



DEVELOPMENT SERVICES CENTER
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My.SpokaneCity.org

October 18, 2019

Tim Bush – Bush Living Trust
520 W Columbia Dr.
Kennewick, WA 99224

Re: Bush Car Wash Preliminary Binding Site Plan – File No. Z19-151PBSP

Dear Mr. Bush:

In accordance with the provisions of the Spokane Municipal Code 17G.080.060, the Bush Car Wash Binding Site Plan application is hereby granted an Administrative Approval, subject to conditions, to divide one 4.54 acre parcel into 7 parcels for a new Bush Car Wash, Roasters Coffee and five additional buildings located at 9014 W. Hilton Avenue. A final binding site plan shall be submitted that is substantially in conformance with the approved preliminary binding site plan and will be processed per SMC 17G.080.040(G).

This Preliminary Binding Site Plan Permit shall become effective on **November 1, 2019**, unless an appeal is filed by this date. This permit shall expire on **October 18, 2024** if a final binding site plan application has not been submitted or an extension prior to the expiration date has not been requested.

This is not a construction permit. Any permits required by the Development Services Center or Engineering Services Department or other City/County departments for any construction must be obtained from the proper agency before proceeding with work.

Enclosed are the decision, approval with conditions, and elements to be included as part of a final binding site plan submittal for the above property.

Please feel free to contact me at (509) 625-6063, if you have any further questions related to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Owen", written over a light blue horizontal line.

Melissa Owen
Assistant Planner II

CC: Dermott Murphy, Building Department
Mike Nilsson, Engineering Services
Patty Kells, Engineering Services
John Sawyers, Engineering Services
Dave Kokot, Fire Department

**CITY OF SPOKANE PLANNING DIRECTOR'S FINDINGS OF FACT,
CONCLUSIONS, AND DECISION**

Tim Bush, on behalf of Bush Living Trust, has requested an Administrative Preliminary Binding Site Plan Permit to divide one (1) 4.54 acre parcel into seven (7) parcels for future development located at 9014 W. Hilton Avenue, Spokane, WA. (NW ¼ Section 29, Township 25 North, Range 42 East Willamette Meridian)

FINDINGS OF FACT

1. Tim Bush, on behalf of Bush Living Trust has requested an Administrative Preliminary Binding Site Plan Permit to divide one (1) 4.54 acre parcel into seven (7) parcels for future development located at 9014 W. Hilton Avenue, Spokane, WA.
2. The subject property is located in the LI (Light Industrial) Zone and several airfield overlay zones including ACZ-3, MIA 2/4, and Noise Impact Area. Binding Site Plans are a permit process allowed for industrial zones. The uses and development pattern proposed are permitted in this zone per SMC 17C.130 subject to limitations found in 17C.180 and 17C.182.
3. The area in which the property is located is designated Light Industrial according to the City of Spokane's Comprehensive Plan, adopted by the City Council as part of the West Plains Annexation effective April 4, 2011 (Ord C34693).
4. The application materials regarding the Administrative Preliminary Binding Site Plan Permit were distributed to City Departments and other agencies with jurisdiction for comment on April 5, 2019. These comments are on record with the Planning and Development Department. Additional information was requested and the application was deemed technically complete September 11, 2019 thus allowing Notice of Application to be generated.
5. Notices of the Binding Site Plan Permit application were posted on the site, at the downtown libraries, and online at <https://my.spokanecity.org/projects/bush-car-wash-preliminary-binding-site-plan/> on September 25, 2019. Notices were also mailed to surrounding property owners, taxpayers, and residents within 400 feet of the subject property. Staff received no written comments – there are no letters or responses to include in the record.



CONCLUSIONS AND DECISION CRITERIA –BINDING SITE PLAN

SMC Chapter 17G.080.060

The intent of Chapter 17G.080 Subdivision SMC is to implement the provisions of chapter 36.70A RCW, ensure consistency with the City's Comprehensive Plan and regulate the subdivision of land in a manner which promotes the public health, safety and general welfare in accordance with the provisions of chapter 58.17 RCW, and to provide for the expeditious review and approval of proposed subdivisions, short subdivisions and binding site plans which conform to the City's zoning and development regulations and the policies of the City's Comprehensive Plan. A binding site plan permit may be granted only if the following facts and conditions are found to exist, as per SMC 17G.060.170(C):

1. *The proposal is allowed under the provisions of the land use codes.*

Relevant Facts: The proposal has been reviewed for preliminary compliance with the standards of the unified development code. More detailed review will take place at the time of the final binding site plan and future building permit reviews for any new proposed uses.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.*

Relevant Facts: Per LU 1.15 of Chapter 3 Land Use and ED 2.1 of Chapter 7 Economic Development of the City's Comprehensive Plan;

Prohibit the siting of land uses that are incompatible with aviation operations in the Airfield Influence Areas designated on Comprehensive Plan maps, and contain residential Comprehensive Plan designations and zoning in the Airfield Influence Areas to their existing locations not allowing for expansion or increases in residential density.

Ensure opportunities for locating a variety of desirable, livable wage industries in Spokane that are environmentally compatible with adjacent land uses and support a range of employment types.

The proposal is consistent with this language.

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC.*

Relevant Facts: All applicable city departments and agencies had the opportunity to review this proposal with no one denying concurrency subject to conditions. Infrastructure for the site is already in place and/or will be provided as part of the development of the site. Furthermore, the approval of this binding site plan is conditioned upon the applicant paying appropriate impact fees including those to the City of Airway Heights for necessary improvements to the intersection of US 2 and Hayford Road. Consistent with conditions of approval for this binding site plan, the proposal is not anticipated to negatively impact available and planned capacity of services below minimum service levels.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the*

existence of ground or surface water and the existence of natural, historic or cultural features.

Relevant Facts: The size and shape of the subject lots will allow for future development which would be subject to the standards of the unified development code current at the time of development. The location has been designated in the Comprehensive Plan for this kind of development with development restrictions for locations within the Airfield and Fairchild Air Force overlay zones. The surrounding area is being developed by similar uses and the soil type, slope and drainage characteristics have been found suitable for development.

A background historic documents review and archaeological field assessment were completed: No historic properties were identified within the Project Area. However, due to potential that ground disturbing activities may unearth non-visible subsurface archaeological deposits / materials, the consultant conducting the assessment. Recommended that the project proponents:

- a. continue Spokane Tribe Historic Preservation Officer (THPO) consultation to address concurrence and any additional concerns with the cultural resource survey findings; and,
 - b. implement an Inadvertent Disturbance Plan (as recommended by the Spokane THPO) during Project activities.
5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.*

Relevant Facts: The subject proposal was reviewed under the requirements of the State Environmental Policy Act and SMC Chapter 17E.050. A Determination of Mitigated Non-significance (MDNS) was issued on September 25, 2019 by the City of Spokane (lead Agency).

Mitigation Shall Include:

1. *A voluntary SEPA mitigation fee assessed by the City of Airway Heights for new development is \$616 per PM peak hour trip assigned to the intersection of Hayford Rd/US2. Per the Preliminary Binding Site Plan Trip Generation & Distribution letter, approximately 15-percent of net new trips are anticipated to use Hayford Rd/U.S. Route 2. Thus, the voluntary SEPA mitigation fee calculated by the City of Airway Heights is as follows:*

$$+ 387 \text{ PM new trips} * 15\% \text{ distribution} * \$616/\text{PM trip} = \$35,758$$

A Level of Service (LOS) study can be performed by the developer with alternate impact mitigation offered should the developer elect not to participate in the voluntary SEPA mitigation program establish by the City of Airway Heights.

Other Applicable Development Code Regulations:

17G.060.170 (D)(5) Plat, Short Plat and Binding Site Plan.

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:

- a. public health, safety and welfare;

Relevant Facts: All departments have had an opportunity to comment and none have found the proposal will negatively impact public health, safety or welfare.

- b. open spaces

Relevant Facts: Open space is not required for industrial zoned property.

- c. drainage ways

Relevant Facts: All storm water and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Storm water Facilities" and as per the Project Engineer's recommendations, an approved Drainage Report with supporting geotechnical information will be required for the development of this property.

- d. streets, roads, alleys and other public ways

Relevant Facts: The City Engineering Department, WSDOT, and City of Airway Heights have accepted the proposal subject to the conditions of approval for transportation measures listed at the end of this report.

- e. transit stops

Relevant Facts: Technology Blvd to the east of this parcel, W. Hilton Avenue on which this binding site plan fronts (south), and S. Flint Road to the west are identified as part of STA's Bus Route 60 (Airport via Browne's Addition). A bus stop is located at/near the intersection of S. Flint Road and US 2.

- f. potable water supplies

Relevant Facts: Water is available.

- g. sanitary wastes

Relevant Facts: Sewer is available.

- h. parks, recreation and playgrounds

Relevant Facts: No residential development is proposed as part of this development. The area is zoned light industrial and is in the Airfield and Fairchild Air Force Base influence areas for which residential and high intensity uses (uses that have the potential to concentrate a larger number of people in a small area) are considered incompatible. In particular, residential uses are not permitted in the LI zone (ACZ-3 overlay) and high intensity uses such as sales and services oriented uses, eating and drinking establishments, offices, hotels, and motels are allowed when permitted by the underlying zoning at a net density not exceeding seventy persons per acre.

- i. schools and school grounds

Relevant Facts: This use will not impact school service levels.

- j. sidewalks, pathways and other features that assure safe walking conditions.

Relevant Facts: Sidewalks will be extended across the property adjacent to Hilton Avenue and a walking path will connect the adjoining properties adjacent to US 2. In addition there will be a pathway connecting the pedestrian trail along US 2 directly to the site and internal pedestrian circulation meeting requirements found in the City of Spokane's development standards for pedestrian connectivity found in 17C.130.260.

DECISION

TO APPROVE the Preliminary Binding Site Plan, subject to conditions, substantially in conformance with the application on file in the Current Planning Section of the Development Services Center, subject to SMC 17G.060.230, and the following conditions of approval:

1. The conditions of the Spokane Environmental Decision Mitigated Determination of Non-Significance (MDNS), dated September 25, 2019, shall be completed prior to the approval of the final binding site plan.

- a. Payment of the voluntary SEPA mitigation fee assessed by the City of Airway Heights for new development is \$616 per PM peak hour trip assigned to the intersection of Hayford Rd/US2. Per the Preliminary Binding Site Plan Trip Generation & Distribution letter, approximately 15-percent of net new trips are anticipated to use Hayford Rd/U.S. Route 2. Thus, the voluntary SEPA mitigation fee calculated by the City of Airway Heights is as follows:

$$+ 387 \text{ PM new trips} * 15\% \text{ distribution} * \$616/\text{PM trip} = \$35,758$$

2. A preliminary paving plan was submitted with the Preliminary BSP application. Paving and access plans will be reviewed at the time of building permit application.
3. A conceptual overall water plan has been submitted for this development. Final plans will need to be submitted to Developer Services for review and acceptance prior to construction.
4. The water facilities behind the master water meter are to be privately maintained & operated. Maintenance of the private water facilities is the responsibility of the Business Association created for this BSP and the CC&R's must reflect this.
5. A conceptual overall sewer plan has been submitted for this development. Final plans will need to be submitted to Developer Services for review and acceptance prior to construction.
6. The private sewer facilities are to be privately maintained & operated. Maintenance of the private sewer facilities is the responsibility of the Business Association created for this BSP and the CC&R's must reflect this.

7. Compliance to SMC 17D.060 "Storm-water Facilities" for storm water is required and will be reviewed during the Construction Permit process. An approved Drainage Report with supporting geotechnical information will be required for the development of this property.
8. Reciprocal access is required for all lots within this BSP. A copy of the recorded reciprocal access agreement is required prior to issuance of building permits and/or final binding site plan. Please note that a shared access agreement with parcel 25292.9053 is also required in order to access US 2. Please submit draft agreements to the City of Spokane for review prior to recording.
9. Prior to issuance of building permits and/or final BSP, please submit revised draft easement allowing placement of the fire access lane on a different property. The recorded easement allowing placement of the fire lane on a different property will be required prior to any building permits being issued and/or final binding site plan.
10. CC&R's for the binding site plan must be reviewed and for concurrence by Developer Services prior to the City Engineer signing the final binding site plan. We did not receive a copy of the CC&Rs to review with this submittal.
 - a. The CC&Rs shall address operation, maintenance, repair, and replacement of the private sewer, water, and stormwater facilities. Sinking fund calculations shall be included for the operation, maintenance, and replacement of these facilities.
11. A Stormwater Operation and Maintenance Manual to perpetuate the drainage systems in this Binding Site Plan must be prepared and referenced in the dedication and CC&R's. A copy of the O&M Manual must be reviewed and approved by Developer Services prior to the City Engineer signing the final binding site plan.
12. Addresses should be assigned for each lot in the Final BSP. Addresses can be obtained by contacting the City of Spokane Permit Helpline at (509) 625-6999.
13. The City is in the process of adopting a Transportation Impact Fee District for the West Plains. Once adopted, the fee will be charged as each building comes in for permitting.
14. Coordination with the refuse service provider will be required at building permit in order to determine the feasibility of the proposed refuse locations.
15. Further comments regarding the design of the access, sewer, water, stormwater, sidewalk, curb/gutter, etc., will be addressed outside of this Preliminary Binding Site Plan.
16. The site shall be served by a water master meter at the right of way line on East Hilton Avenue and will be a private system beyond that meter meeting City of Spokane standards.
17. The on-site private water system shall not extend beyond the project boundary.
18. The existing water services in East Hilton Avenue shall be terminated at the water main in the street at the owner's expense.

19. All water services shall meet current backflow standards per WAC 246-290-490 and follow City of Spokane Water Department Rules and Regulations for Water Service Installations.
20. As per comments from Fairchild Air Force Base and Spokane International Airport:
 - a. Use of Fairchild Air Force Base Joint Land Use Study (JLUS) standards as codified in the Spokane Municipal Code.
 - b. A copy of recorded Avigation Easement filed with the Spokane County Auditor.
 - c. Continued review and coordination with Fairchild Air Force Base, the Federal Aviation Administration for all projects within the Military Influence Area.
 - d. Use of the WSDOT Aviation Stormwater Guide to reduce wildlife attractants.
 - e. Submission of form 7460-1 should any improvements on the site be proposed in excess of 88.6' in height as per communications with Matt Sheehan, Director of Operations and Maintenance, Spokane Airports.
21. As per comments from Spokane Tribe of Indians Tribal Historic Preservation Officer please submit the following items to the Spokane Tribe of Indians:
 - a. Cultural Survey (submitted and sent to Randy Abrahamson on 09/18/19)
 - b. Inadvertent Discovery Plan
 - c. If any artifacts or human remains are found during construction, Spokane Tribe of Indians Tribal Historic Preservation Office should be notified and the work in the immediate area cease.
22. As per comments from WSDOT:
 - a. Please label the width of the pedestrian pathway on the plan.
 - b. It appears there is a drainage conveyance moving SW to NE that crosses US 2 in front of the site.
23. The BSP is subject to the compliance with all applicable codes and requirements including standards associated Airfield Influence and Fairchild Overlay zones. Please reference all the accompanying comments received and supplied to you, including those from the City of Spokane, Fairchild Air Force Base, Spokane International Airport, Spokane Tribe of Indians Tribal Historic Preservation Officer, Avista Corporation, and Department of Ecology.
24. Binding site plan map and general requirements will be reviewed and may be corrected as part of a binding site plan approval process.
25. A detailed landscaping plan showing compliance with SMC 17C.200 shall be approved by the Planning Services Department prior to the issuance of any building permit within this binding site plan.

26. Density calculations for high intensity uses within the AZ-3 zone shall be submitted as part of any building permit application – See 17C.180.090 Limited use Standards and Table 17C.180-1 Airfield Overlay Zones Permitted Uses.
27. Please add the following statements in the Dedicatory Language on the face of the Final Binding Site Plan:
- a. All stormwater and surface drainage generated on-site must be disposed on-site in accordance with chapter 17D.060 SMC, Stormwater Facilities, and City Design Standards, and as per the Project Engineer's recommendations, based on the drainage plan accepted for the final binding site plan.
 - b. Reciprocal access is required for all lots within this BSP.
 - c. Properties which contain portions of shared stormwater ponds, swales, or other facilities, agree to provide reciprocal rights of use, maintain design flowpaths and share responsibilities for operation and maintenance of these facilities.
 - d. The City of Spokane does not accept the responsibility to inspect or maintain drainage facilities located outside of public right-of-way, neither does the City of Spokane accept any liability for any failure by the property owners to properly maintain such areas.
 - e. Private ingress, egress, and utility easements, are granted as platted and shown hereon for the reciprocal access and non-exclusive utility service needs of the affected lot.
 - f. Easements for "Dry" utilities (electric, gas, phone, fiber, cable TV) as shown on the herein described plat are hereby dedicated for use of serving utility companies 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 prohibit, trim 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.
 - g. Storm drain dry wells and water meter boxes shall not be placed within "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 future acquisition areas or border easements.
 - h. If any archaeological resources, including sites, objects, structures, artifacts, and/or implements, are discovered on the project site, all construction and/or site disturbing activity shall cease until appropriate authorities, agencies, and/or entities have been notified in accordance with Chapters 27.44 and 27.53 RCW.

Time Limitations:

The plattor is authorized for a period of five years from the Date of Approval of this Preliminary Binding Site Plan permit to prepare and submit the Final "Bush Car Wash" Binding Site Plan to the Planning Department for their and other Department's review and

approval. A one year extension may be granted if applied for in writing prior to the expiration date. All of the Conditions of Approval shall be incorporated into the proposed Final Binding Site Plan.

Procedures for Final Plat or Binding Site Plan Submission:

A Final Binding Site Plan shall be prepared by a registered Land Surveyor licensed by the State of Washington. Submission of a Final Binding Site Plan shall include; the filing fee, **nine (9) paper copies and one electronic copy** of the proposed Final Binding Site Plan, and a **plat certificate (Title Report) less than thirty days old.**

After review, approval and corrections if necessary, of the Proposed Final Binding Site Plan by the City, the plattor, or their agent, shall obtain the required signatures on the face of the Final Binding Site Plan. The last signature obtained prior to filing the Mylar with the County Auditor shall be that of the Planning Director.

The plattor, or their agent, shall then, within thirty days of the signing of the Final Binding Site Plan by the Planning Director, complete these steps in the following order:

PROCEDURES FOR OBTAINING CONFORMED COPIES OF RECORDED PLATS AND BINDING SITE PLANS

1. Plattor or Agent shall take two (2) copies (after approval of proposed Final Plat or Binding Site Plan from the Planning Department) to the Spokane County Auditor's Office for recording.
2. Auditor keeps and records one copy of the final plat.
3. The Spokane County Auditor will, as time allows conform the 2nd copy of the proposed Final Plat or Binding Site Plan.
4. Nine (9) paper copies and one (1) Mylar copy of the recorded Final Binding Site Plan are then turned into the Planner in the Current Planning Department who worked on the Final Plat or Binding Site Plan.

NOTICE OF RIGHT TO APPEAL

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any party of record may file an appeal of this decision. Decisions of the Planning Director regarding administrative binding site plan permits are final. They may be appealed to the City of Spokane Hearing Examiner within fourteen (14) calendar days of the date of this decision. The date of this decision is of October 18, 2019.

The date of the last day to appeal is the 1st day of November, 2019 at 4:00 P.M.

The appeal fee (\$250.00) must be paid in full at the time the appeal is made. The form for filing an appeal is available from the Planning Services Department.

Dated this 18th day of October, 2019.

Please contact Melissa Owen at (509) 625-6063 if you have further questions related to procedures or if you need further assistance.

Sincerely,



Heather Trautman, Director
Office of Neighborhood and Planning Services

By: Melissa Owen, Assistant Planner
Planning and Development