

## Memorandum

To: Mayor and City Council

From: Roger Krieger

Date: May 12, 2020

Re: Special Use Permit Request 2019-04

This request submitted by Robert Mathews has been acted on after a Public Hearing before the Planning Commission. The Special Use Permit as requested is provided for in the Zoning ordinance of the City, as in some instances the private sector may need to use city property for other uses than what the property was initially intended for. A special use permit provides for consideration of factors affecting the suitability for the proposed activity. A use of a platted undeveloped public right-of-way for private access to private property like this request is an example of the intent of this section of the code.

The City has previously issued similar permits for parcels of land off of S. Mission Street as well as W. Seventh Street, without issues being raised from the decision.

The code section dealing with this issue is chapter 18.84. The ordinance places the Commission as the body to conduct the public hearing and then make recommendation to the Council the approval with conditions as may be developed, or denial if not in the best interest of the City. The Commission by a vote of the members in attendance approved the request as submitted, adopted the findings of fact and recommend approval of the Council.

Once the Commission completed the above phase, the City Attorney prepared the attached Special Use permit, the fees have been paid within the agreement and document signed by the applicants. Action of the Council is needed to adopt the Special Use Permit as presented.

Filed for and return to:

City of Deer Park  
Attn: City Clerk-Treasurer  
P.O. Box F  
Deer Park, WA 99006

The information contained in this boxed section is for recording purposes only pursuant to RCW 36.18 and RCW 65.04, and is not to be relied upon for any other purpose, and shall not affect the intent of or any warranty contained in the document itself.

**Grantor(s):** City of Deer Park, a Washington Municipal Corporation  
**Grantee(s):** Robert C. and Deborah A. Mathews, Husband and Wife  
**Reference Number(s) of Documents Amended or Released:** N/A  
**Abbreviated Legal Description:** Lots 8 and 9, Block 17, Arcadia Orchards Co. First Addition to Deer Park, Volume "P" of Plats, records of Spokane County.  
**Legal Description:** See attached Exhibit "A"  
**Assessor's Parcel Number(s):** 28024.1706

**ROBERT AND DEBORAH MATHEWS  
SPECIAL USE PERMIT**

This Special Use Permit Agreement ("Agreement") is entered into by and between the City of Deer Park, a Washington municipal corporation ("City"), and Robert C. and Deborah A. Mathews, husband and wife ("Applicant"). Sometimes the City and Applicant are collectively referred to as the "Parties" or individually as a "Party".

**I. RECITALS**

1.1 The Applicant applied for a Special Use Permit with the City pursuant to Deer Park Municipal Code ("DPMC") Chapter 18.84 for the purpose of using undeveloped City right-of-way known as the undeveloped South Reiper Street connection to East D Street as a driveway to serve the Applicant's property, Spokane County Assessor's Parcel No. 28022.1706, 306 S. Reiper street, as described in the application for Special Use Permit No. 2019-04 on file with the City and as legally described in Exhibit "A" to this Agreement (the "Property").

1.2 The Planning Commission held a duly noticed public hearing and following the public hearing recommended approval of the Special Use Permit as further described and conditioned in this Agreement.

1.3 The City and Applicant agree that the terms of this Agreement are a fair and reasonable alternative to requirement by the City for the Applicant to complete construction of full or half street right-of-way improvements to serve the proposed single family development of the Applicant's Property.

## II. AGREEMENT

Now, therefore, the City and Applicant agree as follows:

2.1 **Recitals.** The Recitals set forth above are, by this reference, incorporated in this Agreement as if set forth in full herein.

2.2 **Warranty of Title.** The Applicant warrants that the Applicant is the owner of the Property.

2.3 **Special Use Permit Granted.** The Applicant is provided non-exclusive use of a portion of undeveloped South Reiper Street for the purpose of installing and using an asphalt driveway to serve the single-family residence to be constructed by the Applicant on the Property. The portion of South Reiper Street to be used by the Applicant pursuant to the terms of this Agreement is the area identified as "REIPER/DIVISION ST." in the December 30, 2019 Record of Survey recorded in book 178 of Surveys at page 92 under Spokane County Auditor's File Number 6878326 and on file with the City in Special Use Permit file No. 2019-04. The final location of the driveway shall be identified with an as-built survey provided by a licensed land surveyor, and shall be a maximum of twenty (20) feet in width and extend approximately 250 feet north from the northern edge of East D Street and shall not extend north of the Property.

2.4 **Non-exclusive Use.** The Applicant's use of the undeveloped City right-of-way pursuant to this Agreement shall be non-exclusive. Following construction of the Applicant's driveway, the use of the driveway shall not be exclusive to the Applicant.

2.5 **Term and Termination.** The Term of this Agreement shall be perpetual, but this Agreement may be terminated by the City in the event the Applicant fails to comply with the terms of this Agreement. In the event the City, or others with the permission of the City, construct improvements to the public right-of-way where the Applicant's driveway will be located pursuant to this Agreement, the Applicant shall be permitted to continue to use the right-of-way area as a driveway to the Applicant's Property until such time as the right-of-way improvements are completed. After completion of the right-of-way improvements to the then applicable City standards, the City and the Applicant may terminate this Agreement in writing.

If the Applicant ceases to use the right-of-way to access the Applicant's Property, the Applicant may apply to the City to terminate this Agreement and the City shall not unreasonably withhold consent to the Applicant's request. The Applicant shall pay the cost of preparing and recording termination of this Agreement if the Agreement is terminated by the Parties.

2.6 **Vacation of Right-of-way.** The City will not vacate the right-of-way where the Applicant's driveway is located during the Term of this Agreement, without the express written consent of the Applicant.

2.7 **Maintenance and Repair of Driveway.** Public utilities may currently be located or may in the future be installed within the right-of-way where the Applicant's driveway will be constructed. The City and other public utility providers using the right-of-way shall be required by the City to repair asphalt removed during maintenance, repair, or installation of public utilities, but shall have no obligation to make any other repairs to the improvements that may be placed in the City right-of-way by the Applicant.

2.8 **Insurance.** During the Term of this Agreement, the Applicant shall maintain premises liability insurance in a form and with an insurance provider acceptable to the City with aggregate limits of not less than one million dollars per occurrence and per claimant which insurance shall identify the City as an additional insured. The Applicant shall provide the City with a Certificate of Insurance within 30 days following the Effective Date of this Agreement and annually thereafter. The City may increase the limits of liability required by this provision by no greater than fifteen percent one time every ten years beginning January 1, 2030.

2.9 **Indemnification.** All use of the City right-of-way pursuant to the terms of this Agreement shall be at the sole risk of the Applicant and the Applicant agrees to indemnify the City and hold it harmless against any and all claims, demands, expenses, costs and judgments arising from the loss of or damage to improvements on the Property or injury to or death of any person or persons occurring directly or indirectly from the Applicant's use and/or maintenance of the right-of-way improvements during the Term of this Agreement. The Applicant shall also be responsible for the payment of all fees, costs, and expenses reasonably incurred by the City in defending the City against any claim or action identified in this indemnification provision.

2.10 **Compliance with Laws.** The Applicant agrees to comply with all federal, state and local laws and regulations pertaining to the Applicant's use of the City right-of-way pursuant to this Agreement.

2.11 **Construction of Improvements.** No improvements shall be constructed or maintained within the City right-of-way except as specifically identified in this Agreement or hereafter agreed to by the Parties in writing.

2.12 **Fees.** The Applicant shall pay the City a one-time non-refundable fee of \$1,500.00 dollars prior to approval of this Agreement by the City and annually, beginning on or before April 1, 2021 and each year thereafter shall pay the City a Special Use Permit fee of \$100.00 dollars during the Term of this Agreement. The annual Special Use Permit fee may be adjusted by Resolution of the City Council from time to time but shall not be increased more than three percent in any one year during the Term of this Agreement.

2.13 **Covenant for Quiet Use.** Nothing contained in this Agreement shall imply or import a covenant on the part of the City for quiet enjoyment, and the City shall have no obligation to intervene in any dispute between the Applicant and third parties who may use the Applicant's improvements constructed within the City right-of-way.

2.14 **Access Rights.** The City, and its successors and assigns, shall have the perpetual right at all times to enter upon the right-of-way where the Applicant's driveway is located for all purposes deemed necessary by the City.

2.15 **Unauthorized Activities.** Any activities by the Applicant not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this Agreement, which may result in the termination of this Agreement by the City.

2.16 **Notices.** Any notices to be given hereunder by either Party may be affected either by personal delivery, in writing, or by mail, registered or certified, postage prepaid with return receipt requested. Notices delivered personally shall be deemed communicated as of actual receipt, mailed notices shall be deemed communicated three days following the date of mailing. All notices shall be sent to the following address, unless actual notice in writing of a different address for notices is received by the other Party.

If to the City:                      City of Deer Park  
   Attn: Community Service Director  
   P.O. Box F  
   Deer Park, WA 98806

If to Applicant:                      Robert C and Deborah A. Mathews  
   P.O. Box 13  
   Mead, WA 99021

2.17 **Attorney's Fees.** In any action brought by either Party arising out of the existence of or to enforce or interpret this Agreement, the substantially prevailing Party shall, in addition to such other award and judgment entered by the court, be entitled to an award of reasonable attorney's fees and costs against the non-substantially prevailing Party.

2.18 **Venue.** Venue for any legal action arising out of this Agreement shall be in the Superior Court of the State of Washington in and for Spokane County.

2.19 **Recording-Successors and Assigns.** This Agreement shall be recorded by the City with the Spokane County Auditor, shall run with the Property, and shall be binding on the successors and assigns of the Parties.

2.20 **Entire Agreement.** This Agreement contains the entire Agreement between the Parties concerning the Applicant's use of the City right-of-way identified herein to serve the Applicant's Property with an asphalt driveway and this Agreement may only be modified by a subsequent written agreement signed by the Parties.

2.21 **Effective Date.** The Effective Date of this Agreement shall be the date it is approved by the City Council.

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APPROVED BY THE CITY COUNCIL OF THE CITY OF  
DEER PARK, WASHINGTON AT AN OPEN PUBLIC  
MEETING THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
MAYOR TIMOTHY VERZAL

STATE OF WASHINGTON     )  
  ) ss.  
COUNTY OF SPOKANE     )

I certify that I know or have satisfactory evidence that Tim Verzal is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Deer Park to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
(Print Name)

My Appointment Expires: \_\_\_\_\_

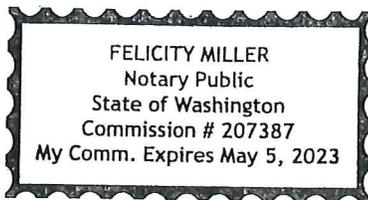
APPROVED BY APPLICANT:

*Robert C. Mathews*  
Robert C. Mathews

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Spokane )

I certify that I know or have satisfactory evidence that Robert C. Mathews is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/12/2020



*Felicity Miller*  
NOTARY PUBLIC  
Felicity Miller  
(Print Name)  
My Appointment Expires: 5/5/2023

APPROVED BY APPLICANT:

Deborah A Mathews  
Deborah A. Mathews

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Spokane )

I certify that I know or have satisfactory evidence that Deborah A. Mathews is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/12/2020



[Signature]  
NOTARY PUBLIC  
Felicity Miller  
(Print Name)  
My Appointment Expires: 5/5/2023

**EXHIBIT "A"**

**LOTS 8 and 9, BLOCK 17, ARCADIA ORCHARDS CO. FIRST ADDITION TO DEER PARK, AS PER PLAT  
RECORDED IN VOLUME "P" OF PLATS, PAGE 9, RECORDS OF SPOKANE COUNTY;**

**SITUATE IN THE CITY OF DEER PARK, COUNTY OF SPOKANE, STATE OF WASHINGTON**

**STAFF REPORT**

TO: Deer Park Planning Commission                      PREPARED BY: Roger Krieger  
RE: Special Use Application 2019-04                      DATED: February 20, 2020  
TYPE: Planning Commission Approval                      LOCATION: 306 S. Reiper Street

**GENERAL INFORMATION**

Applicant: Robert Mathews  
PO Box 13, Mead, WA 99021

Status of Applicant: Owner

Requested Action/Purpose: Special Use Permit for approval for construction of a driveway within the S. Reiper Street right-of-way, giving access to Tax Parcel 28024.1706.

Size: The roadway proposed would be located within the undeveloped S. Reiper Street Right-of-way, which is 60 feet in width. The dimensions of the proposed hard surfacing improvements are 20 feet in width and extend approximately 250 North of East D Street.

Physical Characteristics: Land is generally flat in character, with a gravel driveway currently swerving the Dwelling at 328 S. Reiper Street, Tax Parcel 28024.1705.

Transportation: The proposed driveway to the dwelling from D Street will be the only access to the lot, until such time as the right-of-way is improved with a City Street serving the parcels to the North.

Utilities and Services: Water – not provided in the noted right-of-way, but located along the North boundary of the parcel.

Wastewater – The wastewater collection main for these parcels is located within the alley to the West of the parcel. This this right-of-way is not available for vacation, due the service area of the street to the North of the parcel in question.

Power – Avista Utilities or Inland Power and Light may require use of the right-of-way in the future.

Natural Gas – Avista Utilities may require use of the right-of-way in the future.

Telephone and Cable – Telephone cable as well as Comcast television may require use of the right-of-way in the future.

Existing Zoning: Residential 2A.

Surrounding Use/Zoning:  
North: Partially developed land, residential zoned R2A.  
West: Developed land, residential zoned R2A.  
South: Developed land, residential zoned R2A.  
East: Developed land, residential zoned R2A.

Comprehensive Plan Designations: Single Family Residential.

### **ANALYSIS**

There are some instances when the private sector needs to use city property for uses other than what the property was initially intended for. A special use permit provides for consideration of factors affecting the suitability of the proposed activity. A use of platted undeveloped public right-of-way for private access to private property is an example of the intent of this code section of municipal code.

S Reiper Street was created and dedicated to the city with the subdivision and creation of the lots within the Arcadia Orchards Company First Addition Plat filed several years ago. Original layout of the lots should have also included construction of the roadway between East D Street and East Crawford Avenue. To date however, street improvements have not been completed. During development of the dwellings on Evergreen Street and those dwellings located on S. Mission Street, water and wastewater main extensions were provided to those lots with frontage on a improved street. Vacation of the right-of-way to adjacent owners is not recommended by city staff due to the unimproved property still available within the area.

The site plan provided shows the preferred paved driveway location into the lot for development, this alignment follows a cleared access route to the proposed dwelling. Property corners are present within the area, so improvements will be easily placed within the city right-of-way.

As noted within the application, the applicant understands the City's use of the right-of-way for continued use and maintenance of the water line in the area and acknowledges the future development to the north of his lot and impacts to the improvements he will place along the route.

### **RECOMMENDATION**

The public hearing process will uncover issues of concern for application such as this in a residential neighborhood. The application as submitted and reviewed appears to address elements of the ordinance, but specific approval by the Commission with final recommendation to the City Council is required on the request.

In granting any special use permit, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the ordinance of the City and for Council concurrence in the agreement to be completed.

It is the recommendation of Staff that Special Use Permit request 2019-04, be heard at the public hearing process and final action on the application completed within the time limits of the ordinance and recommendation made to the City council for action with possible conditions as noted below:

Conditions for consideration:

1. As-built survey prepared showing all improvements within the right-of-way to adequately determine the final location of the driveway.
2. Building permits may be granted before all improvements are in place, but no occupancy of any structure is permitted until work within the public right-of-way is approved by the City.

### **ATTACHMENTS**

1. Special Use Permit application 2019-04, dated September 25, 2019.
2. Special Use Permit maps and attachments.

CITY OF DEER PARK  
DEER PARK MUNICIPAL CODE CHAPTER 18.84

APPLICATION FOR  
SPECIAL USE PERMIT

Date Received: 25 Sept. 2019 File Number: 2019-04  
Date Accepted: 9/30/19 By: [Signature]  
Total Fees: 300.00 Receipt Number: 35378

A. GENERAL INFORMATION

Name of Applicant: Robert C Mathews  
Mailing Address: PO Box 13 Mead WA 99021  
Phone: (509) 994-4934 Fax: my email: Firerob1159@gmail

Site Area of Proposed Use (Acres or Square Feet): 12,575'  
Street Address of Proposed Use: 306 S Reiper St  
Comprehensive Plan Designation: NA  
Existing Zoning: R-2A  
Existing Use of City Property (Describe): Non developed portion of Reiper Ave. Not being used by the city.  
Proposed Use of City Property (Describe): private driveway (50') to access 306 S. Reiper, extending off used portion of Reiper,  
List Previous City Actions Involving This Property: No previous actions since being platted

B. INFORMATION AND MATERIALS -- DPMC CHAPTER 18.84

Location of Proposed Project: 55' Extension off Reiper Ave  
Section: 02 Township: 28 Range: 42  
Name of Public Street(s) Providing Access: D St and Reiper Ave  
Width of Property Fronting on Public Street(s): 140' 306 S Reiper Ave  
Legal Description (attach legal description stamped by Licensed Surveyor):  
Arcadia Orchards Co 1st Addition to Deer Park  
Lts 8 and 9 Bk 17

Fully explain the nature of the special use permit requested: By ~~From~~ extending 55' off of Reiper Ave that services 328 S. Reiper Ave, approve the installation of a private driveway 20' wide so access can be given to 306 S Reiper. to build a S.F.R. (See Attached)

## Fully explain the nature of the special use permit requested:

**Objective:** Seeking approval to extend a private driveway off the end of Reiper Ave for access purposes to lot 306 S Reiper Ave. Access to lot 306 S Reiper would provide the ability to build a single family residence.

**Details:** Currently Reiper Ave runs north off D street and serves the residence of 328 S Reiper Ave. It is a dirt road 20' wide and 169' long which runs the entire length of their property. Reiper then dead ends into a large field which includes unimproved lots 306 and 204 S Reiper Ave. A 20' wide unimproved alley runs between 328 S Reiper Ave and 306 S Reiper (subject lot), east to west. 306 S Reiper's lot dimensions are 140' in length and 82' in depth at the south end (runs along the alley) and 90' on the north end. The private driveway would be a 55' extension off the end of Reiper Ave by 20' in width. The 55' driveway would travel past the 20' alley and 35' into 306 S Reiper for the driveway into the home. The road surface would be asphalt and conform to city/county codes. Also, in order to meet the guidelines of Deer Park City street codes, the 20' width asphalt would not only include the purposed 55' private driveway but also the full 169' length of 328 S Reiper. It would finally tie into D street to the south. The total paved feet would be 224' and would include the approach entrance to the future house on 306 S Reiper. See attached drawing.

### **Notes:**

- The portion of Reiper street that serves 328 S Reiper off D-street ends at the end of that lot. It simply turns into a field on the south east corner of 306 S Reiper.
- Although the minimum width for private driveways in Spokane County is 12', I felt it would serve all parties better to increase the width to 20'.
- A driveway maintenance agreement would be created to spell out the responsibilities for each property owner in regards to servicing the driveway. However, since the private driveway starts near the beginning of the subject lot, it would stand to reason maintenance of the 55' extension would be entirely their responsibility.
- If approved, I would like to request for a 12 month period (or longer) to allow for a building permit to be pulled.

Attach information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required findings of fact exist with respect to the proposed special use permit.

If the nature of the special use permit request dictates a need for a State Environmental Policy Act (SEPA) checklist, as determined by the City, attach said checklist to the special use permit application.

In completing the following, attach additional sheets as necessary.

1. Explain why the special use activity would not have adverse influences on the affected City property, on surrounding public and private properties, and on the environment: \_\_\_\_\_

*See attached*

2. Explain why the special use requested will not cause damage to adjacent property, decrease property values, create excessive noises, or create other nuisances: \_\_\_\_\_

*See attached*

3. Explain how adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are or will be provided for the proposed special use: \_\_\_\_\_

*See attached*

4. Explain how long the special use is intended to occupy the City's property, and to what extent the special use would diminish the City's use of said property for its municipal purposes: \_\_\_\_\_

*See attached*

5. Explain how environmental impacts have been disclosed and measures have been ensured to reduce possible adverse impacts: \_\_\_\_\_

*See attached*

1. The main reason a private driveway would not have adverse influence on the affected City property is Reiper's right of way was originally earmarked by the approved first platted Arcadia development to be an access way to the northern lots off D-street. This private driveway is simply fulfilling the original access intent to a smaller extent. The driveway does not have any effect on surrounding public properties other than bringing more families to the area to support commerce. It will not harm surrounding private properties due the drive way would not be encroaching on their lots.
2. Approval of the private drive way extension off Reiper will not cause damage to the adjacent properties but in fact improve them. It will improve 328 S Reiper to the south by improving the pot hole ridden, unlevel dirt road with a new asphalted surface. I was able to speak with the owner, Sarah Watts and she was happy for the paving and in full support of building on 306 S Reiper.

Also having a home at 306 S Reiper will allow the Watts to know who is coming and going past their home. Currently vehicles will park at the end of Reiper with no apparent reason of being there. Since this area is secluded and difficult to access for Law Enforcement, it carries the potential for mischief and crime. It is a potential problem to the neighborhood by being uncared for, undeveloped, nor serving a purpose.

3. All public utilities have already been installed on the subject property and do not run across or along the proposed private driveway. Sewer and power are on the back side of the property in a designated alley. The water main runs along C Street which is north of the subject lot and is not near the private driveway. This private driveway will not affect the ability to access or service these utilities. Nor will affect neighboring lot utility usage or future development.
4. The drive way special use permit will be utilized for as long as it serves 306 S Reiper. Once a home is built on said subject property, it will be on the only way to gain access to the property. The special use will not diminish the City's use of said property for municipal purposes because the drive way does not change or alter the ability of the city to develop Reiper into a fully functioning city street. It is simply improving a 1/3 of the original access road. If at a later time a developer or City would like to make Reiper in a full 60' wide street, then they would use the private driveway as part of its infrastructure for the building of the street.

It is important to note that this lot and the two others to the north have not been developed in the past due to the high costs for full city street requirements. The estimate to improve is in the hundreds of thousands of dollars for current R-2 zoning requirements with full streets from D-st. Minimum lot sizes are 10,000 sqft. Builders/Developers do not see the benefit to sink that much money where only 3 single family residences can be built. These lots will remain vacant and a nuisance to the surrounding neighbors if left undeveloped. Simply put there is not a cost benefit to build full city street down Reiper. The most reasonable solution is the private driveway that serves a safe access at a fraction of the costs.

The most likelihood of any improvement to Reiper Ave would be off Crawford Ave since a large portion of zoning is R3A which allows for multi family residences. There could be an argument for developing it in to a full street but with a turnaround half way down where R3A zoning changes to R2A on the west side. There would not be a benefit to develop a full street on the south end of Reiper (from D st north) since it would only serve single family residences. Also there is an additional expense to develop south Reiper Ave by having to remove all the mature trees. The roots are well established. Developing South Reiper Ave is undesirable due to the high costs to clear/build and the few single family residence it would serve. (see map-overview of Reiper)

5. Environmental impacts to paving existing Reiper and including a 55' private driveway extension will be non-existent due to adhering to code requirements. Minor water run off would slope to the sides and into the soil. The drive way is only 20' wide so the water would not be an issue.

**In addition**, this lot and alley have historically been overgrown with heavy grass and brush. They present a fire risk to the adjoining neighborhoods and also carry noxious weed growth. Since this area is secluded and difficult to access for Law Enforcement, it carries the potential for mischief and crime. It is an eye sore to the neighborhood by being uncared for and not serving a purpose.

**The third** benefit with a private drive is the mature large trees that run down the middle of Reiper would not have to be removed. If Reiper avenue was to be developed into a full blown street, then the century old trees would need to be removed to allow for the width needed to meet current street code requirements. These trees not only add beauty to the neighborhood (especially with the fall colors) but also provide needed summer shade to the homes situated on the east. I spoke with one neighbor who has lived there for several years and he stated the trees provide a safe haven for the birds and adds privacy and shade to his home.

C. APPLICANT AUTHORIZATION

I, the undersigned, swear or affirm, under penalty of perjury, that the above responses are made truthfully and to the best of my knowledge. I further swear or affirm that I am the sole applicant for the special use permit on City property, and that no other usage of City property is represented or intended.

Signature: Robert C Mathews Date: 9/24/19

Name (Print): Robert C Mathews

Address: P.O. Box 13 Mead WA 99021

Phone: 509 994-4934

State of Washington )

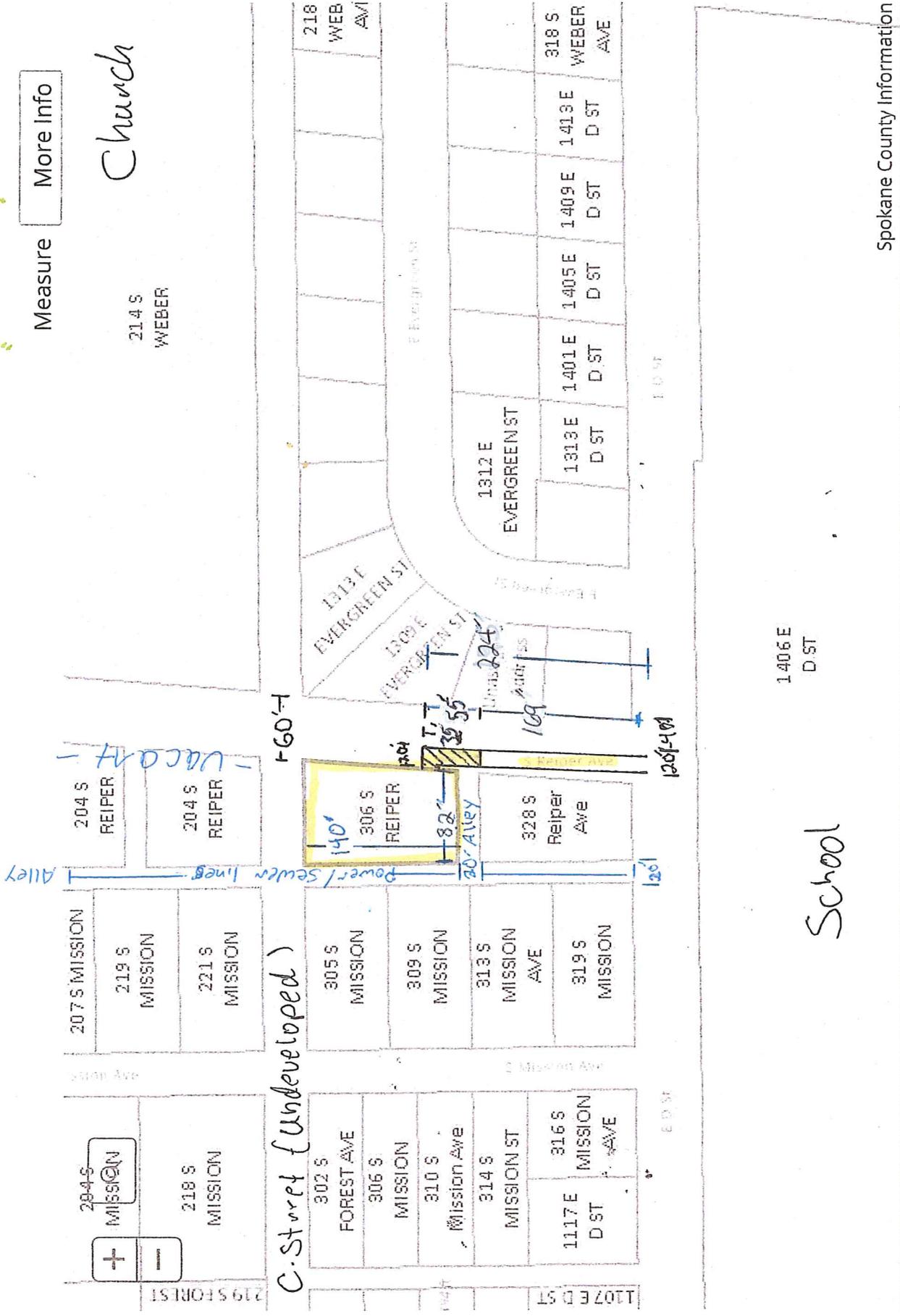
SS

County of Spokane )

Signed and sworn or affirmed before me on this 24<sup>th</sup> day of September, 2019, by Robert C Mathews



Meghan K Parker  
Notary Public in and for the State of Washington  
Residing at: Stevens City  
My Appointment Expires: 02-09-2023



Measure

Church

214 S WEBER

C-Street (undeveloped)

School

Spokane County Information

- 
- 
- 
-



Mission Ave

School

306 \*

304

Sewer  
Power

Water

S Reber Ave

C St

Church

E Evergreen St

ED St

3

1

4

2

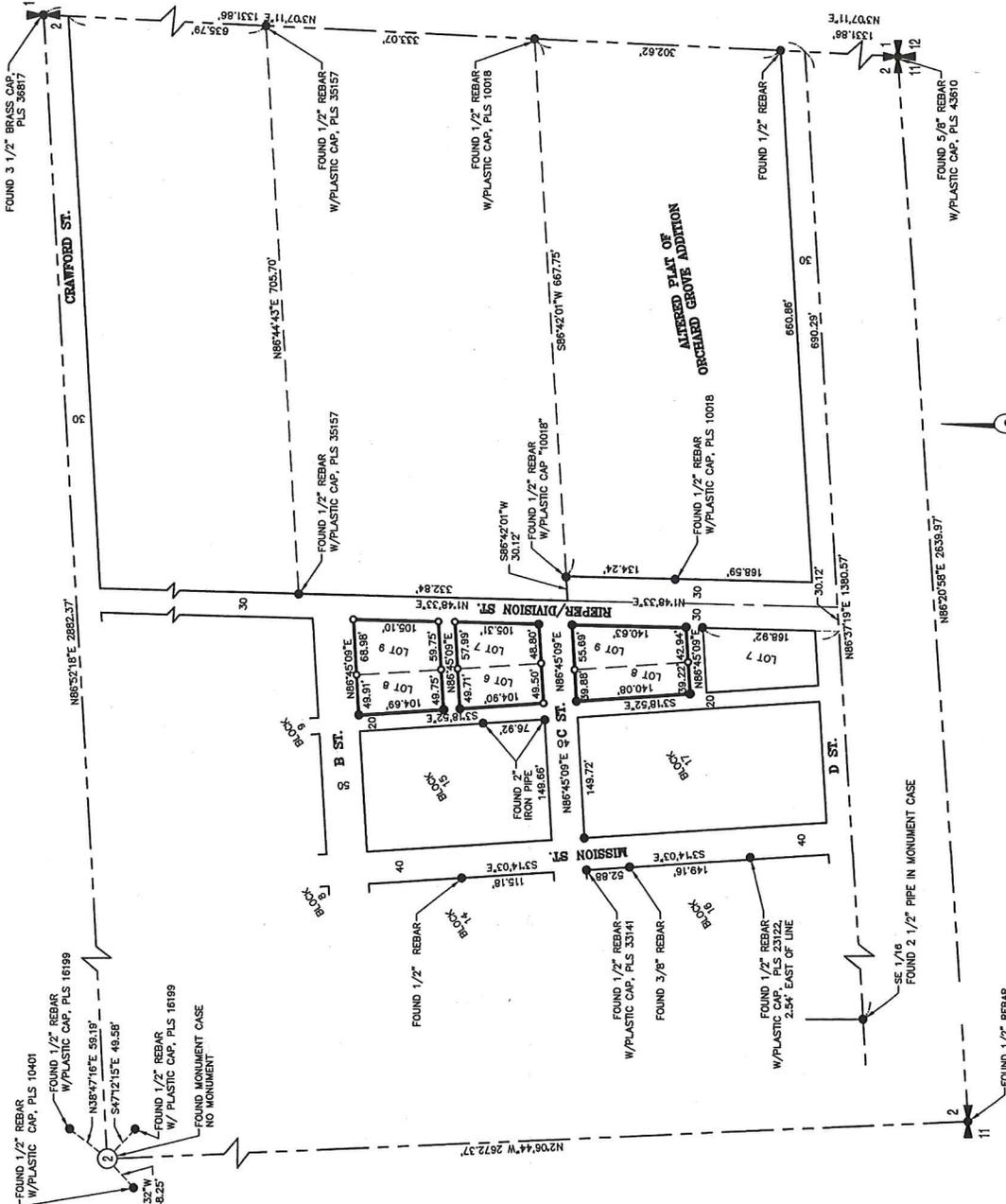
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687826

# RECORD OF SURVEY

LOTS 6 - 9, BLOCK 15 AND LOTS 8 AND 9, BLOCK 17, OF REVISED PLAT OF ARCADIA ORCHARDS CO. FIRST ADDITION (BOOK P OF PLATS, PAGE 9), IN THE NORTHEAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 02, TOWNSHIP 28 NORTH, RANGE 42 EAST, W.M., CITY OF DEER PARK, COUNTY OF SPOKANE, WASHINGTON



**AUDITORS CERTIFICATE**  
FILED FOR RECORD THIS 23<sup>RD</sup> DAY OF DECEMBER 2019 AT 2:27 MINUTES PAST 2 O'CLOCK P.M. AND RECORDED IN BOOK 19-085 PAGE 1824 OF THE RECORDS OF SPOKANE COUNTY, WASHINGTON, AT THE REQUEST OF STORHÄUG ENGINEERING.  
SPOKANE COUNTY AUDITOR OR DEPUTY

**BASIS OF BEARING:**

AN ASSUMED BEARING OF N03°07'11"E BETWEEN FOUND MONUMENTS AT THE POINTS OF THE EAST SECTION CORNER AND THE EAST QUARTER CORNER AS SHOWN HEREON.

**SURVEYOR'S NOTES:**

THIS DRAWING DOES NOT ATTEMPT TO SHOW ALL EASEMENTS OF RECORD, PRESCRIPTIVE EASEMENTS, OR PHYSICAL FEATURES OF THE PROPERTY.

**PROCEDURES & EQUIPMENT:**

PER MAC 332-130-090, FIELD TRAVERSE PROCEDURES FOR LAND BOUNDARY SURVEYS MUST BE UTILIZED AND THE STANDARDS SET FORTH THEREIN WERE MET OR EXCEEDED.

PER MAC 332-130-100, EQUIPMENT AND PROCEDURES, AN ANNUALLY CALIBRATED TOTAL STATION WAS UTILIZED IN THE FIELD TRAVERSE PROCEDURES.

**SURVEY REFERENCES:**

PLAT OF ARCADIA ORCHARDS CO. BOOK P OF PLATS, PAGE 9  
ALTERNATE PLAT OF ORCHARD GROVE ADDITION, BOOK 16 OF PLATS, PAGE 56  
RECORD OF SURVEY, BOOK 67 OF SURVEYS, PAGES 43 - 44  
RECORD OF SURVEY, BOOK 71 OF SURVEYS, PAGE 48  
RECORD OF SURVEY, BOOK 124 OF SURVEYS, PAGE 50  
RECORD OF SURVEY, BOOK 189 OF SURVEYS, PAGE 89  
RECORD OF SURVEY, BOOK 173 OF SURVEYS, PAGE 53

**PURPOSE OF SURVEY:**

THE PURPOSE OF THE SURVEY IS TO MONUMENT THE LOT CORNERS OF THE SUBJECT PROPERTY AS SHOWN HEREON.

**SURVEYOR'S CERTIFICATE**

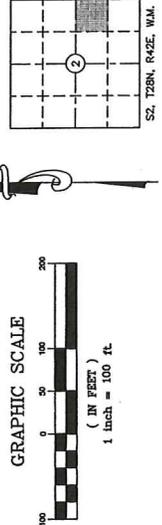
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF ROBERT MATTHEWS.

*[Signature]*  
ROBERT MATTHEWS  
PLS 48373



DATE	12/30/2019	SCALE	1" = 100'
FIELD BOOK	19-085	DRAWN	KSN
PROJECT NUMBER	19-085	DRAWING NO.	1 OF 1

**storhäug**  
civil engineering planning  
landscape architecture surveying  
510 east third avenue | spokane, wa | 99202  
p. 509.242.1000 | f. 509.242.1003



- LEGEND:**
- FOUND 1/2" IRON PIPE UNLESS OTHERWISE NOTED.
  - SET 1/2" REBAR W/PLASTIC CAP, PLS 48373
  - SUBJECT PROPERTY BOUNDARY
  - EXISTING PROPERTY LINE
  - RIGHT-OF-WAY LINE

C-Street (unimproved)



89.5'

Site Plan

70'

140'

45'

Footprint for 306 S. Reiper  
2,075' sqft - SFR

60'

135'

25' x 25'  
Garage

25'

Reiper →  
← Reiper

35'

55'

10'  
Setback

10' Setback

25'  
Front yard Setback

20'

82'

20'

Alley (unimproved)

Utility Easement Alley -



**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, RECOMMENDATION**

**CITY OF DEER PARK  
SPECIAL USE PERMIT  
APPLICATION NO. 2019-04**

In regards to findings requirements under Chapter 18.84 of the Deer Park Municipal Code, the Planning Commission of the City of Deer Park hereby finds and concludes the following with respect to Special Use Permit Application No. 2019-04:

1. The Special Use Activity (~~will or will not~~) be detrimental to the affected City property, surrounding public and private properties, and the environment, in that: The proposed use is within a unimproved dedicated street right-of-way where City improvements and local utility providers work could occur at any time. Further, the residence located at 328 S. Reiper Street will continue to enjoy access from the driveway now located within the right-of-way and will benefit from the improvements proposed within this requested permit.
  
2. The Special Use requested (~~will or will not~~) cause damage to adjacent property, decrease property values, create excessive noises, or create other nuisances in that: A condition of approval will require a surveyor to provide an as-built survey of all improvements to assure they stay within the boundary of the right-of-way, and the driveway is proposed to access a new parcel for development at 306 S. Reiper Street, as well as improve the approach to an existing dwelling utilizing the right-of-way for access for a number of years at 328 S. Reiper Street, thus creating no other environmental concerns than any other typical dwelling.
  
3. Duration of the Special Use, or other characteristics of the special use (~~will or will not~~) diminish the City's use of said property for its municipal purposes in that: No City infrastructure is currently located within the right-of-way areas proposed for improvements, nor will future use of the right-of-way be impeded as the applicant is aware of future potential uses required by the City for public infrastructure improvements.

The Planning Commission of the City of Deer Park does hereby recommend to the City Council the following based upon the aforementioned findings and conclusions:

**Approval Option**

Special Use Permit Application 2019-04 is hereby recommended for approval subject to the following conditions:

1. Final location of the hard surface driveway improvements required under the zoning code shall be identified and depicted on a as-built survey provided by a licensed land surveyor, and shall be a maximum of twenty (20') feet in width, and extend approximately 250 feet

North from the Northern edge of E. D Street, and within the center most portion of the S. Reiper Street right-of-way.

2. Provisions within the permit as prepared by the City Attorney shall include security for continued access to the right-of-way for unencumbered driveway access for the current residential dwelling located at 328 S. Reiper Street.

**Denial Option**

Special Use Permit Application No. \_\_\_\_\_ is hereby recommended for denial.

Adopted this 24<sup>th</sup> day of February, 2020.



\_\_\_\_\_  
Planning Director



\_\_\_\_\_  
Planning Commission Chair Person