses, stating as follows:

The proposed project aligns with existing streets and has been designed to have interconnecting streets and blocks, as topography allows. Streets will be paved and the development will provide stormwater management. The project will contain a sidewalk and small trail system which will connect to the existing Legacy Ridge development / Country Vista Dr., and with Henry Road.

See Exhibit 1, p. 41. The Staff has also confirmed that the utilities and storm water management will have appropriate layouts. See id.

The Hearing Examiner concludes that the layout of the development properly facilitates connectivity with the surrounding property, consistent with the Liberty Lake Development Code. Therefore, this criterion for approval is satisfied.

4. *All proposed private common areas and improvements (e.g. home owner or property owner association property) are identified on the preliminary plat. See LLDC 10-4D-5(A)(4).*

Common areas are identified on the preliminary plat. See Exhibit 1, p. 42. Therefore, this criterion is met.

5. *The subdivision meets the City's housing standards of Chapter 2. See LLDC 10-4D-5(B).*

The proposed development is consistent with the applicable housing standards. For single-family residences, the minimum density in the R-1 zone is 4 dwelling units per acre, while the maximum is 6 dwelling units per acre. See LLDC § 10-2B-7(C). For attached single-family residences (i.e. townhomes), the same minimum density applies, but the maximum density is raised to 8 dwelling units per acre. See id. The density standards may be averaged over more than one phase of the development. See LLDC § 10-2B-7(A)(1). The net density for the project is approximately 5 dwelling units per acre, averaged in the manner allowed by the code. See Exhibit 1, p. 42. Therefore, the project complies with the residential density standards.

The M-2 zone allows for a variety of higher-intensity uses, including attached single-family residences (i.e. townhomes) and multifamily uses. When residential uses are developed in the M-2 zone, the minimum net density for townhomes is 6 units per acre and the minimum net density for multifamily use is 12 units per acre. See LLDC § 10-2F-7(C). Here, the M-2 zoned land will be divided into three parcels. However, the use of those parcels will be determined at a future date. If residential uses are included in the M-2 zone, the minimum net density standard will be applicable. If other uses allowed in the M-2 zone are developed, the density standard for residential uses is not relevant. In any event, compliance with the zoning code and other development standards will be required in order for permits to be issued.

The Hearing Examiner concludes that this proposal fits within applicable density range. Therefore, this criterion is satisfied.

6. *All proposed blocks (i.e. one or more lots bound by public streets), lots, and parcels conform to the lot and block standards. See LLDC 10-4D-5(C).*

The preliminary plat is consistent with the design requirements for subdivisions. The specific ways that the proposal satisfies those standards are discussed below.

(a) *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zoning district (Chapter 2), and the standards of Article 10-3G. See LLDC 10-4D-5(C)(1).*

The lots, as proposed, satisfy the dimensional and other requirements of the applicable zoning districts. See Exhibit 1, p. 42. The additional development standards, such as setbacks, will have to be considered and verified at a later stage in the process. At the time of final plat, civil plan, or building permit submittal, the City of Liberty Lake will review the proposed improvements and plans to ensure that the required standards of the development code, including Article 10-3G, will be satisfied when applicable. See id. In any event, compliance with such development standards is a recommended condition of approval of this project.

(b) *Setbacks shall be as required by the applicable zoning district (Chapter 2). See LLDC 10-4D-5(C)(2).*

As discussed above, the preliminary plat depicts the layout of the lots, but does not specify the precise location of the improvements. The setbacks must be verified at the appropriate stage in the development. Satisfaction of the setback requirements of the R-1 and M-2 zones are recommended conditions of approval for the Legacy Ridge West.

(c) *Each lot shall conform to the standards of Article 10-3B – Access and Circulation. See LLDC 10-4D-5(C)(3).*

The Access and Circulation standards are addressed by this proposal. To the extent a specific requirement is not explicitly considered at the preliminary plat stage, the standards will be reviewed for compliance by the City of Liberty Lake at the time the final plat, civil plan, or building permits are submitted. See Exhibit 1, p. 42. However, it appears that those standards are adequately addressed for purposes of this proposal. The project includes paved streets with lighting. See id. There is an interconnected sidewalk and trail system proposed for this project. See id. The project will contain a sidewalk and small trail system which will connect to the existing Legacy Ridge development, Country Vista Drive, and Henry Road. See id. In any event, compliance with these standards is a recommended condition of approval. The Hearing Examiner finds, therefore, that the requirements for access and circulation are satisfied.

(d) *Landscape or other screening may be required to maintain privacy for adjacent uses. See LLDC 10-4D-5(C)(4).*

The City of Liberty Lake will review the project to ensure such compliance at the time that final plat, civil plan, or building permits are submitted. See Exhibit 1, p. 42. Currently, residential uses in the R-1 zone abutting the R-1 zone would not require screening. See id. There was no testimony or other evidence criticizing the proposal in this regard. As a result, the Hearing Examiner concludes that this criterion is met.

(e) *In conformance with the Fire Code, a twenty-foot wide fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See LLDC 10-4D-5(C)(5).*

At the time of submittal of the final plat, civil plans, or buildings permits, the City of Liberty Lake will review the project and ensure that there is proper fire access. See Exhibit 1, p. 42. The Hearing Examiner finds that the project, as conditioned, satisfies this requirement.

(f) *Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision. See LLDC 10-4D-5(C)(6).*

The City of Liberty Lake will review the project at the time of submission of the final plat, civil plans, or building permits, to ensure this standard is satisfied, as appropriate. See Exhibit 1, p. 43. Common driveways and auto-court lanes are proposed for this project and therefore this criterion is applicable to this project. See id. Compliance with this criterion is a recommended condition of approval.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to recommend approval of the proposed preliminary plat, the Legacy Ridge West, subject to the following conditions:

1. All conditions imposed by the Hearing Examiner and/or the City Council shall be binding on the "Applicant", which term shall include the owner or owners of the property, heirs, assigns, and successors.
2. The applicant shall comply with the SEPA MDNS Determination that was issued on 10/1/14 and the mitigating conditions set forth therein. They are:
 - a. Participation in the voluntary updated Harvard Road Mitigation Plan at the time of issuance of building permits for this project. Any impact fees, such as that for schools, parks, etc., approved by the City Council, consistent with the City of Liberty Lake's Comprehensive Plan, shall also be paid upon issuance of building permits for this project.
 - b. The applicant shall be responsible for the improvement of Henry Rd. along the project frontage to the centerline of the Right of Way. This will require paving to a minimum of 17-23 feet of paving from the center of the Right of Way, curb and gutter, planters and sidewalk. The maximum paving width shall only occur at left turn pockets. The length of left turn pockets shall be determined during design. Construction of Henry Road improvements shall correspond to development of phases adjacent to Henry Road.
 - c. The project shall comply with the City Development Code Chapter 6, Environment, specifically as related to critical areas and any form of potential disturbance to critical areas shall be reviewed and mitigated as required by Chapter 6.
 - d. The project shall comply with City Development Code, Section 10-3C-2, Landscape Conservation, specifically as related to the protection of significant vegetation in critical areas.
 - e. Development of the site shall comply with City Development Code, Article 10-3H, the Spokane Regional Stormwater Manual, as amended.
 - f. Erosion control measures and repairs must be implemented if and where surface erosion occurs.
 - g. The requirements for Spokane Clean Air and Washington State Department of Ecology shall be met at the time of or prior to project construction.
3. The proposal shall comply with the R-1 (Single Family Residential) and M-2 (Community Center Mixed Use) zones, as applicable, the City Development Code, as applicable, and other applicable portions of the City Municipal Code.
4. The final plat shall be designed substantially in conformance with the preliminary plat. No increase in density or numbers of lots, or substantial modification of the preliminary plat or

conditions of approval shall occur, without a change of conditions application submittal and approval.

5. The Community Development Director / designee shall review any proposed final plat to ensure compliance with these Findings and Conditions of Approval.
6. The plat name and file number shall be indicated on the final plat. Any changes to the name must be approved by the Community Development Director / designee.
7. The preliminary plat is given conditional approval for seven (7) years from date of approval, unless additionally modified by WA State Law. To request an extension of time on the preliminary plat, the applicant must submit a written request to the City of Liberty Lake Planning & Building Services at least thirty (30) days prior to the preliminary plat expiration. The extension request shall be processed in accordance with City Development Code Section 10-4D-3 (D) Modifications and Extensions, as amended. If an extension request is not submitted by the stated deadline, the preliminary plat will become null and void at such time to the extent it has not received final plat approval.
8. In accordance with RCW 58.17.170, as amended, any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five (5) to seven (7) years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five (5) to seven (7) years after final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.
9. Building setbacks shall conform to the R-1 or M-2 Zones, as applicable, and shall be identified on the final plat with a matching detail, if required by the Community Development Director / designee.
10. Final plat submissions shall comply with City Development Code Article 10-4D Land Divisions and Boundary Line Adjustments, as applicable and the City of Liberty Lake Final Plat / Short Plat / BSP Review Application.
11. At the time of final plat submittal, the applicant shall supply a current certificate of title to the City of Liberty Lake, with the plat name / file number indicated on the plat certificate cover sheet.
12. At the time of final plat submittal, the applicant shall supply a copy of all Covenants, Conditions, & Restrictions (CCR's), deed restrictions, private easements and agreements, and other documents pertaining to common improvements that have or will be recorded that are referenced on the plat or that affect the property and CCR annexation, as applicable.
13. At time of final plat submittal, a geo-hazard mitigation plan, prepared by a qualified landslide or erosion specialist that conforms to City guidelines for stormwater management or any other applicable regulation adopted by the City of Liberty Lake providing erosion and landslide protection, shall be submitted per City Development Code Section 10-6B-5.

14. The final plat dedication shall state:

Legacy Ridge West is located within a geo-hazard area and the following lots or portions of lots are affected by geo-hazards:

Insert Lots and Blocks

Building setback lines may be drawn on lots, parcels, and tracts so as to indicate suitable areas for construction of structures or improvements.

15. The recommendations included in the Legacy Ridge West Preliminary Plat Geo-hazard Evaluation Report shall be followed throughout project development, as applicable until replaced by a geo-hazard mitigation plan.
16. At time of building permit review, compaction reports shall be required on lots identified as having fill material exceeding 24" in depth.
17. At the time of or prior to final plat submittal, a Professional Engineer, licensed in the State of Washington, shall submit a street, grading, and drainage plan, a drainage report, and calculations that conform to the adopted City Street and Stormwater Standards, and all standards and laws that are applicable to this project, as applicable. Final street, grading, and drainage plans, and drainage reports shall receive acceptance by the City prior to release of a construction or building permit or recording of the final plat.
18. Street cross sections shall also be supplied with civil plan submittal showing street, curb, street tree planter, sidewalk, swales, and utility easements, as applicable.
19. Before the street and stormwater plans, as applicable are submitted to the City of Liberty Lake, a Design Deviation must be submitted to the City for any non-standard elements of the project plans. The sponsor shall acquire approval of the Design Deviation from the City before construction plans are submitted for review. The Design Deviation request must include adequate engineering justification and drainage calculations, and should include any other agency approvals that may be necessary for the proposed deviation to work as designed. The Design Deviation request shall include a description of maintenance responsibilities. The City may approve or deny a Design Deviation or may impose conditions of approval on the Design Deviation.
20. Streets within Legacy Ridge West shall be constructed with separated sidewalks, street trees, and street lighting, and shall be constructed to public street standards, as determined by the City Engineer; however they may be privately maintained. As permitted by the City, sidewalks may be installed on the one side of the street that has abutting homes as long as an interconnected system is provided.
21. Use of driveways, alleys, and auto-court lanes shall comply with City standards, including providing pedestrian linkages, as applicable.
22. Request for deviations from the separated sidewalk requirement must be justified by topographical constraints, previous approvals, or existing conditions such as installed utilities and a hardship must be demonstrated during design to the satisfaction of the City Engineer.

23. Valley Vista Dr. shall be completed to Henry Road prior to recording the first phase of Legacy Ridge West to serve as the primary development access.
24. Temporary cul-de-sacs / fire apparatus turn-arounds are required when streets terminate at the plat or plat phase boundaries. Street construction should run to the nearest planned intersection to provide a hammerhead.
25. Prior to recording the final plat, the applicant shall supply a landscape plan for street tree installation along all streets within Legacy Ridge West, prepared and stamped by a licensed Landscape Architect, that conforms to City Development Code Section 10-3C-4 Street Trees and Section 10-3B-2(N) for the clear view triangle. Street trees identified by the City Engineer as being located within the clear view triangle should be relocated within the development to a publically accessible area.
26. The final plat dedication shall state:

Installation of street trees, per the approved street tree plan, shall be the responsibility of individual property owners within Legacy Ridge West, prior to issuance of a Certificate of Occupancy. Requests for variations from the approved street tree plan shall be reviewed by the City when each lot is landscaped; however trees must be consistent with the adopted street tree standards.
27. A plan for street and pedestrian pathway lighting installation that conforms to the requirements of City Development Code Section 10-3G-2(W) Street Lighting Standards, as amended, must be submitted and approved by the City prior to recording of the final plat.
28. Construction within the proposed streets and easements shall be performed under the direct supervision of a licensed engineer / surveyor, who shall furnish the City with "Record Drawings" plans and a certification 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.
29. All construction work, i.e. utilities, streets, stormwater, etc., is to be completed prior to recording of the final plat or a performance guarantee shall be submitted as outlined in City Development Code, Section 10-4D-9 Performance Guarantees, as amended.
30. The applicant is advised that there may exist utilities either underground or overhead affecting the applicant's property, including property to be dedicated or set aside for future acquisition. The City of Liberty Lake will assume no financial obligation for adjustments or relocation regarding these utilities. The applicant should contact the applicable utilities regarding responsibility for adjustment or relocation costs and to make arrangements for any necessary work.
31. Appropriate utility easements shall be indicated on copies of the proposed final plat and serving utility companies will be provided with the final plat to review prior to recording.
32. 10' utility easements adjoining and behind the sidewalk / right-of-way shall be shown on the final plat. Additionally, any tract that will be dedicated to the HOA which will contain gas or electric will need crossing easements.

33. Consistent with City Development Code, Section 10-3G-6 Utilities, all utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground if screened, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

34. The final plat dedication shall state:

Easements for "Dry" utilities (electric, gas, phone, fiber, cable TV), as shown on the herein described plat are hereby dedicated to the City of Liberty Lake and their serving utilities for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities, together with the right to prohibit changes in grade over installed underground facilities and the right to trim and/or remove trees, bushes, landscaping without compensation and to prohibit brick, rock or masonry structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. Storm drain dry wells and water meter boxes shall not be placed within the "Dry" easements; however, lateral crossings by storm drain, water, and sewer lines are permitted. Serving Utility companies are also granted the right to install utilities across border easements, private driveways and common area properties with the prior written permission of the owner. If the developer or his subcontractor should ditch beyond the limits of the platted easement strips shown hereon, the easement shall then be identified by the actual physical location of the installed utilities. This provision shall not prohibit fences.

35. The final plat dedication shall state:

The development of Legacy Ridge West shall comply with the power transmission utility easement, as recorded under Auditor's Document No. _____.

36. Construction of buildings or dwellings within the 100-foot wide easement strip (AFN # _____) granted to the Washington Water Power Company and its successor in interest, Avista Corporation, and shown herein is prohibited. All requests to install improvements or plant vegetation within the easement strip shall require prior written approval by the Transmission Engineer at Avista Corporation, PO Box 3727, 1411 E. Mission Avenue, Spokane, WA 99220.

37. Applicant needs to coordinate with Avista prior to construction of phases around the transmission line and with TransCanada prior to construction of phases around the pipeline.

38. The subject site shall be annexed into the Legacy Ridge Homeowner's Association or a homeowner's association must be established to provide for maintenance of all landscaped strips, open space tracts, common areas, alleys / driveways, private streets, and street lighting, as applicable.

39. The final plat dedication shall state and information shall be provided:

The owners of all lots within this subdivision shall be members of the " _____ " Homeowner's Association, a homeowners association created by document recorded

_____ by the Secretary of State of the State of Washington under U.B.I Number _____ and subject to the Articles of Incorporation and Bylaws thereof. Also subject to the DECLARATION OF PROTECTIVE COVENANTS FOR " _____ " HOMEOWNER'S ASSOCIATION as recorded under Auditor's Document No. _____.

40. The final plat dedication shall state:

" _____ " Homeowner's Association will be responsible for the maintenance of all landscaped strips, open space tracts, common areas, alleys / driveways, private streets, and street lighting, as applicable.

41. Any private streets and common areas shall be considered subservient estates for tax purposes to the other lots created herein.

42. The drainage system will neither be maintained nor operated by the City. Prior to plan acceptance by the City, the Sponsor shall provide a mechanism, acceptable to the City, for the perpetual maintenance of the stormwater drainage system. Homeowners Associations are accepted by the City for carrying out the required maintenance functions and responsibilities.

43. The City of Liberty Lake shall prepare and record with the Spokane County Auditor at time of final plat recording, a notice that the property in question is subject to a variety of special conditions imposed as a result of approval of a land use action. This Title Notice shall serve as a public notice of the conditions of approval affecting the property in question. The Title Notice should be recorded within the same time frame as allowed for an appeal and shall only be released, in full or in part, by the City. The Title Notice shall generally provide as follows:

The parcel of property legally described as [insert legal description] and commonly known as "Legacy Ridge West" is the subject of a land use action by the City of Liberty Lake City Council on [insert date], imposing a variety of special development conditions. File # 2014.PL0003 is available for inspection and copying at the City of Liberty Lake.

44. The final plat dedication shall state:

The owners or successors in interest agree to join in any City-approved stormwater management program and to pay such rates and charges as may be fixed through public hearings for service or benefit obtained by the planning, design, constructing, maintaining, or operation of stormwater control facilities.

The owners or successors in interest also agree to join in any City-approved local improvement district for street improvements and to pay such rates and charges as may be fixed through public hearings for service or benefit obtained by the planning, design, constructing, maintaining, or operation of streets.

45. The final plat dedication shall state:

A public sewer system will be required to be installed for the plat. Individual service must be provided to each lot prior to sale. Use of individual on-site disposal systems shall not

be authorized. The developer of the proposal shall bear the cost of providing the required services to the lots

46. The final plat dedication shall state:

A public water system will be required to be installed for the plat. Individual service must be provided to each lot prior to sale. The use of private wells or water systems is prohibited. The developer of the proposal shall bear the cost of and shall provide for individual domestic water service as well as fire protection to each lot prior to sale of each lot and prior to issuance of a building permit for each lot.

47. Water main extensions will be necessary and water plans must be submitted to, reviewed, and approved by Consolidated Irrigation District prior to final plat recording.

48. The Division of Utilities and Liberty Lake Sewer and Water District are currently working to add a small portion of the proposed subdivision (Parcels 55163.9161 and 55163.9166) to the District's Sewer Service Area. Prior to development of Phase 2 of the proposed subdivision, the "2nd Interlocal Sewer Service Agreement Between Spokane County and Liberty Lake Sewer and Water District", dated November 27, 2001, should be amended to add this area into "Area A" in "Exhibit A" of the Agreement.

49. Sewer plans acceptable to the Spokane County Division of Utilities / LLSWD shall be submitted prior to the issuance of the sewer connection permit, as applicable.

50. Water demands and sewer flows cannot be determined at this time and LLSWD's agreement to provide sewer and water service is contingent upon review and approval of final design plans and calculations establishing demands and flows.

51. At the time of or prior to final plat submittal, a water plan with hydrant placement in conformance with the International Fire Code (IFC), as amended, shall be supplied to the City and Fire District #1. The size of the water mains shall be indicated on the water plan. The water plan must be approved by the City prior to recording the final plat.

52. Hydrant placement and emergency access shall be consistent with the International Fire Code (IFC), as amended and as interpreted by the City. A signature block on the water plan may be utilized in lieu of the approval letter.

53. Prior to the issuance of the initial building permit(s), the applicant shall submit to the City, documentation signed by the water purveyor and Fire District #1 stating that the public water system has been installed, tested, and accepted, including the fire hydrant(s) as operational.

54. Appropriate street name(s), approved by the City, shall be drafted on the face of the final plat. No street name shall be used which will duplicate or be confused with the names of existing streets in Spokane County, except extensions of existing streets may be permitted.

55. The street address for each lot shall be indicated on the face of the final plat. The City reserves the right to confirm the actual address at the time a building permit is issued.

56. Addresses shall be posted so they are visible from adjoining streets during and after construction. Numbers shall be a minimum 4" tall and contrasting to background.
57. If gates are proposed, a "to scale" drawing shall be submitted. The gate shall be reviewed for compliance with the International Fire Code (IFC), as amended.
58. Prior to recording the final plat, the sponsor shall demonstrate to the satisfaction of the Spokane Regional Health District that an adequate and potable water supply is available to each lot of the plat.
59. If the requested plat is approved, the Community Development Director will review to ensure Transportation Concurrency.

DATED this 30th day of October 2014.



Brian T. McGinn
City of Liberty Lake Hearing Examiner Pro Tem

NOTICE OF RIGHT TO APPEAL

Type III Project Permits: The Hearing Examiner's decision is a recommendation to the City Council and the City Council conducts an additional "closed record" public hearing at a regularly scheduled City Council meeting to render the final decision. A motion for reconsideration by the Hearing Examiner may be submitted to the City within fourteen (14) calendar days from the date of the Hearing Examiner's recommendation decision. The motion for reconsideration shall be reviewed and decided upon by the Hearing Examiner prior to scheduling the City Council decision hearing.

The date of the Hearing Examiner's recommendation decision is October 30, 2014.

In addition to paying the appeal fee to appeal the decision, the appellant may be required to pay a transcript fee to the City of Liberty Lake to cover the costs of preparing a verbatim transcript and otherwise preparing a full record.