

September 20, 2022

Simpson Engineers, Inc
c/o Aaron Simpson
909 N Argonne Rd
Spokane Valley, WA 99212



DEVELOPMENT SERVICES CENTER
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3329
509.625.6300
MY.SPOKANECITY.ORG

Re: Cedar Storage Preliminary Binding Site Plan – File No. Z22-250PBSP

Dear Mr. Simpson:

In accordance with the provisions of the Spokane Municipal Code 17G.080.060, the Cedar Storage Binding Site Plan application is hereby granted an Administrative Approval, subject to conditions, to divide one large parcel of approximately three acres in size into four tax parcels. 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 **October 4, 2022** unless an appeal is filed by this date. This permit shall expire on **September 20, 2027** 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 and a copy of the covenant that must be signed by the property owner(s) and **filled with the Spokane County Auditor's Office** in order to fulfill the requirements of the approval given for the preliminary binding site plan permit application for the above property. A conformed copy of that agreement must be filed with this office prior to the issuance of building permits.

Please feel free to contact me at (509) 625-6638, if you have any further questions related to this matter.

Sincerely,

Ali Brast
Associate Planner

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

Aaron Simpson of Simpson Engineers, on behalf of Cedar Storage, LLC has requested an Administrative Preliminary Binding Site Plan Permit to divide one large parcel of approximately 3 acres into four (4) parcels for warehouse uses located at 3830 W Olympic (parcel 36344.1604) in Spokane, WA. (*Section 34, Township 26, Range 43 East Willamette Meridian*)

FINDINGS OF FACT

1. Aaron Simpson of Simpson Engineers, on behalf of Cedar Storage, LLC has requested an Administrative Preliminary Binding Site Plan Permit to divide one large parcel of approximately 3 acres into four (4) parcels for warehouse uses located at 3830 W Olympic (parcel 36344.1604) in Spokane, WA.
2. The subject property is located in the LI Zone. The underlying land use is Light Industrial. Binding Site Plans are a permit process allowed in industrial zones. The uses and development pattern proposed are permitted in this zone per SMC 17C.130.
3. Four building permits for four separate warehouse buildings have been reviewed, approved, and issued under permits B2122181-B2122184.
4. The area in which the property is located is designated Industrial according to the City of Spokane's Comprehensive Plan, adopted by the City Council, June 2017.
5. The application materials regarding the Administrative Preliminary Binding Site Plan Permit were first distributed to City Departments and other agencies with jurisdiction for comment on July 12, 2022. These comments are on record with the Planning and Development Services Department. No additional information was requested, and the application was deemed technically complete on August 22, 2022 thus allowing Notice of Application to be generated.
6. Notices of the Binding Site Plan Permit application were posted on the site by August 26, 2022. Notices were also mailed to surrounding property owners, taxpayers, and residents within 400 feet of the subject property. No public comments were received.

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.

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

Relevant Facts: Per LU 1.10 of Chapter 3 Land Use and ED 2.1 of Chapter 7 of the City's Comprehensive Plan;

Provide a variety of industrial locations and site sizes for a variety of light and heavy industrial development and safeguard them from competing land uses.

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. The Binding Site Plan is proposed to be finalized in one phase, likely concurrent to the construction of the warehouse buildings. The applicant was required to extend water and sewer in both street frontages, as well as improve the streets themselves with curb and sidewalk. At the time of decision issuance, the water, sewer, and street improvements were under construction.

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 BSP is proposing to subdivide one large parcel into four commercial lots. Prior to submittal of the Binding Site Plan Application, four building permit applications were reviewed, approved, and issued for warehouse buildings. This binding site plan will result in each building being on its own parcel.

The lots are all proposed to be nearly an acre in size; proposed lot dimensions and square footages are all permitted in the Industrial regulations.

An Inadvertent Discovery Plan was completed for this site in April of 2022, recommending that the project continue without further archeological risk and the Spokane Tribe concurred with the recommendation.

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: A SEPA checklist was processed prior to Building Permit submittal for the four new buildings. A Mitigated Determination of Non-significance (MDNS) was issued on December 20, 2021 with the one and only mitigation being the requirement for a Cultural Resource Survey. Post-MDNS issuance, the applicant worked with the

Spokane Tribe to instead prepare a detailed Inadvertent Discovery Plan, which was accepted by the Tribe as an acceptable substitute for the Cultural Resource Survey. Any future uses will be subject to a separate SEPA review.

It is not anticipated that this proposal will have a significant negative impact on the environment or surrounding properties.

Other Applicable Development Code Regulations:

17G.060.170 (D)(4) 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 industrially zoned property.
- c. drainage ways;
Relevant Facts: All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities" and as per the Project Engineer's recommendations, based on the drainage plan accepted for the building permits.
- d. streets, roads, alleys and other public ways;
Relevant Facts: The City Engineering Department has reviewed and approved the street improvement plans for both Broad Ave and Olympic Ave.
- e. transit stops;
Relevant Facts: There are currently no bus stops adjacent to the site.
- f. potable water supplies;
Relevant Facts: The applicant is currently constructing public water mains concurrent with the buildings.
- g. sanitary wastes;
Relevant Facts: The applicant is currently constructing public sewer mains concurrent with the buildings.
- h. parks, recreation and playgrounds;
Relevant Facts: There are no parks near the proposed BSP; the area is predominantly industrial in nature.
- i. schools and school grounds; and
Relevant Facts: As no residential uses are included in the proposal, the proposal will not likely increase the demand on the school system.
- j. sidewalks, pathways and other features that assure safe walking conditions.
Relevant Facts: Both Olympic Ave and Broad Ave will have separated sidewalks with street trees in planting strips contributing to a safe pedestrian experience. The new development within the site is required to meet 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 compliance 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. There are existing 8" PVC sewer mains in Olympic Ave and Broad Ave that can provide sewer service to the lots.
 - a. A private sewer system plan has been reviewed by City Staff and accepted for construction which will serve the lots within this BSP. Easements, or a blanket easement, needs to be established where legs of the sewer system cross adjoining parcels.
 - b. This property is within the GFC Waiver Zone and GFC charges will not be collected for sewer.
2. There are existing 6-inch ductile iron water mains in Olympic and Broad that can provide water service to the lots
 - a. Lots within this BSP do not need to be connected to City Water until a building permit is obtained for the lot.
 - b. This property is within the GFC Waiver Zone and GFC charges will not be collected for water.
3. Frontage improvements are required for both Olympic and Broad Avenues to include full pavement section to centerline with 12' strip paving on the other side of centerline from Rebecca Street to the east property line of the BSP. Curb, separated sidewalk with street trees, and stormwater design for street runoff and treatment will also be required. Street plans have been reviewed by City Staff and accepted for construction. These improvements must be completed prior to the BSP being finalized.
4. A Business Association or other responsible entity must be established for the perpetual maintenance of the private sewer line and any other shared facilities. The final BSP dedication must reference the AFN of the document establishing the entity, if done separately from the BSP.
5. Addresses must be shown on the face of the final BSP. Please contact our Permit Specialists in the Development Services Center at addressing@spokanecity.org or (509) 625-6999 to develop addresses prior to submitting the final BSP.
6. All easements, existing or proposed, must be shown on the face of the final BSP. If blanket in nature, the easement must be listed in a Surveyor's Note on the final BSP. The proposed private sewer line and any other shared facilities crossing parcel lines must be protected by an easement.

Final Plat Dedication Statements

7. All stormwater and surface drainage generated onsite shall be disposed of onsite in accordance with SMC 17D.060 "Storm water facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and per the Project Engineer's recommendations based on the drainage plan accepted for the final BSP.
8. Ten-foot utility and drainage easements as shown hereon the described BSP are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance, protection, inspection and operation of their respective facilities together with the right to prohibit structures that may interfere with the construction, reconstruction, reliability and safe operation of the same.

9. Development of the subject property, including grading and filling, are required to follow an erosion and sediment control plan that has been submitted to and accepted by the Development Services Center prior to the issuance of any building and/or grading permits.
10. No building permit shall be issued for any lot in this BSP until evidence satisfactory to the City Engineer has been provided showing that the recommendations of SMC 17.060 "Storm water facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, and City Design Standards have been complied with. A surface drainage plan shall be prepared for each lot and shall be submitted to the City of Spokane Planning & Development Department for review and acceptance prior to the issuance of a building permit.
11. A transportation impact fee will be collected prior to the issuance of a building permit for the affected lot.
12. Only City water and sanitary sewer systems shall serve the BSP; the use of individual onsite sanitary waste disposal systems and private wells is prohibited.
13. All parking areas and driveways must be hard surfaced.
14. Garages shall be a minimum of twenty feet from the back of sidewalk to fully accommodate a parked vehicle without obstructing the sidewalk.
15. Slope easements for cut and fill, as deemed necessary by the Planning & Development Department in accordance with the City's Design Standards, are hereby granted to the City of Spokane for the construction and maintenance of public streets adjoining this BSP.
16. Per comments from the Spokane Regional Health District:
 - a. All demolition/construction debris must be transported to a licensed solid waste disposal facility. No on-site burning or burying of debris will be allowed.
 - b. If the site of the proposed project requires fill or grading, and clean soil or rock are used, no action is required by the Health District. If the fill will include inert waste such as concrete or asphalt it shall not exceed 250 cubic yards without obtaining an inert waste landfill permit. Sites requiring an inert waste landfill permit shall comply with WAC 173-350-410. Any other regulated solid waste placed on the site shall meet the requirements of the Chapter 173-350 WAC.
 - c. Inert wastes such as concrete can be utilized if crushed, rendered, or processed into an engineered specified aggregate material in accordance with ASTM standards and it is certified and signed by an engineer licensed in the state of Washington.
 - d. Please be advised that any on-site septic disposal system for a property that will be connected to the municipal sewer must be decommissioned in accordance with Chapter 246-272A WAC Section 300, Abandonment.
 - e. Any on-site drinking water or irrigation well on the subject property that is no further in use must be decommissioned in accordance with Chapter 173-160 WAC Section 381 Standards for decommissioning a well.

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 "Cedar Storage" 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 pertinent 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, the General Application, the Final Plat Application, one electronic copy of the proposed Final Binding Site Plan, and a plat certificate (Title Report) less than thirty days old.

After review and approval, or 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:

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.

Four (4) 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

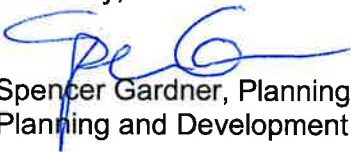
Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any party of record may file an appeal of this decision. Decisions of the Planning Director regarding administrative binding site plan permits are final. They may be appealed to the City of Spokane Hearing Examiner within fourteen (14) calendar days of the date of this decision. The date of this decision is of September 20, 2022.

The date of the last day to appeal is the 4th day of October, 2022 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.

Please contact Ali Brast at (509) 625-6638 if you have further questions related to procedures or if you need further assistance.

Sincerely,



Spencer Gardner, Planning Director
Planning and Development Services

By: Ali Brast, Associate Planner
Planning and Development