

**SPOKANE COUNTY HEARING EXAMINER PRO TEM**

**Re:** Conditional Use Permit (CUP) for an ) FINDINGS, CONCLUSIONS,  
Outdoor Self-Service Storage ) AND DECISION  
Facility on 3.5 acres in the Rural )  
Activity Center (RAC) zone. ) FILE NO. CUW-06-21

**SUMMARY OF PROPOSAL AND DECISION**

**Summary of Proposal:** The Applicant seeks approval of a CUP to construct an Outdoor Self-Service Storage Facility on 3.5 acres. The facility will consist of 134 rental parking stalls for individually owned recreational vehicles, boats, and other ancillary equipment. The proposal includes a security fence around the entire perimeter of the site, along with a gate and keypad to control access. The site is located in the RAC zone.

**Decision:** Approved, with *revised* conditions.

**FINDINGS OF FACT**  
**BACKGROUND INFORMATION**

**Applicant** Alan Gay P.E.  
Coffman Engineers  
10 N. Post Street  
Spokane, WA 99201

**Owner** Four Lakes 904, LLC  
13504 NE 84<sup>th</sup> Street, Suite 103-313  
Vancouver, WA 98682

**Property Location:** The site is located south of I-90, west of SR-904 and Pape Machinery Ag & Turf, east of S. Hepple Road, north and west of the terminus of S. King Road and S. Electric Avenue.

**Legal Description:** The legal description of the property is provided in the Preliminary Plat Map included in the record. The property is situated in the N ½ of Section 23, Township 24 North, Range 41 East, Willamette Meridian, Spokane County, Washington. The site is designated as Parcel Numbers 14235.0781 (Unassigned Address), 14232.0784 (Unassigned Address), 14232.0776 (10020 N. Ring Road), and 14232.0752 (Unassigned Address), in Spokane County, Washington.

**Zoning:** The property is zoned RAC.

**Comprehensive Plan Designation:** The property is designated as RAC in the Spokane County Comprehensive Plan (CP).

**Site Description:** The subject property is approximately 3.5 acres of vacant land consisting of four parcels. It appears that the site had been cleared and graded in the

past and is mounded in the northwest corner. Grades gently slope to the east and steeply slope to the west. The property is defined by 1-90 to the north, Pape Machinery Ag & Turf to the east, Hepple Road to the west, and residential property to the south.

**Project Description:** The Applicant proposes a 134-space outdoor fenced and secured self-service storage facility on a 3.5-acre site. Primary access to the site will be from the west side of SR 904, at the turn to S. Electric Street, via the entrance to Pape Machinery Ag & Turf. The hours of operation have not yet been determined. The Applicant may decide to operate the facility 24 hours a day. Parking lot lighting will illuminate the property between dusk to dawn, and other security measures will be provided to prevent loss of property as needed.

It is anticipated that the parking spaces will be rented/leased for individually owned recreational vehicles, boats, and other ancillary equipment. The Applicant is proposing 24-foot (2-way) graveled or paved drive aisles throughout the parking area for ease of access. Approximately 12 stalls, located near the southwest corner of the parking area may be covered with a canopy. There will be 46 20-foot × 10-foot, 69 30-foot × 10-foot, and 19 50-foot × 10-foot parking stalls, to accommodate varying sizes of vehicles and equipment.

The Applicant is proposing 20-foot-wide Type I landscape buffer the along the western and southern boundaries of the site, and a 21-foot-wide Type II landscape buffer and site-obscuring fence along the north boundary of the site, along I-90. The Applicant will also be providing parking lot landscaping in accordance with Spokane County Code (SCC) 14.806.100. The site plan dedicates a little over 10% of the parking/interior landscape area to landscaping. In total, the Applicant is proposing to landscape approximately 18% of the site.

**Surrounding Conditions and Uses:** Properties to the north of the site are zoned Rural Traditional (RT). Land uses to the north consist of Interstate 90 and agricultural uses. Properties to the south, east, and west are zoned RAC. Land use to the south is residential. Land use directly to the east is a farm equipment dealership. Land use to the west is large acreage residential.

### **PROCEDURAL INFORMATION**

**Authorizing Ordinances:** SCC Title 14 (Zoning Code), SCC 14.404 (Conditional Use Permits); SCC Title 11 (Environmental); and SCC Section 1.46 (Hearing Examiner System).

**Notice of Application:** Mailed: October 22, 2021  
Posted: October 22, 2021

**Notice of Public Hearing:** Mailed: February 14, 2022  
Posted: February 14, 2022,  
Added DNS on February 15, 2022  
Publication: February 14, 2022

**Public Hearing Date:** March 2, 2022

**Site Visit:** March 2, 2022

**State Environmental Policy Act (SEPA):** A Determination of Nonsignificance (DNS) was issued on February 15, 2022. Any appeal of the DNS was due by March 1, 2022. No appeal was filed.

**Documents Received by the Hearing Examiner Pro Tem:**

- Staff Report, including:
  - Maps, including:
    - Vicinity Map
    - Site Plan
    - Zoning Map
    - CP Map
  - Conditions of Approval
  - Agency Comments, including:
    - Spokane County Public Works Department (“Public Works”)
    - Spokane County Environmental Services (SCES)
    - Washington State Department of Transportation (WSDOT)
- Planning Director’s Memo Allowing Modification of Landscaping Requirements dated 02/25/22
- Application Materials, including:
  - Appraisal Letter dated 06/23/21
  - Pre-Application Conference dated 10/06/21
  - Agreement to Pay Fees dated 10/06/21
  - Application and Trip Generation Letter (TGL) dated 10/06/21
  - Submittal Checklist dated 10/06/21
  - Determination of Completeness dated 10/21/21
  - Project Elk-Chattaroy Road Reconstruct dated 02/23/22
- Maps, including:
  - Aerial Site Plan dated 10/06/21
  - Site Plan of Record dated 12/14/21
- Environmental Reports and Surveys, including:
  - Wetland Delineation Report and Buffer Impact Mitigation Plan dated 05/19/21 (40 pages)
  - Wetland Delineation Report and Buffer Impact Mitigation Plan dated 05/19/21 (updated, 45 pages)
- Wastewater/Sewer Document, including:
  - Correspondence dated 09/12/06, 09/25/06, 10/11/06, 10/12/06, and 10/27/06
  - Wastewater Capacity Letter dated 10/06/21
- SEPA Checklist and DNS
  - SEPA Checklist dated 10/04/21
  - DNS dated 02/15/22
- Noticing Documents, including:
  - Title Company Certification dated 10/06/21
  - Notice of Application and Affidavits
  - Public Notice Packet dated 02/15/22
  - Notice of Virtual Hearing
  - Notice of Hearing Mailing and Posting Affidavits

- Notice of Hearing Publication Affidavit dated 02/14/22
- Title Company Certification dated 02/11/22
- Amended Posting Affidavit signed 03/03/22

**Testimony:**

Tom Vandervert  
Principal Planner  
Spokane County  
Department of Building and Planning  
1026 W. Broadway Avenue  
Spokane, WA 99201

Alan Gay P.E.  
Calley Valicoff  
Coffman Engineers  
10 N. Post Street  
Spokane, WA 99201

Mark Brooks  
13226 W. 1<sup>st</sup> Avenue  
Four Lakes, WA 99014

Dennis King  
Four Lakes 904,LLC  
13504 NE 84<sup>th</sup> Street, Suite 103-313  
Vancouver, WA 98682

**Submitted comments to the record or present at the hearing but did not testify or:**

Chris Anderson and Kevin Ruiz  
Spokane County  
Hearing Examiner’s Office  
1026 W. Broadway Avenue  
Spokane, WA 99201

**FINDINGS AND CONCLUSIONS**

To be approved, the proposed CUP must comply with the criteria set forth in the SCC and demonstrate consistency with the CP. The Hearing Examiner Pro Tem has reviewed the application and the evidence of record with regard to the application and makes the following findings and conclusions:

*1. Consistency with Comprehensive Plan*

The Comprehensive Plan (CP) provides that the site is a part of the RAC at Four Lakes. RACs are mixed-use centers that include commercial and residential uses as well as community services. See CP, Chapter 3, pp. RL-10, RL-11. Typical uses found within RACs include residential development, churches, schools, restaurants, gas stations, and small shops. See CP, Chapter 12, p. S-3; see also CP, Chapter 3, p. RL-3. Commercial uses in RACs are intended to serve the surrounding rural area or in some instances the traveling public. See CP, Chapter 3, p. RL-3.

The Applicant seeks a CUP to develop the site as a stand-alone, self-service parking area for the storage of recreational vehicles, boats, and ancillary equipment. The CP neither precludes nor encourages the commercial use being proposed in this case. Despite this lack of specific guidance, the Hearing Examiner Pro Tem agrees with the Spokane County Building and Planning Department (“Building and Planning”) that the

proposed use is generally consistent with the goals and policies of the CP. The Hearing Examiner Pro Tem reaches this conclusion for the following reasons.

RACs are mixed-use areas that allow some commercial uses. The precise commercial uses are not specified. The proposed use would not seem to be any more intense than the neighboring business operated by Pape Machinery Ag & Turf, located next to the site and within the Four Lakes RAC. In addition, the CP does not set forth an exclusive list of allowed uses. The CP includes examples of “typical” uses (e.g. general store) in RACs. However, the CP does not require a decision-maker to reject proposals merely because they are not “typical.”

The types of commercial uses contemplated by the CP must be determined on a case-by-case basis. Given the lack of guidance in the CP, the question is somewhat ambiguous and requires an exercise of discretion by Building and Planning Officials. In this case, the County planners determined that the proposed use was consistent with the intent of the CP. The Hearing Examiner Pro Tem is inclined to defer to Building and Planning’s interpretation, under the circumstances.

The zoning code specifically allows the proposed use in the RAC zone, provided the owner obtains a CUP. See SCC 14.618.240(24) (describing Self-Service Storage Facility [mini-storage]); see also Staff Report, pp. 5-6. If the CP was interpreted to preclude the proposed use, the CP would be in conflict with the zoning code. The Building and Planning’s interpretation avoids that conflict.

It should also be recalled that a CP is a general guide for development. See *Cougar Mountain Associates v. King County*, 111 Wn.2d 742, 756, 765 P.2d 264 (1988). It is not a document for making specific land use decisions. See *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wn.2d 861, 873, 947 P.2d 1208 (1997). The zoning regulations, by contrast, set forth the specific requirements for land development and use. *Cougar Mountain*, 111 Wn.2d at 756. If there is an inconsistency between the zoning ordinance and the CP, the conflict must be resolved by applying the zoning code. See *id.*, at 757. In other words, the CP is subordinate to specific zoning regulations in cases of conflict. See *id.*

The proposed storage facility fits within the range of commercial uses that may take place in RACs. The Building and Planning’s determination in this regard is entitled to a degree of deference. In addition, the zoning code specifically allows this use. A use specifically allowed by regulation cannot be precluded based upon the more general guidance found in the CP. Under the circumstances, the Hearing Examiner Pro Tem concludes that this criterion for approval of the CUP is satisfied.

## 2. Consistency with Zoning Code

The RAC zone identifies rural residential centers supported with limited commercial and community services. See SCC 14.618.100. RACs are characterized by compact development with a defined boundary that is readily distinguishable from surrounding undeveloped lands. See *id.* RACs typically form at crossroads and develop around some focal point, such as a general store or post office. See *id.* Commercial uses are intended to serve the surrounding rural area and the traveling public. See *id.*

The Applicant proposes an outdoor, fenced, and secured self-service storage facility on a 3.5-acre site with the Four Lakes RAC. The facility will include 134 parking spaces to be rented/leased for individually owned recreational vehicles, boats, and other ancillary equipment. The project will not include any buildings, but may include a canopy for 12 stalls in the southwest corner of the parking area. As Building and Planning determined, this proposal fits the zoning code definition of "Self-Service Storage Facility (mini-storage)," which defines that term as follows:

*A facility including buildings and/or structures containing spaces of varying sizes leased or rented on an individual basis and used exclusively for the storage of excess property and outdoor storage of vehicles and boats.*

See SCC 14.300; see also Staff Report, p. 6.

A Self-Service Storage Facility (mini-storage) is allowed as a conditional use in the RAC zone. See SCC 14.618.220 (Table 618-1, Rural Zones Matrix). The Hearing Examiner Pro Tem is authorized to approve a conditional use if the following criteria are satisfied:

- a. *The special standards set forth for the conditional use in the underlying zone of the Zoning Code are met.*
- b. *Adequate conditions and restrictions on the conditional use are adopted to ensure that the conditional use will be compatible with other permitted uses in the area, and will not be materially detrimental to the public health, safety, or general welfare.*

See SCC 14.404.100(1). The special standards applicable to a Self-Service Storage Facility are found in chapter 14.618. Specifically, a proposal for this type of conditional use must be "consistent with rural character and limited in size to what is necessary to meet the needs of the surrounding rural community." See SCC 14.618.240(24)(a). The proposed use is also subject to the restrictions and conditions that may be imposed by the Hearing Examiner under chapter 14.404. See SCC 14.618.240(24)(b); see also SCC 14.404.100(2) (listing the discretionary conditions that may be imposed by the Hearing Examiner).

The Hearing Examiner Pro Tem agrees with Building and Planning that the proposal satisfies the applicable criteria for a conditional use. The site is located next to I-90 and is surrounded on the other three sides by RAC zone. The site is also adjacent to a commercial operation that sells agricultural machinery and equipment. Agricultural machinery and equipment can be seen from the nearby roads. The proposal to store recreational vehicles, boats, and ancillary equipment is consistent with the current adjacent use, and compatible with its rural surroundings. The site of the proposed use is 3.5 acres in size. Thus, the scale of the proposed use would seem congruent with an intention to serve the surrounding community, rather than establishing a business to serve a larger region.

The project is designed to minimize impacts to the neighboring owners. There is a landscaping buffer along the northern, western, and southern boundaries of the site. Landscaping will cover 18% of the site, more than the minimum required amount. The landscaping is also required to be consistent with the requirements for parking areas.

See Staff Report, p. 4. The site will be fully enclosed with a fence and will have a security gate and keypad to control access to the site. The parking area does encroach into a wetland buffer in the northwest part of the site. However, this encroachment will be mitigated on a 1.5:1 ratio.

In addition, Building and Planning has proposed detailed conditions that protect the public interest. Among other things, the project must be developed in accordance with the design features shown on the project plans. See Building and Planning Condition 3. The landscaping elements must be incorporated into a landscaping plan. See Building and Planning Condition 6. Light must be confined to the sight, and must be controlled in accordance with a lighting plan. See Building and Planning Conditions 4 & 5. The project must conform with the Wetland Delineation Report and Mitigation Plan dated 05/19/21 (updated). See Building and Planning Condition 8. There are also extensive conditions related to drainage of the site. See e.g. Public Works Conditions 1-4, 10, & 13-14.

The Hearing Examiner Pro Tem concludes that it is not necessary to impose additional conditions or restrictions pursuant to SCC 14.404.100(2)(a)-(i). There is no demonstrated need to increase the project setbacks. The proposal includes landscaping and perimeter fencing to buffer the use from the neighbors. The use is merely the storage of vehicles, equipment, and the like. There will be no noise, dust, vibration, odor, etc. from such a use. No additional controls or mitigation measures seem necessary. There will be security lighting, but the light or glare will be controlled pursuant to the project conditions. There is a single access point in and out of the facility, and it will be controlled by a security gate. There was no evidence that controlling or limiting the hours of operation was necessary or important. Moreover, traffic to and from the site will be minimal, and no traffic impacts are anticipated from this proposal. See Paragraph 3.

There was only one public comment on this proposal. In both a telephone conversation with Building and Planning Staff and in testimony at the hearing, a neighboring property owner raised a concern about increased crime. *Testimony of M. Brooks*. Mr. Brooks was concerned that a storage facility would attract criminal activity, which in turn could impact the neighbors. See *id.* While the Hearing Examiner Pro Tem is sympathetic to this concern, the Hearing Examiner Pro Tem does not believe there is sufficient information in this record to justify imposing additional restrictions or conditions to address this issue. The Hearing Examiner Pro Tem reaches this conclusion for several reasons.

The facility will be fully enclosed by a perimeter fence. *Testimony of A. Gay*. A gate and keypad will be installed to control access to the property. See *id.* A person would need the code to gain entry to the facility. See *id.* There will be security lighting at the facility as well. See *id.* None of these measures guarantee that no one will attempt to break in, but these are appropriate steps to deter criminal activity. A general concern or worry about the future is not sufficient to warrant imposing supplemental project conditions. There is no evidence in this record, for example, that criminal activity will necessarily increase due to the presence of a storage facility. In any case, the Applicant has a strong business incentive to take steps to prevent crime at their facility. The Hearing Examiner Pro Tem believes that the project conditions are sufficient to address this issue. The pursuit of additional measures, such as video surveillance, is best left to the discretion of the property owner, at least based upon this record.

The Hearing Examiner Pro Tem concludes that the proposal is consistent with the zoning code. As a result, this criterion for approval of the CUP is satisfied.

### 3. Consistency with Environmental Standards

On February 15, 2022, Spokane County, as the lead agency, issued a DNS for this project. See DNS, File No. CUW-0006-21, dated 2-15-2022. The DNS was based upon a review of the application, the completed SEPA checklist, and comments from the relevant agencies. There was no evidence presented at the hearing that established that the project would result in significant environmental harms that would not or could not be addressed through appropriate mitigation measures. A review of the record did not reveal anything to the Hearing Examiner Pro Tem that casts serious doubt on Spokane County's threshold determination. In addition, any appeal of the DNS was due 14 days after its issuance. See *id.* The DNS was not appealed. *Testimony of T. Vandervert.*

The proposed use is very unlikely to result in more than a moderate impact on the environment. The Applicant is proposing to rent space for the storage of vehicles and equipment. No buildings will be constructed and no potential nuisances are associated with the operation (e.g. noise or odor). The use will not produce any wastewater. *Testimony of C. Valicoff.* Stormwater from the project will be disposed of on site. See *id.* The project has been designed to ensure that any runoff leaving the site will not exceed natural, pre-development levels. See *id.* In any event, when there are potential impacts, such as fugitive light or stormwater runoff, the project conditions appear to be sufficient to address the concerns. There are only two other environmental issues that call for further discussion, in the Hearing Examiner Pro Tem's view. Those issues are traffic impacts and wetland mitigation.

The Hearing Examiner Pro Tem concludes that the project will not result in any significant traffic impacts. The Applicant's traffic engineer submitted a TGL in support of the project. See TGL, 8-30-2021. The traffic engineer analyzed the anticipated number of trips that would be generated by the proposed storage facility. See *id.* That analysis determined that the proposed facility would result in three AM peak-hour trips, and three PM peak-hour trips, and a total of 24 trips per day on average. See *id.* In other words, this project will generate a *de minimis* amount of traffic.

There is nothing in this record suggesting that the transportation system is not capable of handling such a small number of additional trips. The trips generated by the project were not high enough to trigger further analysis. Moreover, there was no testimony from any traffic expert contesting the analysis or methods employed in the TGL, or suggesting that additional project conditions were needed. The Hearing Examiner Pro Tem concludes that the transportation system has sufficient capacity to accommodate the proposed development, without the need for additional mitigation measures.

Turning to the wetland issue, the Hearing Examiner Pro Tem concludes that the project includes sufficient mitigation to address the impacts to the wetland buffer. The Applicant enlisted a biologist to classify the wetland and determine the location of its edge closest to the development site. See Wetland Delineation Report and Buffer Impact Mitigation Plan, dated 05/19/21 (updated). The biologist assigned the wetland a total function score of 16. See *id.*, p. 1. As a result, the wetland was classified as a Class 3 wetland. See *id.* (Appendix 5); see also Staff Report, p. 5. The biologist also assigned the wetland a habitat score of 5. See Wetland Delineation Report and Buffer Impact Mitigation Plan, dated 05/19/21 (updated), p. 1. From these determinations, and based upon the nature of the



proposed use, the proper buffer for the wetland is 150 feet. See *id.*; see also SCC 11.20.050(C)(1)(b).

Based upon the guidance provided by the biologist, the project engineer surveyed the wetland edge and its associated buffer. See Staff Report, p. 5. As designed, the proposed facility encroaches into the wetland buffer. See Figure 7, Wetland Delineation Report and Buffer Impact Mitigation Plan, dated 05/19/21 (updated). The encroachment is located in the northwest corner of the site and encompasses 5,962 square feet of the buffer. See *id.* The property owner proposes to mitigate that impact by replacing the buffer at the 1.5:1 replacement ratio specified by the Critical Areas Ordinance (CAO). See *id.*; see also SCC 11.20.050(D)(5). The proposed 9,000 square foot replacement area in the southwest corner of the property is contiguous with the existing buffer and located adjacent to the lowest intensity land uses. See Figure 7, Wetland Delineation Report and Buffer Impact Mitigation Plan, dated 05/19/21 (updated).

The Hearing Examiner Pro Tem concludes that the project includes adequate mitigation for the potential impacts to the wetland buffer. A qualified biologist classified the nearby wetland, which dictated the necessary buffer. The project engineer surveyed the location of the wetland's edge and its associated buffer. The project does encroach into the wetland buffer. However, the impact will be compensated for by creating a replacement area significantly larger than the impacted area, consistent with the CAO. The biologist endorsed the method and location of the mitigation. There is no evidence that calls the biologist's conclusions or methodology into question. The Hearing Examiner Pro Tem concludes that the proposed mitigation is adequate to protect the wetland area.

The Hearing Examiner Pro Tem concludes that the application, as conditioned, complies with the Environmental Ordinance (Chapter 11.10 SCC), the CAO (Chapter 11.20 SCC), and SEPA (Chapter 43.21C Revised Code of Washington [RCW]). Therefore, the applicable environmental standards are satisfied.

## **DECISION**

Based on the findings and conclusions above, it is the decision of the Hearing Examiner Pro Tem to approve the proposed CUP subject to the following conditions (revised conditions shown in *italics*):

### **Building and Planning:**

1. All conditions imposed by the Hearing Examiner Pro Tem shall be binding on the "Applicant," which term shall include the owner or owners of the property, heirs, assigns and successors.
2. The proposal shall comply with SCC Section 14.618.240(24), the development standards of the RAC zone, and all other applicable chapters of the Spokane County Zoning Code, as amended.
3. The Applicant shall develop subject property in strict conformance with the site plan presented to the Hearing Examiner Pro Tem on March 2, 2022. All aspects of the concept and proposal shall be binding on the development, including proposed use. Variations, to be approved by the Director of Building and Planning/designee, shall

only be allowed to meet regulation standards and conditions of approval. Any other modifications must be presented to the Hearing Examiner Pro Tem for review and approval.

4. Approval is required from the Director of the Building and Planning/designee of a specific lighting and signing plan for the described property prior to the release of any building permit.
5. Direct light from any exterior area lighting fixture shall not extend over the property boundary.
6. A specific landscape plan, planting schedule, and provisions for the maintenance acceptable to the Director of the Building and Planning/designee shall be submitted with a performance bond or other suitable guarantee for the project prior to release of any building permits. Landscaping shall be installed and maintained so that sight distance at access points is not obscured or impaired.
7. Building and Planning shall prepare and record with the Spokane County Auditor a Title Notice noting 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 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 Building and Planning. The Title Notice shall generally provide as follows:

**The subject property generally described as [insert description] is the subject of a land use action by a Spokane County Hearing Examiner Pro Tem on March 10, 2022, imposing a variety of special development conditions. File No. CUW-06-21 is available for inspection and copying in the Spokane County Building and Planning Department.**

8. The proposal shall comply with the Wetland Delineation Report and Mitigation Plan, *dated May 19, 2021 (stamped received October 6, 2021).*

**Public Works:**

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

1. A Professional Engineer, licensed in the State of Washington, shall submit final road and drainage plans, a drainage report and calculations that conform to the 2018 Spokane County Standards for Road and Sewer Construction ("2018 Road Standards"), the 2008 Spokane Regional Stormwater Manual (2008 SRSM), and all standards and laws that are applicable to this project. Any final road and drainage plans and a drainage report shall receive the Spokane County Engineer's ("County Engineer's) acceptance prior to release of a construction or building permit or approval of the final plat.
2. Roadway standards, typical roadway sections, and drainage plan requirements are found in Spokane Board of County Commissioners resolution 17-1076 as amended and are applicable to this proposal.

3. The County Engineers reserve the right to review the proposal and the existing site at the time of any grading permit, land use change, commercial building permit, or building change of use permit for compliance with the current stormwater regulations. New or modified drainage improvements may be required where phased site development or expansion of site facilities occur.
4. The Applicant shall submit for acceptance by the County Engineer and the Spokane Regional Health District (SRHD) a detailed combined on-site sewage system plan and surface water disposal plan for the entire project or portion thereof if the development is phased.
5. A parking plan and traffic circulation plan shall be submitted and accepted by the County Engineer. The design, location, and arrangement of parking stalls shall be in accordance with standard engineering practices. Paving or surfacing as approved by the County Engineer will be required for any portion of the project that is to be occupied or traveled by vehicles.
6. No construction work is to be performed within the existing or proposed public right-of-way (ROW) until a permit has been issued by the County Engineer. All work is subject to inspection and approval by the County Engineer.
7. All required construction within the existing or proposed public ROW is to be completed prior to the release of a building permit or a bond in an amount estimated by the County Engineer to cover the cost of construction or improvements shall be filed with the County Engineer.
8. SR 904 is a State Highway and is under the jurisdiction of WSDOT. The Applicant is advised to consult with WSDOT to determine requirements for access to SR 904. Any required access permits and/or roadway improvements to SR 904 shall be reviewed and approved by WSDOT.
9. Approach Permits are required for any access to the Spokane County road system.
10. Prior to the release of a building permit or issuance of an approach permit, the Applicant must submit road and drainage plans to the Spokane County Division of Engineering and Roads for review and approval. Road and drainage plans must be prepared in compliance with Spokane County Road and Drainage Standards.
11. 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. Spokane County will assume no financial obligation for adjustments or relocations regarding these utilities. The Applicant should contact the applicable utilities regarding responsibility for adjustment or relocation costs and make arrangements for any necessary work.
12. The County Engineer has reviewed this project for transportation concurrency and has determined that it is exempt under SCC Section 13.650.104(2)(c).
13. The proposal is located within a Critical Aquifer Recharge Areas (CARA) of Moderate susceptibility to groundwater contamination under the CAO (as amended by Board of County Commissioners Resolution No. 8-0609). The CAO protects aquifers used for potable water and requires compliance with the 2008 SRSM.

The 2008 SRSM requires development to treat stormwater runoff from pollutant-generating impervious surfaces (PGIS) including vehicular traveled ways, parking areas, equipment storage areas, and certain roofs. Basic treatment is required for the affected runoff from any commercial/industrial use with a CARA of moderate or high susceptibility including a well-head protection "circle," or at any location whenever underground injection such as from drywells is involved. High-traffic and high-oil source pavement areas require staged treatment. Most current commercial roofing material and rooftop HVAC and electro-mechanical equipment are considered non-PGIS, but there are exceptions. Where critical materials handling is involved, additional spill-control and containment methods are needed to keep these hazardous materials isolated from the stormwater disposal and potential discharge into the ground.

14. The Applicant shall acknowledge receipt of notice from Spokane County that prior to use, all drywells and other infiltration devices regulated under Washington Administrative Code (WAC) 173-218-070 serving the proposed project shall be registered with the Washington State Department of Ecology (WSDOE).
15. The Applicant is being given notice by Spokane County that site disturbances of greater than 1 acre with a discharge to "waters of the state" regulated by the National Pollutant Discharge Elimination System (NPDES) under WAC 171-220 must apply with WSDOE.

**SCES:**

1. This property lies outside the County sewer service area. Applicant is required to notify the utility provider of this proposal and conform to their requirements.

SIGNED this 10<sup>th</sup> day of March, 2022.



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Brian T. McGinn  
Spokane County Hearing Examiner Pro Tem

c/o City of Spokane Office of the Hearing Examiner  
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## **NOTICE OF FINAL DECISION AND NOTICE OF RIGHT TO APPEAL**

Pursuant to SCC Chapter 1.46 (Hearing Examiner), the decision of the Hearing Examiner Pro Tem on conditional use permit is final and conclusive unless within 21 calendar days from the issuance of the Hearing Examiner Pro Tem's decision, a party with standing files a land use petition in Superior Court pursuant to RCW Chapter 36.70C.

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

On March 14, 2022, a copy of this decision will be mailed by first class mail to the Applicant, and by e-mail or mail to other parties of record. The date of issuance of the Hearing Examiner Pro Tem's decision is March 17, 2022.

**THE LAST DAY FOR APPEAL OF THIS DECISION TO SUPERIOR COURT BY LAND USE PETITION IS APRIL 7, 2022.**

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

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