



City Council Special Meeting - Appeal Hearing Agenda

Monday, June 30, 2025 at 6:00 PM

9103 E Frederick Ave.

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- 1. CALL TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ACTION ITEMS**
 - a. [Closed Record Appeal Hearing - Administrative Decision Appeal - Fence Permit - 9011 E South Riverway](#)
 - b. City Council Deliberation & Possible Decision - Administrative Decision Appeal - 9011 E South Riverway
- 4. ADJOURNMENT**

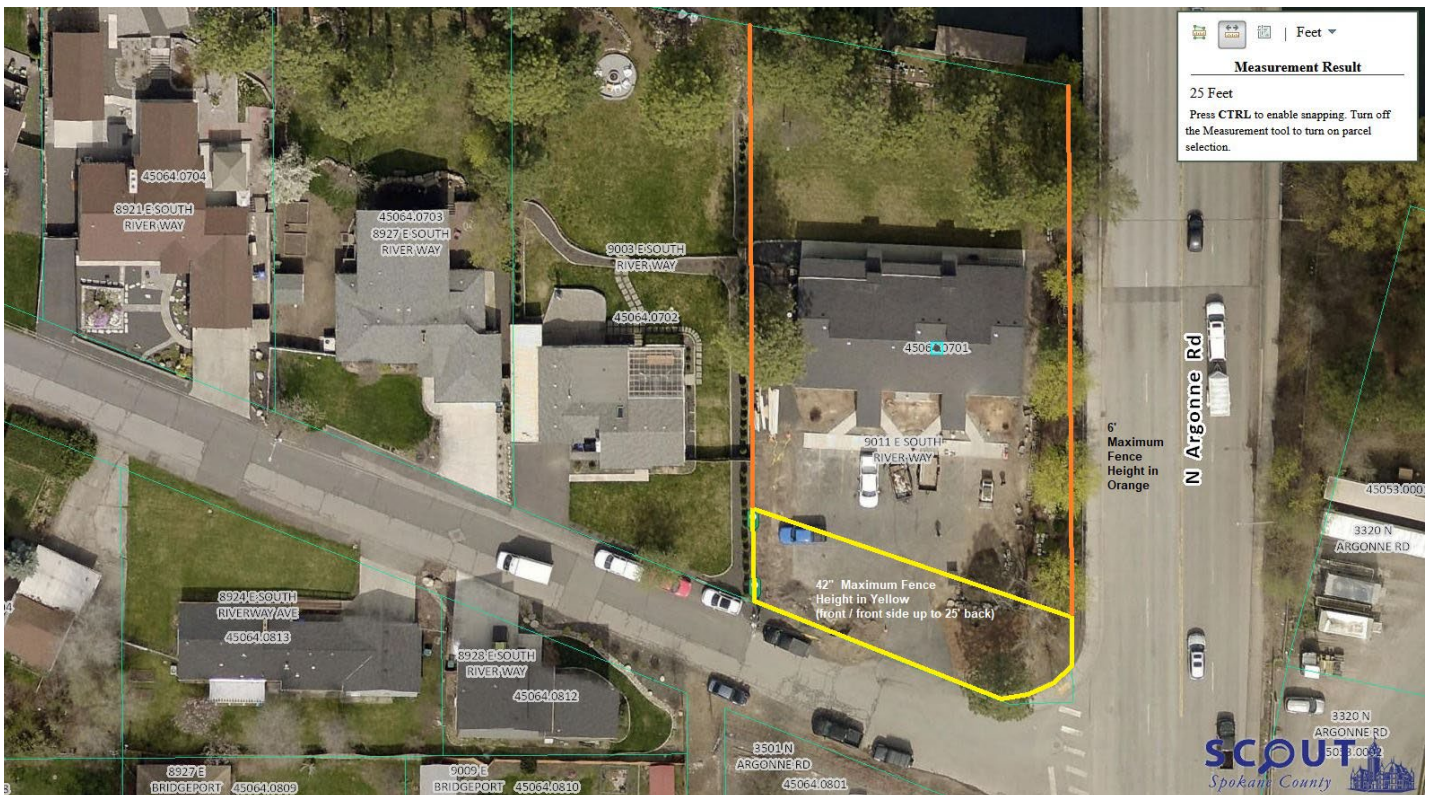
File Attachments for Item:

a. Closed Record Appeal Hearing - Administrative Decision Appeal - Fence Permit - 9011 E South Riverway

Staff Report - Appeal of Ward Fence Permit 4-15-25 Application Decision

I. BACKGROUND

On October 24, 2024, the City discovered an illegal fence construction in progress on property located at 9011 E. South Riverway, Millwood, WA (the “property”). The City immediately began code enforcement action. Specifically, on October 30, 2024, the City issued a Code Violation Warning Notice to Joseph Ward, owner of the property, for installation of a fence without a permit in violation of Millwood Municipal Code (“MMC”) 17.44.040 and 17.38.005(E)(6) and installation of a front and front-side fence (fence located within the 25’ setback) exceeding 42 inches in height in violation of MMC 17.38.005(E)(1). [Exhibit C]. The below picture, in yellow, shows the 25’ area on the property in which all fencing must be 42 inches or less.



On November 15, 2024, Mr. Ward submitted a fence permit application for the existing, unpermitted, 6’ fence and for a 6’ tall dumpster enclosure. [Exhibit F]. On November 22, 2024, the City denied the permit application as the constructed, and proposed, 6’ fence in the front and front-side of the property must be reduced to 42” within the 25’ front-side setback and the dumpster enclosure needed to either be removed from the front-side setback or reduced to 42”. [Exhibit G]. Included with the City’s denial was a variance application and an administrative appeal form as remedies Mr. Ward could pursue.

Between November 22, 2024, and March 8, 2025, the City and Mr. Ward had numerous conversations and correspondence related to the steps necessary for Mr. Ward to bring his property into compliance with the MMC. On March 25, 2025, the City sent Mr. Ward a letter, once again apprising Mr. Ward of the code violations on his property, and requested that Mr. Ward “confirm on or before April 4, 2025, that [he] will remedy the violations of the MMC on or before May 2, 2025.” [Exhibit H].



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On April 3, 2025, Mr. Ward requested the appropriate forms from the City so that he could either resubmit a fence permit application or a variance request. [Exhibit I]. The City provided the requested documents, along with an administrative appeal form in the case Mr. Ward choose to appeal the City's November 22, 2024, fence permit denial, on April 4, 2025. [Exhibit J]. Mr. Ward submitted an amended fence permit application on April 4, 2025. [Exhibit K].

On April 21, 2025, the City approved in part, and denied in part, Mr. Ward's fence permit. [Exhibit B]. The portions of the fence highlighted in green in the below picture were approved. The portion of the fence highlighted in red in the below picture were denied. The portion of the fence highlighted in yellow and orange were determined to be outside the scope of the permit application.

MILLWOOD

9103 E. F





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Pictures of partially unapproved wrought iron fence along west and south property lines, taken by City of Millwood staff on April 21, 2025 and a Google Earth April 2025 image.





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Mr. Ward submitted an appeal fee to appeal the partial denial of his fence permit on April 29, 2025. Mr. Ward did not submit the required appeal application form by the appeal deadline of May 4, 2025. As Mr. Ward had already paid the appeal fee, the City extended the deadline to file the appeal application form until May 19, 2025. Mr. Ward submitted his appeal form on May 19, 2025, and provided supplemental materials on May 20, 2025. The City considers the appeal timely.

II. CITY OF MILLWOOD RESPONSE TO APPEAL

Responses to Appellant’s “Administrative Appeal - Response to City regarding Q1 thru Q3 25.05.19 final.docx” included in Exhibit A, are shown in blue italics and have been prepared by Amanda Tainio, Contract City Planner

1. State how the appellant is significantly affected by the matter being appealed.

The appellant is significantly affected by the City's fence permit decision in several ways:

- Most of the fencing work has already been completed, with only the sight-obscuring fence around the dumpster pad remaining.

The City discovered the illegal fence construction, in progress on Friday, October 25, 2024 and immediately began code enforcement action.





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The City of Millwood issued a Code Violation Warning Notice on October 30, 2024 for installation of a fence without a permit and installation of a fence exceeding 42 inches in height. Refer to attached Exhibit C.

The retaining wall shown along Argonne Rd. in Picture 1 10.25.24 is subject to a separate code enforcement action which is in progress, and is not subject to, nor part of, this appeal.

- The requirement to remove existing fences and reinstall them within the parking area is unreasonable and impractical.

The fencing was installed without a permit.

- The City's proposed alternatives (either a 42-inch fence at the property line or a 6-foot fence at the 25-foot setback) would defeat the security purpose of the fencing.

The MMC does not consider the security purpose of a fence. All front or front-side fencing is required to be 42-inches or less.

- Both alternatives if a sight obscuring fence were erected would obstruct views of the parking lot and building (except the roof), undermining the very visibility the ordinance aims to preserve for safety and security purposes.

The MMC does not consider the security purpose of a fence. All front or front-side fencing is required to be 42-inches or less.

- The decision fails to recognize pre-existing, legally nonconforming structures that should be grandfathered under city ordinances.

The decision did not fail to recognize pre-existing, legally nonconforming structures as noted in the 4/21/25 decision letter (Exhibit B) and was based on information compiled through a records search, pictures available online, and the information that was provided by the Appellant prior to the City's fence permit decision, all of which were analyzed to substantiate or document the claim of legal nonconforming status. For further discussion, please see Section 2(A) below.

2. State the appellant's issues on appeal: the specific decision and specific portions of the decision or determination being appealed and the specific reasons why each aspect is in error as a matter of fact or law.

The appellant appeals the following specific aspects of the April 21, 2025 fence permit decision:

A. Denial of 6-foot wrought iron fence within front/front-side setback area

- **Error of fact:** The City failed to properly consider substantial evidence demonstrating the pre-existence of a 6-foot cedar fence, juniper hedges, and boulder retaining walls that have been in place since the 1970s.

Prior to issuing its decision, the City reviewed information concerning the 6 foot cedar fence along the west side property line, the juniper hedges along the west front-side and west half of the south front property line, and the boulders along the south front property line. Significant research and analysis were conducted to determine what, if any, of these site features could be classified as legally non-conforming.

A nonconforming use "is a use which lawfully existed prior to the enactment of a zoning ordinance, and which is maintained after the effective date of the ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated." Rhod-A-Zalea & 35th, Inc. v. Snohomish Cnty., 136 Wn.2d 1, 6 (1998) (emphasis added). Additionally, under the MMC, "[r]estoration of a legal nonconforming structure which



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is damaged by fire, flood, or act of nature shall be initiated, as evidenced by the issuance of a valid building permit, within one year of the date of such damage or destruction, and the restoration shall be completed within one and one-half years from the permit issue date.” MMC 17.38.020(D)(3).

The City addresses the non-conforming use status, or more appropriately the lack thereof, in detail below.

6-foot cedar fence.

No evidence was submitted to show that an existing 6’ tall cedar fence ran along the west property line up to E. South Riverway, including within the 25’ front-side setback, to substantiate or document the claim of legal nonconforming status. To the extent the 6’ foot cedar fence did at one point encroach into the 25’ front-side setback, such structure did not lawfully exist so as to qualify for nonconforming use status. Going back to 1961, a permit has been required by the City for any construction or installation of a fence. [Exhibits N-Q, L]. The Appellant has admitted that “all fencing was completed without permit.” As such, the 6’ cedar fence was never legally permitted and cannot be considered a non-conforming use. Lastly, Mr. Ward has claimed that the 6’ wrought iron fence was necessary to replace the 6’ cedar fence damaged by the January 2021 windstorm. No permit was applied for, nor issued, within a year of such damage as required by MMC 17.38.020(D)(3).

Juniper hedges and boulder retaining wall.

Additionally, as identified in the Ordinances provided by the City Clerk, prior to 1999, hedges / shrubs were not considered fences. Per the fence permit application cover letter, the junipers were approximately 45 years old; therefore, the junipers cannot establish a legal nonconforming provision for a front fence. Specifically, Ordinance 299 provided that “[h]edges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence.” [Exhibit L]. The junipers and boulders were not a fence, instead they were scattered landscape features that did not serve the same function as a fence, such as providing a physical barrier preventing individuals from entering the property.

Photo evidence.

Of the multiple pictures the City was able to locate and review prior to rendering its decision on Mr. Ward’s fence permit application, the following ones from Google Earth in April 2015, August 2020, June 2022, and September 2022 shows that the 6’ cedar fence along the west side property line had been substantially removed at least by September 2022 and the junipers and boulders were functioning as landscape features, not a fence or retaining wall. The Alpine Construction appeal exhibit lists “Fence – Supply labor and materials to remove and replace approximately eighty-eight feet (88’) of six foot (6’) tall dogeared cedar fencing with wood posts along the west side of the backyard.” Replacement of the 6’ cedar fencing along the west side of the backyard is consistent with the September 2022 Google Earth image and does not address the fencing along the west side of the property encroaching into the front-side setback.



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Google Earth - April 20, 2015





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Google Earth - August 13, 2020





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Google Earth - June 20, 2022



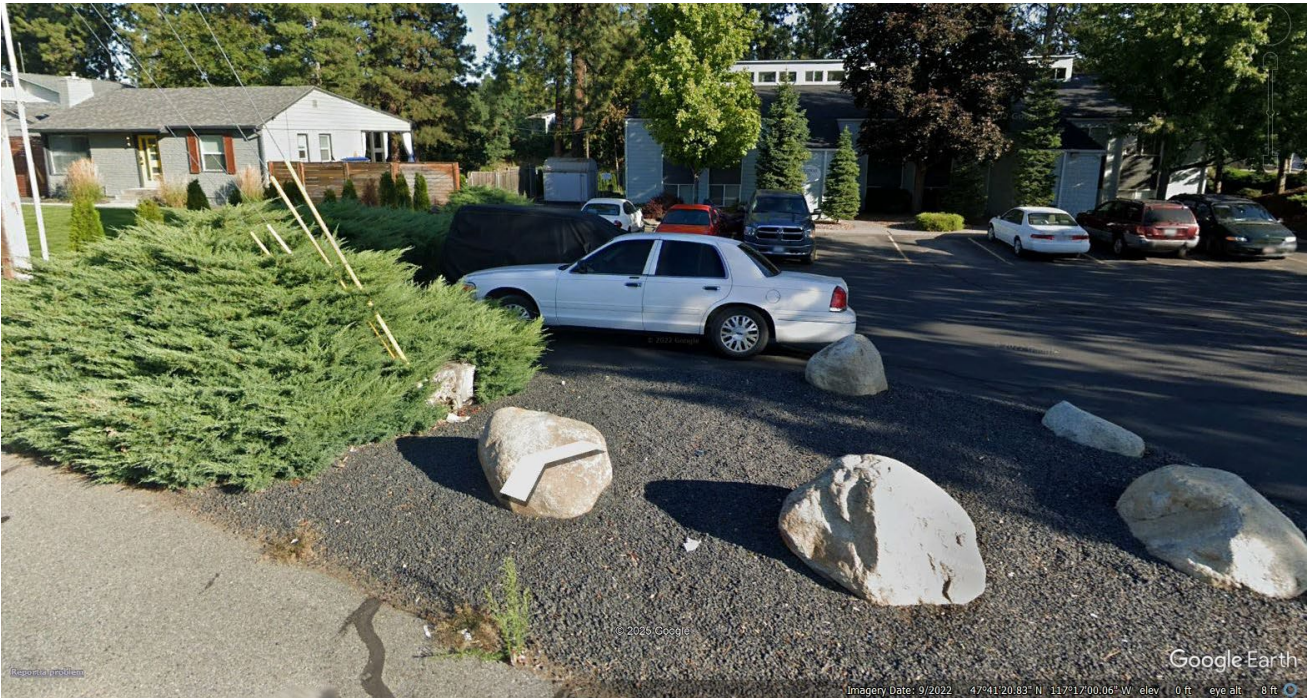


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Google Earth - September 2022



Google Earth - September 2022





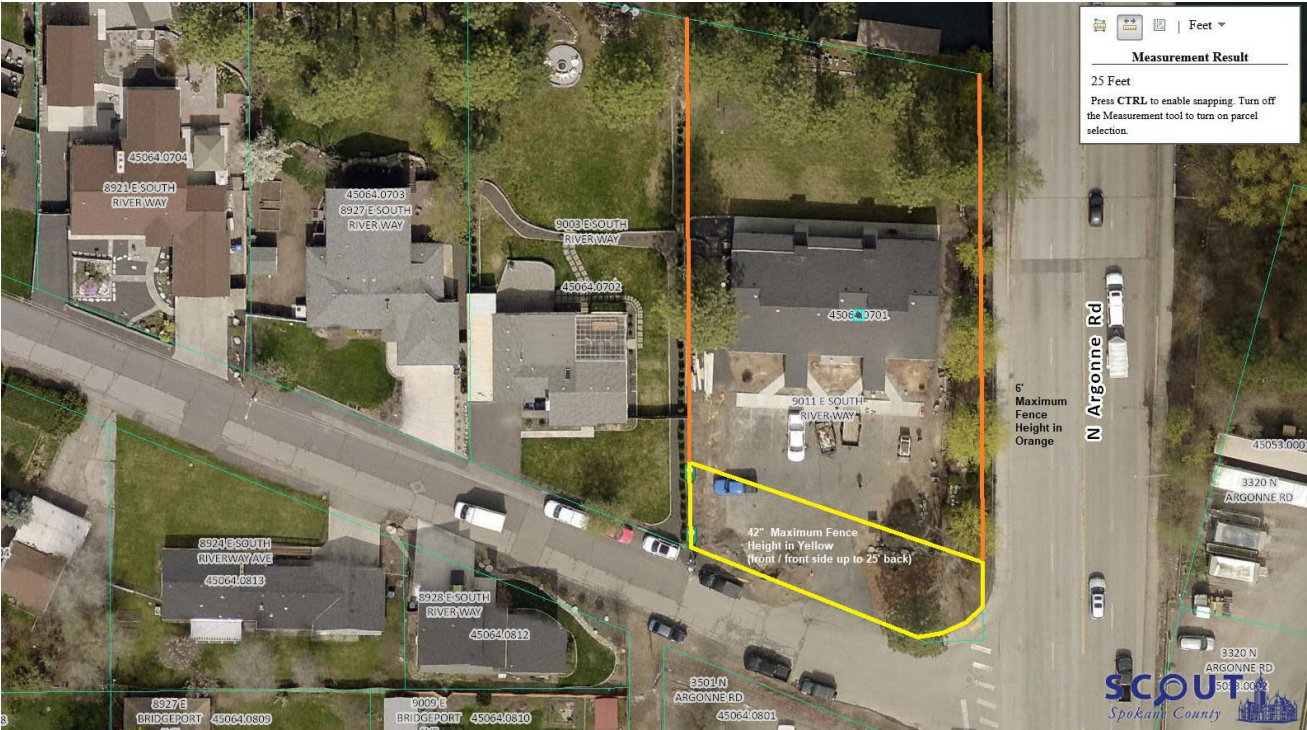
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Submitted by Mr. Ward as part of the appeal packet are the following pictures J and K (both labeled as October 2011) which clearly show that the pre-existing 6’ cedar fence did not extend up to E. South Riverway or even close to the utility pole like the new unapproved, wrought iron fence does. The cedar fence ended along the west side property line, close to the 25’ front setback line, as shown in the Scout Aerial that was provided in the Fall of 2024 to Mr. Ward and was utilized to prepare his application site plan.





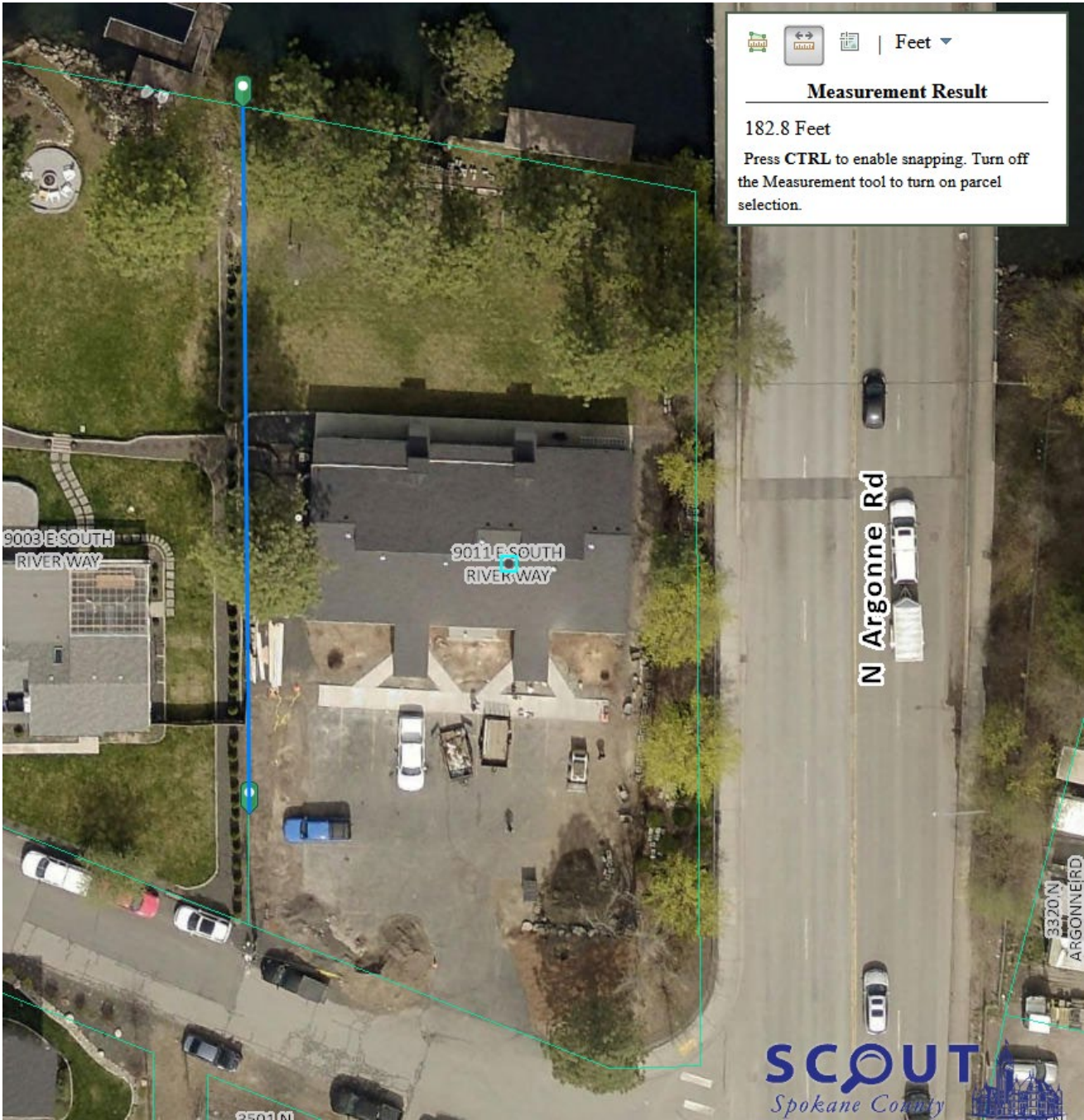
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Approximate length of west property line from NW corner in backyard to south 25' front setback line.





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- **Error of law:** Under Millwood City Ordinance #299 (adopted circa 1999), "hedges, shrubbery, or other materials used in lieu of a fence" were defined as fences. Since the juniper hedges and boulder structures predated this ordinance, they should be recognized as legally nonconforming structures.

Refer to response above.

- **Evidence submitted to support my position:** Multiple photographs (numbered #A, B, E, F, G, I, J, K, L, M, 3, 13, 14, 15, 18, 20, 22, 3294, 3295, 3296, 7495, 7496, 7499, and 7500), contractor bids, and insurance forms clearly document the existence of these structures.

The City acknowledges the general existence of the 6-foot cedar fence along the west side property line, the juniper hedges along the west front-side and west half of the south front property line, and the boulders along the south front property line. The supplied photographs, contractor bids, and insurance forms are consistent with the City's interpretation outlined in responses above concerning location, legal non-conforming status, and the landscape features not being classified as a "fence."

B. Denial of dumpster enclosure fence

- **Error of fact:** The City failed to consider the safety hazards at the previous dumpster location, documented by multiple incidents where Waste Management vehicles damaged tenant vehicles.

MMC 17.38.005(E)(3) requires that all fencing within a front side yard must be 42 inches or less in height. There is no exemption from this requirement for "safety hazards." Additionally, there was no information in the file nor supplied by the Applicant/Appellant concerning issues with Waste Management; regardless, a 6' tall sight obscuring dumpster enclosure cannot be located within the 25' front setback area. It was suggested in the City's fence permit decision that it could be located outside the 25' front setback area. The Appellant has not proposed an alternative location. If an alternative location is proposed, the City suggests coordinating with Waste Management to ensure it meets their needs for access as well.

- **Error of law:** The dumpster relocation and enclosure serves legitimate public safety and aesthetic purposes, which should be given proper consideration under city ordinances regarding public welfare.

Refer to response above.

C. Requirement to remove barbed wire from fencing

- **Error of fact:** The City disregarded evidence that barbed wire was part of the original fence constructed by Spokane County as part of an eminent domain settlement.

As identified above, the City's fence permit decision (Exhibit B), was based on information compiled through a records search, pictures available online, site visits, and the information that was provided by the Appellant prior to the City's decision, all of which were analyzed to substantiate or document the claim of legal nonconforming status. The Appellant provided an aerial site plan with written notes; however, no pictures or other exhibits were provided as part of the fence permit application. The pictures and exhibits such as the Alpine Construction contract, included in the Appeal packet were not supplied until the appeal was filed.

The City's decision stated "the fencing highlighted in yellow on the attached site plan were identified as existing or repaired. Per a site visit completed today, barbwire was added to the top of the chain link fence on the east side of the property. Barbwire is not permitted and must be removed unless evidence can be supplied to show that the previous fence had barbwire that was legally installed prior to 2009, to substantiate a nonconforming structure claim."



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The Alpine Construction appeal exhibit dated March 30, 2021 (following the 2021 windstorm) lists "Remove and replace approximately fortyeight feet (48') of six-foot (6') tall chain link fencing with three (3) strands of barbed wire on the east side of the backyard." Additionally, pictures were supplied as part of the appeal packet showing the barbwire fence; however, none of the pictures showed it was installed before 2009 (it was shown in October 2011). Based on this new information, the City possibly could have considered the barb wire located on top of the east side chain link fence to potentially be legally non-conforming if it was installed under an approved permit that was issued within 1 year of the windstorm (by mid-January 2022) per MMC 17.38.020(D), but it wasn't. As such, the barb wire located atop the east side chain link fence does not qualify as a non-conforming use.

- **Error of law:** The fence with barbed wire predates the 2009 ordinance and should be recognized as a legally nonconforming structure under Millwood Code of Ordinances Section 17.38.020(D).

Refer to response above.

- **Evidence submitted to support my position:** Photographs (#2, 7, 3299, 3204, 3317, 3352, and 3353), Alpine Construction Contract (Exhibit A), and State Farm Claim Summary (Exhibit B) documenting the pre-existing barbed wire.

Based on the evidence provided by the Appellant in the Appeal Packet, the barbed wire did exist in 2021 and as early as 2011; however, nothing was provided to show it legally existed prior to Ordinance 387, dated 11/2/2009 which subsequently prohibited barbwire for fencing. Additionally, permits have been required for fences since Ordinance 54A in April 1961 and no approved permit was found in the City files.

D. Procedural errors

- The City failed to conduct requested site visits that would have clarified factual disputes.

Amanda Tainio and Lisa Cassels met with Mr. Ward and Ms. Yip on March 3, 2025 at Millwood City Hall to discuss violation(s) of the Millwood City Code and options for resolution.

- The City provided inconsistent guidance regarding repair and replacement of structures damaged by the January 2021 windstorm.

Mr. Ward has not identified any inconsistent guidance provided by the City. The windstorm affected the rear and rear sides of the property. Since 2021, the City has issued a Shoreline Development Permit Exemption (SDPE-2024-01) that was preceded by a stop work order for construction of the retaining wall at the rear of the property, within the shoreline buffer area on 4/8/24, a tree permit for removal of the pine tree against the foundation of the building (April 2024), and a Shoreline Development Permit Exemption (SDPE-03-23) that was preceded by a stop work order for repair/construction of a dock at the rear of the property along the edge of the Spokane River on 6/14/23 under Christina Janssen. The fence at issue in this appeal was never discussed by Mr. Ward or brought to the City's attention until the City observed the unpermitted construction.

- The City failed to properly apply its own Shoreline Management Act exemptions for "normal maintenance and repair of existing structures."

A fence is not a regulated use in the shoreline residential designation under MMC 18.16.030 - Permitted shoreline uses and modifications, therefore the fence permit application was not reviewed under MMC 18.12.330(B)(2) - Exemption - 2. Normal maintenance and repair.

Item #6 on the 4/21/25 decision identifies that "The 8'x'8'x20' replacement storage unit (highlighted in orange on the attached site plan) cannot be reviewed under a fence permit application. A separate residential site plan /



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design review will be required for the storage unit.” Detached accessory structures are a regulated use and therefore will have to undergo shoreline review. A separate application for a Shoreline Development Permit Exemption or Shoreline Development Permit, will be required prior to installation or construction of the proposed storage building and site design review as well as direction on the potential need for a building permit would be conducted at the same time. Such issue is beyond the scope of this appeal.

For a comprehensive legal analysis supporting these positions, please refer to the following attached documents:

1. **Legal Doctrines and Principles for Administrative Appeal** - This document outlines the applicable legal doctrines including nonconforming use, vested rights, and estoppel as they apply to this case.
2. **Legal References for Administrative Appeal** - This document provides specific citations to relevant sections of the Millwood Municipal Code, Washington state law, and case precedents supporting the appellant's position.
3. **Comprehensive List of Legal Doctrines** - This document details how established legal principles such as equitable estoppel, laches, and administrative due process support the appellant's position that the City's decision should be reversed.

The City has reviewed the documents provided by the Appellant and the City's position remains that the unpermitted construction does not qualify as a non-conforming use and that the City applied its code correctly.

5. State the specific relief requested, such as reversal or modification.

As detailed in the letter to Amanda Tainio dated May 19, 2025, the appellant respectfully requests:

1. Approval of all fencing as submitted in the April 15, 2025 application, specifically:
 - Recognition of the 6-foot wrought iron fence within the setback area as a legally permitted replacement of pre-existing nonconforming structures
Refer to responses above.
 - Approval of the dumpster enclosure fence in its current location
Refer to responses above.
 - Permission to retain barbed wire on the fence paralleling Argonne Road as a legally nonconforming structure
Refer to responses above.
 - Permission to build up to a 6 ft tall gate connecting the fences across the driveway subject only to design and materials

As referenced in the 4/21/25 decision, item #5, “The proposed future 38’ driveway gate (highlighted in blue) will require additional information to be submitted for review. At a minimum, the material type and proposed height are needed. The Spokane Valley Fire Department may also have specific requirements for a gate on a multi-family property. Please submit additional information to the City of Millwood and Spokane Valley Fire Department, Attn: Traci Harvey, referencing “9011 E. South Riverway Front Gate”. This request is outside the scope of this appeal. Should the City receive a permit application from Mr. Ward for this fence, such decision is an administrative decision made by the City, not by the City Council. See MMC 17.44.015.



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2. In the alternative, if complete approval is not granted:

- A comprehensive site visit with City officials to evaluate all structures in question
- Application of administrative exceptions under Millwood Code criteria for situations that do not negatively impact operations of existing land uses, do not increase density, and do not adversely impact public health, safety, and welfare

Administrative Exceptions are regulated under MMC 17.38.005(H) -

H. Administrative Exceptions. An administrative exception may be approved for the following when:

- a. Where the required setback is greater than five feet, a deviation of five feet or less*
- b. Minimum lot area where the deviation is for ten percent or less of the required lot area.*
- c. Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.*
- d. Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.*

Decision Criteria. The city planner shall approve, approve with conditions, or deny administrative exceptions based on the following criteria:

- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies;*
- b. The exception may not increase density beyond what is currently allowed within the zoning district;*
- c. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a hearing examiner decision, or conditions associated with applicable plat approvals;*
- d. The exemption is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the exemption will apply.*
- e. The exception shall not conflict with other local, state, or federal laws; and*
- f. The exception does not adversely impact the public health, safety, and welfare within the city.*

Administrative exceptions are to be considered administratively by the City Planner and this request is outside the scope of the current appeal. Should Mr. Ward submit a formal request for an administrative exception, the City will consider the request consistent with MMC 17.38.005(H).

The appeal is supported by extensive documentation demonstrating the pre-existence of these structures prior to relevant ordinances, their status as legally nonconforming uses, and their qualification for repair/replacement under normal maintenance provisions following the January 2021 windstorm damage.

Please see the City's comprehensive response above. The fencing does not qualify as a non-conforming use or for ordinary repair/replacement or normal maintenance.



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Staff Report has been provided to:

Millwood City Council (email and hard copy)
 Aziza Foster (email)
 Brian Werst (email)
 Lisa Cassels (email)
 Joseph Ward (email and hard copy)
 John T Sweitzer (email)
 Benjamin Ward (email)
 Rosina Yip (email)
 Cody Clary (email)

Staff Report Attachments:

- Exhibit A - Ward Appeal Packet
- Exhibit B - Fence Permit 4-15-25 Application Decision
- Exhibit C - Warning LTR Fence Height, No permit 10.30.24.
- Exhibit D - Notice of City Council Special Meeting - Appeal Hearing (9011 E. South Riverway Fence), issued June 11, 2025
- Exhibit E - Notice of City Council Special Meeting - Appeal Hearing (9011 E. South Riverway Fence), Spokesman Review publication on June 11, 2025
- Exhibit F - November 15, 2024, email from Mr. Ward, with attachments
- Exhibit G - November 22, 2024, email from Lisa Cassels, with attachments
- Exhibit H - March 25, 2025, letter from Mayor Kevin Freeman
- Exhibit I - April 3, 2025, email from Mr. Ward
- Exhibit J - April 4, 2025, email from Lisa Cassels, with attachments
- Exhibit K - April 16, 2025, email from Mr. Ward, with attachments
- Exhibit L - Ordinance 299
- Exhibit M - Ordinance 46
- Exhibit N - Ordinance 88
- Exhibit O - Ordinance 387
- Exhibit P - Ordinance 519
- Exhibit Q - Ordinance 527

Exhibit A - Ward Appeal Packet

From: Joseph G. Ward <ward@pinnaclespokane.com>
Sent: Tuesday, May 20, 2025 11:16 AM
To: Lisa Cassels; City Planner; Kevin Freeman; Brian M Werst (BWerst@workwith.com)
Cc: John T Sweitzer (Jsweitzerco@hotmail.com); Benjamin Ward; Rosina Yip; Cody Clary; Joseph G. Ward
Subject: Administrative Appeal response to Q1 thru Q3 Riverway fencing application including attachments
Attachments: Administrative Appeal - Response to City regarding Q1 thru Q3 25.05.19 final.docx; Legal Doctrines and Principles for Administrative Appeal 05 19 25 To sup....docx; Legal References for Administrative Appeal 05 19 25 To support Appeal.docx; Comprehensive List of Legal Doctrines to Be Considered 25.05.19 To suppo....docx

Thank you Lisa for you response this morning. I overlooked your reply to the typo. So sorry. My bad.

Attached are;

- a. Administrative Appeal - Response to City regarding questions 1-3 05 19 25
- b. Legal Doctrines and Principals for Administrative Appeal 05 19 25
- c. Legal References for Administrative Appeal 05 19 25 to support appeal
- d. Comprehensive List of Legal Doctrines to be considered 05 19 25

Not attached but an integral part of the answer is the letter set to Amanda etal yesterday just before I sent in the appeal.

If you are not in recipe of any of these please let me know.

Thank you

Joseph G. Ward
cell: **509-990-2506**
address: 15102 N. Tormey Rd.
Nine Mile Falls, WA
99026-9687
ward@pinnaclespokane.com

1. State how the appellant is significantly affected by the matter being appealed.

The appellant is significantly affected by the City's fence permit decision in several ways:

- Most of the fencing work has already been completed, with only the sight-obscuring fence around the dumpster pad remaining.
- The requirement to remove existing fences and reinstall them within the parking area is unreasonable and impractical.
- The City's proposed alternatives (either a 42-inch fence at the property line or a 6-foot fence at the 25-foot setback) would defeat the security purpose of the fencing.
- Both alternatives if a sight obscuring fence were erected would obstruct views of the parking lot and building (except the roof), undermining the very visibility the ordinance aims to preserve for safety and security purposes.
- The decision fails to recognize pre-existing, legally nonconforming structures that should be grandfathered under city ordinances.

2. State the appellant's issues on appeal: the specific decision and specific portions of the decision or determination being appealed and the specific reasons why each aspect is in error as a matter of fact or law.

The appellant appeals the following specific aspects of the April 21, 2025 fence permit decision:

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- **Error of fact:** The City failed to properly consider substantial evidence demonstrating the pre-existence of a 6-foot cedar fence, juniper hedges, and boulder retaining walls that have been in place since the 1970s.
- **Error of law:** Under Millwood City Ordinance #299 (adopted circa 1999), "hedges, shrubbery, or other materials used in lieu of a fence" were defined as fences. Since the juniper hedges and boulder structures predated this ordinance, they should be recognized as legally nonconforming structures.
- **Evidence submitted to support my position:** Multiple photographs (numbered #A, B, E, F, G, I, J, K, L, M, 3, 13, 14, 15, 18, 20, 22, 3294, 3295, 3296, 7495, 7496, 7499, and 7500), contractor bids, and insurance forms clearly document the existence of these structures.

B. Denial of dumpster enclosure fence

- **Error of fact:** The City failed to consider the safety hazards at the previous dumpster location, documented by multiple incidents where Waste Management vehicles damaged tenant vehicles.
- **Error of law:** The dumpster relocation and enclosure serves legitimate public safety and aesthetic purposes, which should be given proper consideration under city ordinances regarding public welfare.

C. Requirement to remove barbed wire from fencing

- **Error of fact:** The City disregarded evidence that barbed wire was part of the original fence constructed by Spokane County as part of an eminent domain settlement.
- **Error of law:** The fence with barbed wire predates the 2009 ordinance and should be recognized as a legally nonconforming structure under Millwood Code of Ordinances Section 17.38.020(D).
- **Evidence submitted to support my position:** Photographs (#2, 7, 3299, 3204, 3317, 3352, and 3353), Alpine Construction Contract (Exhibit A), and State Farm Claim Summary (Exhibit B) documenting the pre-existing barbed wire.

D. Procedural errors

- The City failed to conduct requested site visits that would have clarified factual disputes.
- The City provided inconsistent guidance regarding repair and replacement of structures damaged by the January 2021 windstorm.
- The City failed to properly apply its own Shoreline Management Act exemptions for "normal maintenance and repair of existing structures."

For a comprehensive legal analysis supporting these positions, please refer to the following attached documents:

1. **Legal Doctrines and Principles for Administrative Appeal** - This document outlines the applicable legal doctrines including nonconforming use, vested rights, and estoppel as they apply to this case.
2. **Legal References for Administrative Appeal** - This document provides specific citations to relevant sections of the Millwood Municipal Code, Washington state law, and case precedents supporting the appellant's position.
3. **Comprehensive List of Legal Doctrines** - This document details how established legal principles such as equitable estoppel, laches, and administrative due process support the appellant's position that the City's decision should be reversed.

5. State the specific relief requested, such as reversal or modification.

As detailed in the letter to Amanda Tainio dated May 19, 2025, the appellant respectfully requests:

1. Approval of all fencing as submitted in the April 15, 2025 application, specifically:
 - Recognition of the 6-foot wrought iron fence within the setback area as a legally permitted replacement of pre-existing nonconforming structures
 - Approval of the dumpster enclosure fence in its current location
 - Permission to retain barbed wire on the fence paralleling Argonne Road as a legally nonconforming structure
 - Permission to build up to a 6 ft tall gate connecting the fences across the driveway subject only to design and materials
2. In the alternative, if complete approval is not granted:
 - A comprehensive site visit with City officials to evaluate all structures in question
 - Application of administrative exceptions under Millwood Code criteria for situations that do not negatively impact operations of existing land uses, do not increase density, and do not adversely impact public health, safety, and welfare

The appeal is supported by extensive documentation demonstrating the pre-existence of these structures prior to relevant ordinances, their status as legally nonconforming uses, and their qualification for repair/replacement under normal maintenance provisions following the January 2021 windstorm damage.

Legal Doctrines and Principles for Administrative Appeal

1. **Normal Maintenance and Repair Exemption** - Exemption from permit requirements for maintenance of existing structures
2. **Fair Market Value Exemption** - Exemption for construction below specified monetary threshold
3. **Emergency Construction Exemption** - Exemption for construction required to protect persons and property
4. **Legal Nonconforming Use/Structure** - Structures lawfully existing before current regulations that may be maintained
5. **Vested Rights Doctrine** - Right to have project reviewed under regulations in effect at time of application
6. **Administrative Consistency Requirement** - Agencies must treat similar situations similarly
7. **Agency Binding Policy** - Once an agency establishes a policy, it cannot disregard it arbitrarily
8. **Equitable Estoppel Against Municipalities** - Preventing enforcement when officials induce reasonable reliance
9. **Implied Waiver by Conduct** - Waiver of rights through actions inconsistent with intent to enforce
10. **Single Causative Event Doctrine** - Treating all repairs from same natural event consistently
11. **Administrative Res Judicata** - Prevention of relitigation of issues already determined
12. **Collateral Estoppel in Administrative Context** - Binding effect of prior administrative determinations
13. **Equal Protection** - Constitutional prohibition on unequal application of laws
14. **Fundamental Administrative Fairness** - Requirement for fair application of regulations

15. **Arbitrary and Capricious Standard** - Prohibition on willful and unreasoning agency actions
16. **Functional Test for Structures** - Classification based on function rather than form
17. **Pre-existing Structure Rights** - Right to maintain structures that pre-date current regulations
18. **Selective Enforcement Prohibition** - Enforcement cannot be based on arbitrary classifications
19. **Disparate Treatment Prohibition** - Municipalities cannot single out particular individuals for discriminatory treatment
20. **Municipal Duty to Assist** - Obligation to provide clear guidance on complex regulations
21. **Unauthorized Practice of Law** - Non-attorneys cannot interpret complex legal provisions
22. **Administrative Procedural Due Process** - Right to notice and meaningful opportunity to be heard
23. **Regulatory Taking** - Compensation required for regulations that excessively restrict property rights
24. **State Preemption** - State law trumps conflicting local regulations
25. **Waiver of Time Limitations** - Municipalities can waive strict compliance with time requirements
26. **Good Faith and Fair Dealing** - Requirement for honest dealing in all transactions
27. **Reasonable Accommodation Requirement** - Duty to reasonably accommodate legitimate property uses
28. **Duty of Specific Notice** - Due process requires specific notice of alleged violations
29. **Right to Access Decision-Makers** - Property owners' right to meaningful engagement with officials
30. **Protection of Investment-Backed Expectations** - Safeguarding reasonable investment expectations
31. **Liberal Construction of Repair Exemptions** - Interpreting repair exemptions broadly to further statutory purpose

32. Consistent Application of Exemption Criteria - Applying same standards to all qualifying exemption requests

Legal References for Administrative Appeal

Statutes, Regulations and Municipal Codes

1. WAC 173-27-040(2)(b) - Normal maintenance or repair of existing structures exemption
2. WAC 173-27-040(2)(a) - Fair market value exemption for protective structures
3. WAC 173-27-040(2)(d) - Emergency construction exemption
4. MMC §17.38.020(D) - Legal nonconforming structure definition
5. MMC §17.38.020(D)(1) - Restoration rights for nonconforming structures damaged by natural events
6. RCW 90.58.030(3)(e) - State exemptions for normal maintenance or repair
7. RCW 34.05.570(3)(i) - Arbitrary or capricious standard for agency actions
8. RCW 34.05 - Washington Administrative Procedure Act requirements
9. RCW 2.48.180 - Unauthorized practice of law provisions
10. WA Constitution, Art. I, §12 - Equal protection provisions

Case Law

11. State v. Calaway, 113 Wn.2d 121 (1989) - Liberal construction of repair exemptions
12. Yakima County Clean Air Authority v. Glascam Builders, Inc., 85 Wn.2d 255 (1975) - Consistent treatment of similar situations
13. Mall, Inc. v. Seattle, 108 Wn.2d 369 (1987) - Agencies bound by established policy/interpretations
14. Wilkinson v. Dep't of Ecology, 168 Wn.2d 952 (2010) - Consistent application of SMA exemptions
15. Andrus v. Washington Dept. of Fish & Wildlife, 170 Wn. App. 364 (2012) - Similar standards for similar applicants
16. Buechler v. Wenatchee Valley College, 174 Wn. App. 141 (2013) - Equitable estoppel against government

17. Mercer Island v. Steinmann, 9 Wn. App. 479 (1973) - Estoppel from enforcing zoning after misleading
18. Silverstreak, Inc. v. Washington State Dept. of Labor & Industries, 159 Wn.2d 868 (2007) - Implied waiver through conduct
19. Lejeune v. Clallam County, 64 Wn. App. 257 (1992) - Administrative res judicata
20. Shoemaker v. City of Bremerton, 109 Wn.2d 504 (1987) - Binding effect of prior agency determinations
21. State v. Shawn P., 122 Wn.2d 553 (1993) - Prohibition on arbitrary application of laws
22. Grant County Fire Protection Dist. v. City of Moses Lake, 150 Wn.2d 791 (2004) - Prohibition on favoritism
23. Heidgerken v. Dep't of Natural Resources, 99 Wn. App. 380 (2000) - Fundamental fairness requirements
24. Pierce County Sheriff v. Civil Service Comm'n, 98 Wn.2d 690 (1983) - Consistent application standard
25. Rhod-A-Zalea v. Snohomish County, 136 Wn.2d 1 (1998) - Maintenance of nonconforming structures
26. Skamania County v. Columbia River Gorge Comm'n, 144 Wn.2d 30 (2001) - Vested property rights
27. Van Buren v. Trothler, 19 Wn.2d 537 (1943) - Functional test for structures
28. Anderson v. Island County, 81 Wn.2d 312 (1972) - Maintenance of non-conforming uses
29. Finch v. Matthews, 74 Wn.2d 161 (1968) - Estoppel from prior determinations
30. Washington Education Ass'n v. Smith, 96 Wn.2d 601 (1981) - Consistency with prior interpretations
31. City of Seattle v. Slack, 113 Wn.2d 850 (1989) - Selective enforcement standard
32. Mission Springs, Inc. v. City of Spokane, 134 Wn.2d 947 (1998) - Disparate treatment prohibition
33. Durocher v. King County, 80 Wn.2d 139 (1972) - Equal protection in land use enforcement

34. *Friends of the Law v. King County*, 123 Wn.2d 518 (1994) - Duty to provide clear guidance
35. *Rogers Potato Service, LLC v. Countrywide Potato, LLC*, 152 Wn.2d 387 (2004) - Good faith and fair dealing
36. *Bennion, Van Camp, Hagen & Ruhl v. Kassler Escrow, Inc.*, 96 Wn.2d 443 (1981) - Unauthorized practice of law
37. *Eastlake Community Council v. Roanoke Associates*, 82 Wn.2d 475 (1973) - Waiver of time limitations
38. *Valley View Industrial Park v. City of Redmond*, 107 Wn.2d 621 (1987) - Waiver of procedural requirements
39. *State v. Everett District Court*, 92 Wn.2d 106 (1979) - Prohibition on selective enforcement
40. *Orion Corp. v. State*, 109 Wn.2d 621 (1987) - State law preemption of local regulations
41. *Biggers v. City of Bainbridge Island*, 162 Wn.2d 683 (2007) - SMA preemption of conflicting local rules
42. *Westside Business Park v. Pierce County*, 100 Wn. App. 599 (2000) - Vested rights doctrine
43. *Abbey Road Group, LLC v. City of Bonney Lake*, 167 Wn.2d 242 (2009) - Protection from shifting regulations
44. *West Main Associates v. City of Bellevue*, 106 Wn.2d 47 (1986) - Rights for timely applications
45. *Olympic Forest Products v. Chaussee Corp.*, 82 Wn.2d 418 (1973) - Due process notice requirements
46. *Nguyen v. Dep't of Health*, 144 Wn.2d 516 (2001) - Adequate notice standards
47. *Goldberg v. Kelly*, 397 U.S. 254 (1970) - Opportunity to be heard
48. *Silver Firs Town Homes v. Silver Lake Water Dist.*, 103 Wn. App. 411 (2000) - Right to engage with decision-makers
49. *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978) - Regulatory taking standard

- 50. *Manufactured Housing Communities v. State*, 142 Wn.2d 347 (2000) - Interference with property use as taking
- 51. *Guimont v. Clarke*, 121 Wn.2d 586 (1993) - Derogation of fundamental property attributes
- 52. *Rios v. Washington Dept. of Labor & Industries*, 145 Wn.2d 483 (2002) - Definition of arbitrary and capricious
- 53. *Heinmiller v. Dep't of Health*, 127 Wn.2d 595 (1995) - Willful and unreasoning actions standard
- 54. *Margola Associates v. City of Seattle*, 121 Wn.2d 625 (1993) - Reasonable accommodation duty
- 55. *Open Door Baptist Church v. Clark County*, 140 Wn.2d 143 (2000) - Accommodation for existing structures

Other Authorities

- 56. WA Department of Ecology's *Shoreline Management Handbook* (2017) - Guidance on storm damage repairs
- 57. WA State Governor's Office for Regulatory Innovation & Assistance (ORIA) - Shoreline exemption guidance

Comprehensive List of Legal Doctrines, Exemptions, and Justifications

1. Shoreline Management Act Exemptions

- Normal maintenance and repair exemption (WAC 173-27-040(2)(b))
- Fair market value exemption for protective structures under \$7,047 (WAC 173-27-040(2)(a))
- Emergency construction exemption for protection of persons and property (WAC 173-27-040(2)(d))

2. Legal Nonconforming Status

- Pre-existing structures established prior to code adoption (MMC §17.38.020(D))
- Restoration rights for nonconforming structures damaged by natural events (MMC §17.38.020(D)(1))
- Vested rights to maintain grandfathered structures (Rhod-A-Zalea v. Snohomish County)

3. Administrative Consistency Requirements

- Duty to apply regulatory standards consistently (Yakima County Clean Air Authority v. Glascam Builders)
- Established policy/interpretation binding on agency (Mall, Inc. v. Seattle)
- Consistent application of exemption criteria (Wilkinson v. Dep't of Ecology)
- Rational basis required for different standards (Andrus v. Washington Dept. of Fish & Wildlife)

4. Estoppel Against Municipalities

- Equitable estoppel when officials induce reliance (Buechler v. Wenatchee Valley College)
- Estoppel from enforcing zoning ordinances after misleading representations (Mercer Island v. Steinmann)
- Implied waiver of enforcement rights through conduct (Silverstreak, Inc. v. Washington State Dept. of Labor & Industries)
- Estoppel by prior administrative determinations (Finch v. Matthews)

5. Single Causative Event Doctrine

- Unified treatment of all repairs necessitated by a single natural event
- Consistent exemption criteria for all structures impacted by same storm (WA Dept. of Ecology Guidance)

6. Administrative Res Judicata/Collateral Estoppel

- Prevention of contradictory determinations on same ordinance and similar facts (*Lejeune v. Clallam County*)
- Binding effect of prior agency determinations (*Shoemaker v. City of Bremerton*)

7. Equal Protection Requirements

- Constitutional prohibition on unequal application of laws (WA Constitution, Art. I, §12)
- Protection against arbitrary application among similar parties (*State v. Shawn P.*)
- Protection against favoritism and special treatment (*Grant County Fire Protection Dist. v. City of Moses Lake*)
- Prohibition on selective enforcement (*City of Seattle v. Slack*)
- Equal treatment of similarly situated properties (*Mission Springs, Inc. v. City of Spokane*)

8. Fundamental Administrative Fairness

- Requirement for fundamentally fair application of regulations (*Heidgerken v. Dep't of Natural Resources*)
- Prohibition on arbitrary or capricious actions (RCW 34.05)
- Consistent application of regulatory standards (*Pierce County Sheriff v. Civil Service Comm'n*)

9. Functional Test for Structures

- Function over form in structure classification (*Van Buren v. Trothler*)
- Treatment of vegetation barriers as fences when serving same purpose

10. Vested Rights Doctrine

- Right to have projects reviewed under regulations in effect at time of application (*Westside Business Park v. Pierce County*)
- Protection from shifting regulatory requirements (*Abbey Road Group, LLC v. City of Bonney Lake*)
- Vested rights for timely and complete applications (*West Main Associates v. City of Bellevue*)

11. Due Process Requirements

- Specific notice of alleged violations (*Olympic Forest Products v. Chaussee Corp.*)
- Notice reasonably calculated to inform interested parties (*Nguyen v. Dep't of Health*)
- Opportunity to be heard at meaningful time and manner (*Goldberg v. Kelly*)
- Right to meaningful engagement with decision-makers (*Silver Firs Town Homes v. Silver Lake Water Dist.*)

12. State Preemption of Local Regulations

- State Shoreline Management Act trumps conflicting local regulations (*Orion Corp. v. State*)
- Local shoreline regulations cannot be more restrictive than state law (*Biggers v. City of Bainbridge Island*)

13. Statutory Time Limitations and Waiver

- Municipal waiver of time limitations through actions (*Eastlake Community Council v. Roanoke Associates*)
- Waiver of procedural requirements through conduct (*Valley View Industrial Park v. City of Redmond*)

14. Regulatory Taking Doctrine

- Compensation required for regulations that go "too far" (*Penn Central Transportation Co. v. New York City*)
- Protection of reasonable investment-backed expectations (*Manufactured Housing Communities v. State*)

- Compensation for destruction of fundamental property attributes (Guimont v. Clarke)

15. Arbitrary and Capricious Standard

- Agency actions taken without regard to attending facts (Rios v. Washington Dept. of Labor & Industries)
- Inconsistent application as evidence of arbitrary action (Pierce County Sheriff v. Civil Service Comm'n)
- Actions that are willful and unreasoning (Heinmiller v. Dep't of Health)

16. Reasonable Accommodation Requirement

- Municipal duty to reasonably accommodate legitimate property uses (Margola Associates v. City of Seattle)
- Accommodation for maintenance of existing structures (Open Door Baptist Church v. Clark County)

17. Unauthorized Practice of Law

- Non-attorney officials cannot interpret complex legal questions (Bennion, Van Camp, Hagen & Ruhl v. Kassler Escrow)
- Legal interpretations require proper legal training and authority

18. Municipal Duty to Assist

- Duty to provide clear guidance on complex regulations (Friends of the Law v. King County)
- Good faith and fair dealing requirements (Rogers Potato Service, LLC v. Countrywide Potato, LLC)

From: Joseph G. Ward <ward@pinnaclespokane.com>
Sent: Monday, May 19, 2025 3:34 PM
To: City Planner
Cc: Kevin Freeman; Brian M Werst (BWerst@workwith.com); Lisa Cassels; John T Sweitzer (Jsweitzerco@hotmail.com); Benjamin Ward; Rosina Yip
Subject: Administrative Appeal of the fence permit decision for fences at 9011 E. South Riverway & Letter to Amanda.
Attachments: A City Response to Fence Permit 05 19 25 SIGNED.PDF; A City Photos - Evidence of Pre-existing Fence.zip; A City Photos - Barbwire on China Link Fence.zip; A City Response to Fence Permit 05 19 25 EXHIBIT A - Alpine Constructio....pdf; A City Response to Fence Permit 05 19 25 EXHIBIT B - State Farm Claim Su....pdf; Administrative Appeal 05 19 25 SIGNED.PDF

Good afternoon Lisa and Amanda,

My computer is down so I'm using Rosina's.. Sorry for the delay.

Attached hereto is a Letter I thought went out this morning but I found out it wasn't send by the computer . Disregard any time elements in that letter but the photographic evidence says it all.

Also attached is the Administrative appeal I'm send at 3:27, 23 minutes before the deadline with without the questions answered and an explanation in the appeal.

THERE ARE QUESTIONES 1, 2 AND 5 MISSING 2 & 4. I DIDN'T ANSWER THOSE YET AS THOSE QUESTIONS MAY INFLUENCE THE REMAINDER OF THE QUESTIONS ANSWERS. I HAVE PREPARED ANSWERS TO 1,2 & 5.. I ASKED IN MY PREVIOUS EMAIL TO LISA IF IT WAS A TYPE OR NOT WITHOUT A REPLY.

THANK YOU .

Please acknowledge receipt of this email.

Joseph G. Ward
cell: **509-990-2506**
address: 15102 N. Tormey Rd.
Nine Mile Falls, WA
99026-9687
ward@pinnaclespokane.com

May 19, 2025

Amanda Tainio
City of Millwood
9103 E Frederick
Spokane WA 99206
Email: planner@millwoodwa.us

Dear Amanda Tainio,

RE: Response to Fence Permit 4-15-25 Application Decision

Thank you for your review of my fence permit application dated April 15, 2025, for 9011 E. South Riverway. I am writing to address each point of your decision with additional evidence and clarification to support my application:

1. Approved Fencing

Thank you for approving the west side 6' tall chain link fence, adjoining side of building 6' tall fence, portion of the west side 6' tall wrought iron fence up to the 25' front setback line, and the 42" tall chain link fence along the front of the property east of the driveway. I have already promptly paid the fence permit fee of \$125.00.

2. 6' Tall Wrought Iron Fence Within Front and Front-Side Setback Area

I respectfully disagree with your denial of the 6' tall wrought iron fence within the front and front-side setback area for the following legal reasons:

a) Evidence of Pre-existing Fence:

While you state "no evidence was submitted to show that an existing 6' tall cedar fence ran along the west property line up to E. South Riverway to substantiate or document the claim of legal nonconforming status, Rosina and I did verbally testify to you and to Lisa of the existence of the 40-50 year old cedar fence from the Spokane River to East South Riverway. I am now providing additional substantial documentation to establish legal nonconforming status:

- Photographs #A, B, E, F, G, I, J, K, L, M, 3, 13, 14, 15, 18, 20, 22, 3294, 3295, 3296, 7495, 7496, 7499, and 7500 clearly showing the 6ft cedar fence existence
- Contractor bids with highlighted references to the pre-existing fence
- Insurance claim documentation with pertinent data highlighted
- Your own photograph in item 3 of your decision showing the wood fence extending from the front line of the apartment structure to the front line of the neighboring house to the west, as well as the junipers and rock fence which are legal non-conforming fences

If this comprehensive evidence is insufficient, I am prepared to provide additional sworn affidavits from:

- Workers who removed the old cedar fence, junipers, and boulders
- Current and former neighbors, property owners, and tenants
- Other individuals with direct knowledge of the 6ft cedar fence within the 25ft setback area

b) Legal Nonconforming Status of Fence Elements:

Regarding your assertion that junipers cannot establish legal nonconforming status for a front fence, I must respectfully clarify the legal position:

- Millwood City Ordinance #299, adopted on or before May 3, 1999, amended Subsection 17.28.010(F) of Chapter 17.28 to define "Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence shall be considered a fence." # 299 was sent to me upon my request in an email from Lisa 4/18/25

- The juniper hedges and trees and other bushes along the front property line, and the west property line, and the boulder fence were installed in the 1970s, approximately 45 years ago, predating this ordinance both on my property and the neighbors
- Per Millwood Code of Ordinances Section 17.38.020 D (Ord. No. 527§ 1, 6-14-2022): "A legal nonconforming structure is one that was established prior to the adoption of this Code or an amendment thereto."
- Section 17.38.020 D further states: "Restoration of a legal nonconforming structure which is damaged by fire, flood or act of nature shall be initiated, as evidenced by the issuance of a valid building permit, within one year of the date of such damage or destruction, and the restoration shall be completed within one and one-half years from the permit issue date." which was waived when I was permitted to rebuild the retaining wall among other waivers
- Additionally: "Repair and maintenance of legal nonconforming structures is allowed..."

Therefore, under your own ordinances, these pre-1999 elements became legal nonconforming structures upon the adoption of Ordinance #299, and I am legally permitted to restore them following damage from the 2021 windstorm.

3. Dumpster Enclosure

Regarding the proposed new 6' tall sight obscuring dumpster enclosure fence: I was asked on more than one occasion by Waste Management to move the dumpster for weekly garbage pickups as it was in a hazardous location due to the steep driveway and limited turn-around space in the parking lot. Waste Management has on multiple occasions slid into and damaged tenants' vehicles, causing physical damage and creating potential for bodily harm.

The steepness of the driveway during certain times of the year caused garbage pickups to be postponed. To protect the safety and welfare of the tenants and our property, I moved the dumpster location to a spot that Waste Management and their driver approved. The proposed fence around the dumpster area serves both aesthetic purposes (enclosing an unsightly dumpster receptacle) and practical purposes to prevent:

1. Uncontained trash being blown around the area
2. Unauthorized disposal by locals looking for a place to dump their garbage
3. "Dumpster divers"

Additionally, I received a request from City or County emergency & rescue personnel, to whom I have always given an access license to the Spokane River, to remove some of the blocks around the old dumpster site to gain better access to the river. This was another reason to move the dumpster location.

4. Barbwire on Chain Link Fence

Regarding the barbwire on the chain link fence on the east side of the property, I am providing evidence that it was not added but replaced as part of restoration following windstorm damage to the pre-existing fence:

- Photographs #2, 7, 3299, 3204, 3317, 3352, and 3353
- Exhibit "A" Alpine Construction Contract
- Exhibit "B" State Farm Claim Summary form

This evidence demonstrates that the barbwire was affixed to the top of the fencing prior to 2009. This fencing was originally constructed by Spokane County as part of an eminent domain settlement when they expanded the Argonne Bridge and its right of way. The County constructed the fence paralleling the bridge over to my apartment building, including the gate and barbwire as a part of their right of way expansion settlement.

I also note that the yellow highlighted line, on my amended Fence Permit Application, paralleling Argonne Road and the bridge should have continued all the way down to the river. That portion is still standing and is a 6-foot chain-link fence topped with barbwire beginning at the north end of the apartment building down to the river's edge, which would have been evident during an on-site inspection had the City agreed to my repeated requests for such a meeting.

5. Proposed Future Driveway Gate

I understand additional information is required for the proposed 38' driveway gate. I will submit the requested material type and proposed height information to both the City of Millwood and Spokane Valley Fire Department of and when I find it necessary to add the gate to protect my tenants and to protect the tenants and my personal and real property.

As part of this response, I am requesting that the City Council, in consideration of this appeal, pre-approve only the size and location of a 6-foot gate should it become necessary to address ongoing security concerns at the property.

6. Replacement Storage Unit

I acknowledge that the 8'x8'x20' replacement storage unit requires a separate residential site plan/design review. I will submit this application once the current issues are resolved.

Request for Reconsideration

Rather than immediately proceeding with a formal appeal, I respectfully request that we meet to discuss these issues and find common ground. I believe all of my requests could be approved under the administrative exception criteria found in the Millwood, WA Code of Ordinances, which states that the city planner shall approve exceptions based on the following criteria:

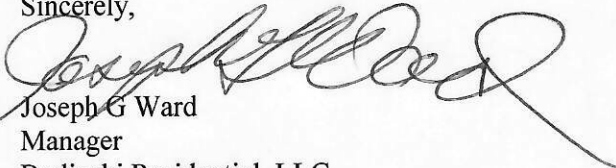
- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted users within the zoning district.
- b. The exception may not increase density beyond what is currently allowed within the zoning district.
- c. The exception shall not be contrary to conditions imposed by any other associated land use action.
- d. The exemption in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone.
- e. The exception shall not conflict with other local, state, or federal laws.
- f. The exception does not adversely impact the public health, safety, and welfare within the city.

In fact, my requests actively promote public health, safety, and welfare by addressing security concerns and hazardous conditions that existed with the previous arrangements and the "normal maintenance" and "normal repair" as found under WAC 173-27-040.

I look forward to working with you to resolve these matters. Please contact me to schedule a meeting at your earliest convenience.

Should you, the Mayor and/or the City Attorney elect not to reply to this email to set up a future meeting by the 3:30pm deadline set forth in the City Clerk's most recent correspondence to file the appeal, I will file the appeal by the 4:00pm deadline. Notwithstanding the immediately forgoing sentence I am still open to a meeting and not a hearing before the city council.

Sincerely,



Joseph G Ward
Manager
Budinski Residential, LLC

CC: Kevin Freeman, Mayor of City of Millwood
Brian Werst, City of Millwood Attorney
Lisa Cassels, Millwood City Clerk/Public Records Officer
John T Sweitzer
Benjamin Ward
Rosina Yip







9103 E. Frederick Avenue
Millwood, WA 99206
509-924-0960
www.millwoodwa.us

STOP WORK

DO NOT REMOVE THIS NOTICE

SITE ADDRESS: 9011 E SOUTH RIVERWAY

WORK BEING CONDUCTED ON THIS SITE IS IN VIOLATION OF THE MILLWOOD MUNICIPAL CODE (MMC) AND THE SHORELINE MANAGEMENT PLAN AS SPECIFIED BELOW:

ANY WORK BEING DONE WITHIN 50FT OF THE SHORELINE MUST HAVE PRIOR APPROVAL FROM THE CITY OF MILLWOOD.

*****CONSTRUCTION OF RETAINING WALL*****

WORK BEING CONDUCTED AS DESCRIBED ABOVE MUST CEASE IMMEDIATELY

ACTIONS REQUIRED TO RESUME WORK:

COMPLETION OF A JOINT AQUATIC RESOURCE PERMIT APPLICATION - CONTACT THE CITY OF MILLWOOD IF YOU HAVE ANY QUESTIONS

ACTION(S) DESCRIBED ABOVE MUST BE COMPLETED BY: _____

FAILURE TO STOP WORK, RESUMPTION OF WORK WITHOUT COMPLETING ACTION(S) DESCRIBED ABOVE, OR REMOVAL, MUTILATION, DESTRUCTION, OR CONCEALMENT OF THIS NOTICE IS A MISDEMEANOR.

FAILURE TO COMPLETE ACTION(S) NOTED ABOVE MAY RESULT IN FURTHER COMPLIANCE ACTION INCLUDING BUT NOT LIMITED TO POSTING OF A NOTICE AND ORDER AND THE ASSOCIATED MONETARY PENALTIES.

POSTED BY: Kyle Schiewe DATE: 4/8/2024 TIME: 12:00

 **MILLWOOD**

9101 E. Frederick Avenue
Millwood, WA 99206
209-934-0900
www.millwoodwa.org

STOP WORK

DO NOT REMOVE THIS NOTICE

CITY ADDRESS: 9011 E. SOUTH RIVERWAY MILLWOOD, WA 99212

WORK BEING CONDUCTED ON THIS SITE IS IN VIOLATION OF THE MILLWOOD MUNICIPAL CODE (MMC) AS SPECIFIED BELOW:

CONSTRUCTION OF A DOCK WITHOUT PERMITS

WORK BEING CONDUCTED AS DESCRIBED ABOVE MUST CEASE IMMEDIATELY
ALL WORK AT THIS ADDRESS MUST CEASE IMMEDIATELY

ACTIONS REQUIRED TO RESUME WORK:

OBTAIN PROPERTY PERMITS AND APPROVALS FROM ALL RELEVANT AGENCIES

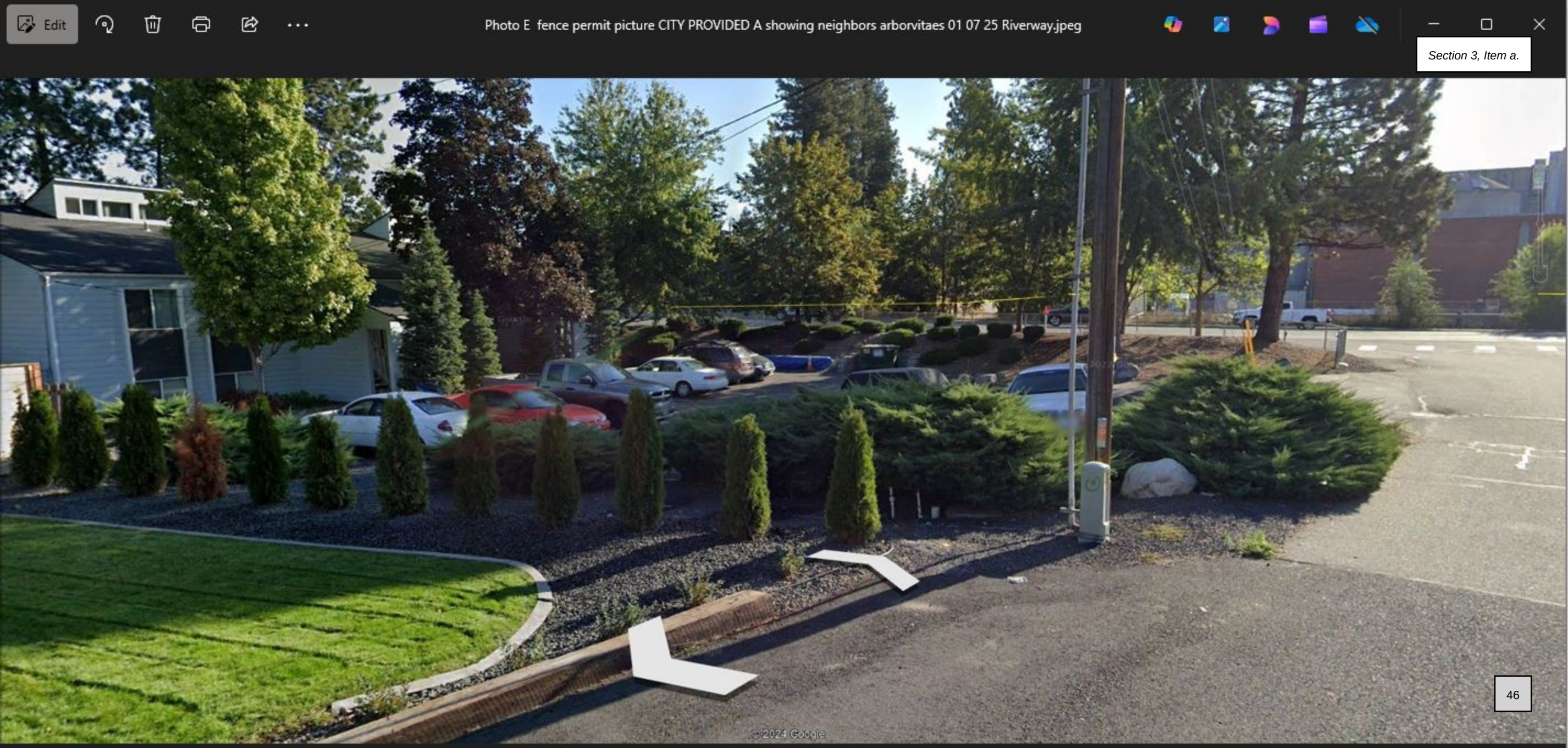
FAILURE TO STOP WORK, RESUMPTION OF WORK WITHOUT COMPLETING ACTION(S) DESCRIBED ABOVE, OR REMOVAL, MUTILATION, DESTRUCTION, OR CONCEALMENT OF THIS NOTICE IS A MISDEMEANOR.

FAILURE TO COMPLETE ACTION(S) NOTED ABOVE MAY RESULT IN FURTHER COMPLIANCE ACTION INCLUDING BUT NOT LIMITED TO POSTING OF A NOTICE AND ORDER AND THE ASSOCIATED MONETARY PENALTIES.

A COPY OF THIS STOP WORK ORDER HAS BEEN FORWARDED TO THE SPOKANE COUNTY BUILDING AND PLANNING DEPARTMENT. NO FURTHER INSPECTIONS OR APPROVALS ARE AUTHORIZED.

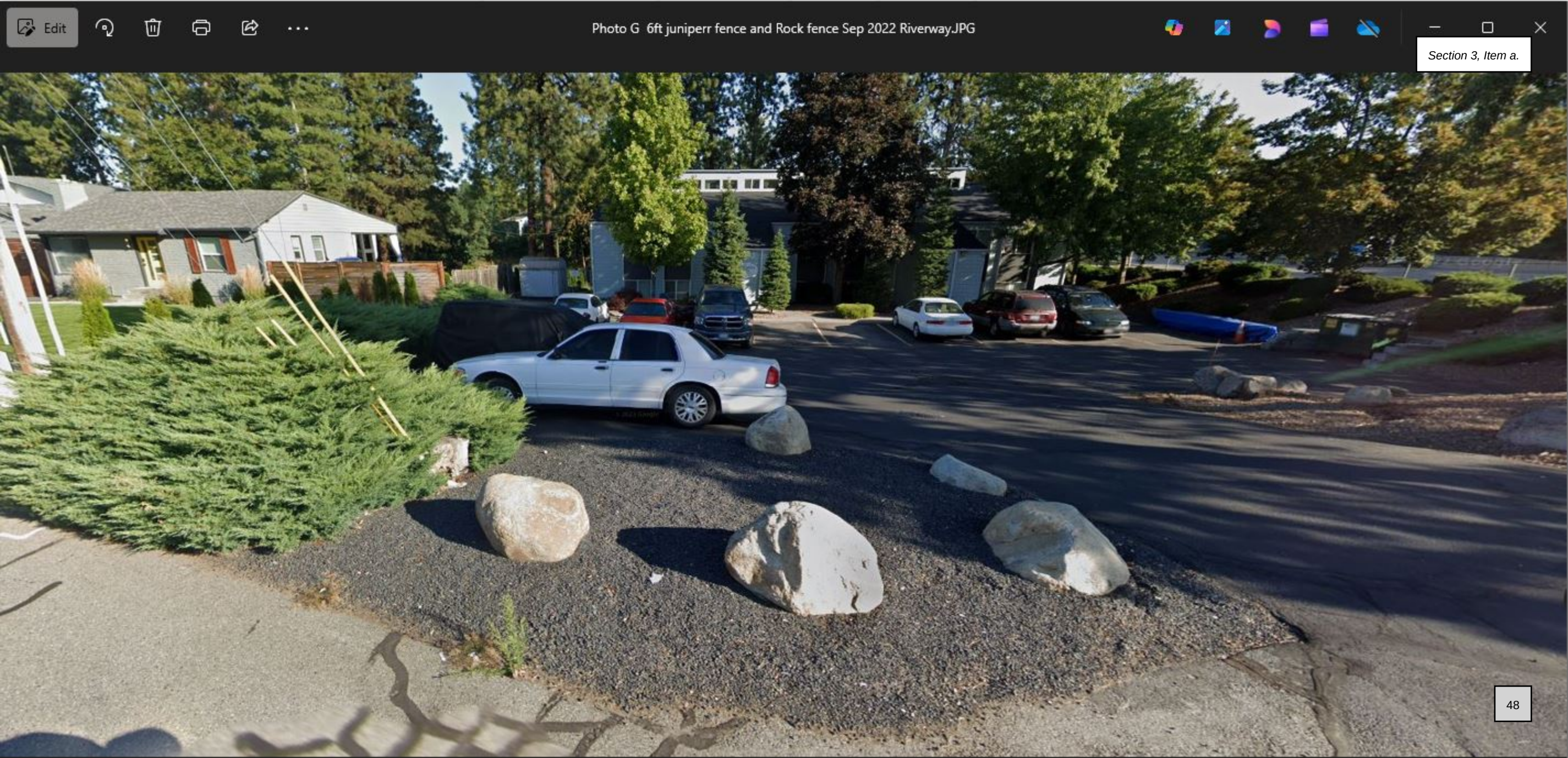
Christina Jackson
Clerk

POSTED BY: _____ DATE: May 22, 2023



Section 3, Item a.





Section 3, Item a.



Section 3, Item a.





Section 3, Item a.





Section 3, Item a.



Section 3, Item a.













































ALPINE CONSTRUCTION CONTRACT

Section 3, Item a.

ALPINC*088MN UBI: 601-401-246 FED ID: 91-1505546 SPOKANE: T12003377BUS
4419 E. Glennaire Drive ✉ Spokane WA 99223 ✉ 509-448-8099 ✉ Fax: 509-448-5504
www.alpineremodelers.com
darius@alpineremodelers.com

"Quality First at Competitive Prices"

March 30, 2021

Budinski Residential LLC
15102 N. Tormey Rd.
Nine Mile Falls WA, 99026-9687

RE: 9011 E. South Riverway
ATTN:

Hm:
Cell: Joe – 990-2506
Cell: Rosina – 475-5576
Email: ward@pinnaclespokane.com
E-mail: yip@pinnaclespokane.com
Ref: Past

Alpine Construction does hereby submit specifications and estimates to provide labor and materials based on standard priced materials and accessories.

Fence – Supply labor and materials to remove and replace approximately eighty-eight feet (88') of six foot (6') tall dog-eared cedar fencing with wood posts along the west side of the backyard. Remove and replace approximately forty-eight feet (48') of six-foot (6') tall chain link fencing with three (3) strands of barbed wire on the east side of the backyard. Price includes locate and removal of excess dirt. If a jack hammer is needed, add \$215.00 plus tax and an hourly rate of \$55.00 plus tax.

\$7,575.00 plus tax. x_____ x_____ Down Payment of \$3,500.00

Chimney Flues – Supply labor and materials to replace five (5) 4damaged chimney flues and **one (1) completely sheared** chimney flue with new. How much to pu one on roo1 On roof cover holes and on the

\$4,245.00 plus tax. x_____ x_____ Down Payment of \$2,000.00

Landscaping – Remove the concrete pad, large to medium rocks, and existing planter blocks from the backyard and haul away the debris. Grind down four (4) stumps, removing the debris. Add \$1,400.00 plus tax, to spread wood chips on the side of the house blocking access.

\$5,600.00 plus tax. x_____ x_____ Down Payment of \$2,600.00

Lawn Preparation and Grass (Option #1) – Supply labor and materials to prepare the lawn by providing soil grade. Install sod in the backyard.

\$15,455.00 plus tax. x_____ x_____ Down Payment of \$7,500.00

Lawn Preparation and Grass (Option #2) – Supply labor and materials to prepare the lawn by providing soil grade. Install Hydro-Seed in the back yard.

\$8,695.00 plus tax. x_____ x_____ Down Payment of \$4,000.00

Note: No irrigation work included in this estimate.

TERMS:

\$	
\$	8.9% tax
\$	Total
\$()	Down Payment
\$	Balance due upon receipt

By _____ X _____
Alpine Construction General Manager Homeowner Date

March 30, 2021

Budinski Residential LLC
15102 N. Tormey Rd.
Nine Mile Falls WA, 99026-9687

RE: 9011 E. South Riverway Ave.

Contact Person: Darius Rappe or BJ Russell 509-448-8099

Balance of contract price due in full, paid to foreman or authorized representative of the company on day of completion unless other payment arrangements were made in writing at time of contract. 1 ½ % per month will be charged from date of completion to receipt of payment. A minimum late fee of **\$40.00** per month may be charged. Owner may not hold back entire balance, only an amount equal to item. Agreement subject to credit approval. Any alteration or deviation from the above specifications involving extra costs will become an extra charge over and above the estimate. In the event of the breach of this contract, the Property Owner(s) also agrees to pay reasonable attorney's fees for consultation and/or such litigation, including all expenses and collection fees. No completion date will be specified without written approval from the office. All jobs will be completed in a timely manner. The company is not responsible for delays caused by bad weather, strikes or acts of God. Alpine Construction is not responsible for property damage, or the consequences thereof, or personal injury, or the consequences thereof by chemical, biological or toxic agents or elements that may be part of any building material utilized in construction. Alpine will not utilize any building material known to the contractor to be directly toxic or harmful to persons or the environment. Owner(s) authorizes work and will provide access and general services (electricity, etc.) to complete job. Credit cards accepted; no fees are charged on the first \$2,000.00 paid with a credit card. A 2% fee will be charged for all amounts paid after the initial \$2,000.00.

Make checks payable to **ALPINE CONSTRUCTION**. DO NOT SIGN THIS CONTRACT UNTIL COMPLETELY FILLED IN, NO VERBAL AGREEMENTS RECOGNIZED. This proposal may be withdrawn by us if not accepted in 15 days of proposal date.

PLEASE SIGN  **AND DATE**

By _____ **X** _____
Alpine Construction General Manager Homeowner Date

State Farm

Section 3, Item a.

BUDINSKI RESIDENTIAL LLC

47-15M5-15F

CONTINUED - Fencing

QUANTITY	UNIT PRICE	TAX	GCO&P	RCV	AGE/LIFE CONDITION	DEPREC. DEP %	ACV
Right Elevation							
45. R&R Chain link fence w/posts & top rail - 6' high - 9 gauge							
48.00 LF	21.38	109.60	205.26	1,341.10			1,341.10
46. R&R Barbed wire - 3 strands mounted on wire arm							
48.00 LF	2.28	11.69	21.90	143.03			143.03
47. Fencing Installer - per hour							
6.00 HR	42.89	27.48	51.46	336.28			336.28
This line item is to allow for additional labor due to location near road way and on incline near waterway.							
48. Tandem axle dump trailer - per load - including dump fees							
1.00 EA	263.01	28.09	52.60	343.70			343.70
Fence debris							
49. Demolition Laborer - per hour							
32.00 HR	46.60	159.26	298.24	1,948.70			1,948.70
This line item is to allow (1) man (8) hours for (4) days to demo fencing and heavily rocky terrain to allow for installation of damaged fencing.							
Totals: Fencing		867.31	1,624.20	10,612.39		<1,869.19>	8,743.20

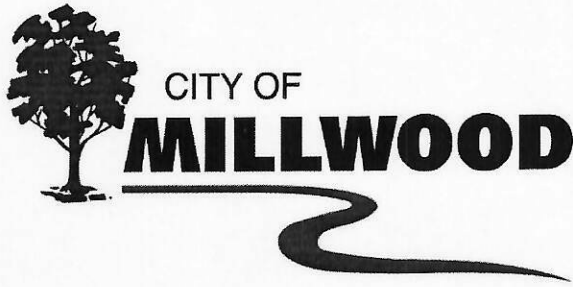
Debris Removal

0.00 SF Walls	0.00 SF Ceiling	0.00 SF Walls & Ceiling
0.00 SF Floor	0.00 SF Short Wall	0.00 LF Floor Perimeter
0.00 SF Long Wall		0.00 LF Ceil. Perimeter

QUANTITY	UNIT PRICE	TAX	GCO&P	RCV	AGE/LIFE CONDITION	DEPREC. DEP %	ACV
50. Tandem axle dump trailer - per load - including dump fees							
1.00 EA	263.01	28.09	52.60	343.70			343.70
51. Heavy Equipment (Bid Item)							
1.00 EA	1,000.00 *	106.80	200.00	1,306.80			1,306.80
Equipment rental							
Totals: Debris Removal		134.89	252.60	1,650.50		0.00	1,650.50

Topsoil/Lawn

0.00 SF Walls	0.00 SF Ceiling	0.00 SF Walls & Ceiling
0.00 SF Floor	0.00 SF Short Wall	0.00 LF Floor Perimeter
0.00 SF Long Wall		0.00 LF Ceil. Perimeter



APPLICATION FOR ADMINISTRATIVE APPEAL

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
PLANNER@MILLWOODWA.US

APPELLANT

NAME: Joseph Ward	PHONE: 509-990-2506	DATE: May 15, 2025
ADDRESS: 15102 N Tormey Rd	CITY Nine Miles Falls	STATE WA
		ZIP 99026
EMAIL: ward@pinnaclespokane.com		

REPRESENTATIVE (IF DIFFERENT THAN APPELLANT)

NAME:	PARCEL NO:
ADDRESS:	CITY
	STATE
	ZIP
EMAIL:	PHONE:

PARCEL INFORMATION

OWNER NAME: Budinski Residential, LLC	PARCEL NO: 45064-0701
SITE ADDRESS: 9011 E South Riverway Ave	CITY Millwood
	STATE WA
	ZIP 99212
LEGAL DESCRIPTION: MILLWOOD SALMONS L1 EXC W25FT INC UNPLATTED PTN OF GOV L10 LYG N/F & ADJ B1 EXC RD	ZONING DESIGNATION:

ADMINISTRATIVE DECISION BEING APPEALED

The letter dated April 21, 2025 referring to the Fence permit application dated April 15, 2025 with cover letter dated April 16, 2025. I have not completed items 1, 2 and 5 below as I was awaiting your answer to my question regarding the absence of questions 3 and 4 as stated in my May 15 email to you asking whether the numbering was a mistake or if there are others responses which responses to all 5 questions which may influence how I answer 1, 2 and 5. I will promptly answer all of the questions when you respond to this.

PLEASE SUBMIT RESPONSES TO THE FOLLOWING:

1. State how the appellant is significantly affected by the matter being appealed.
2. State the appellant's issues on appeal: the specific decision and specific portions of the decision or determination being appealed and the specific reasons why each aspect is in error as a matter of fact or law.
5. State the specific relief requested, such as reversal or modification

**ICERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.**

APPLICANT SIGNATURE

5/19/2025
DATE

FOR STAFF USE ONLY

DATE SUBMITTED: _____ FEE PAID: _____ PERMIT #: _____

Exhibit B - Fence Permit 4-15-25 Application Decision



9103 E. Frederick Ave • Millwood, WA. 99206 • 509.924.0960 • www.millwoodwa.us

April 21, 2025

Budinski Residential LLC
Attn: Joseph G Ward
15102 N Tormey Rd
Nine Mile Falls, WA 99026-9687

RE: Fence Permit 4-15-25 Application Decision

Dear Mr. Ward,

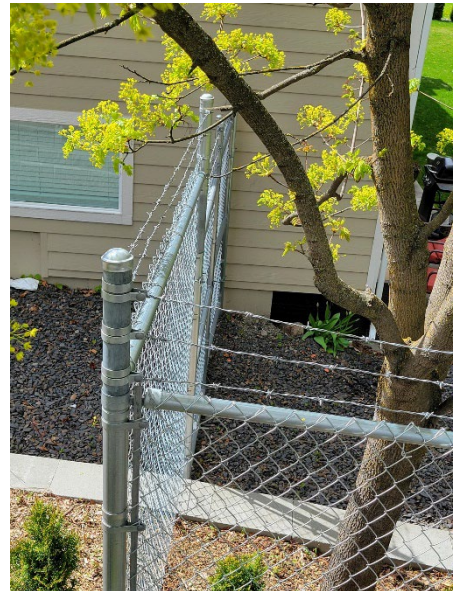
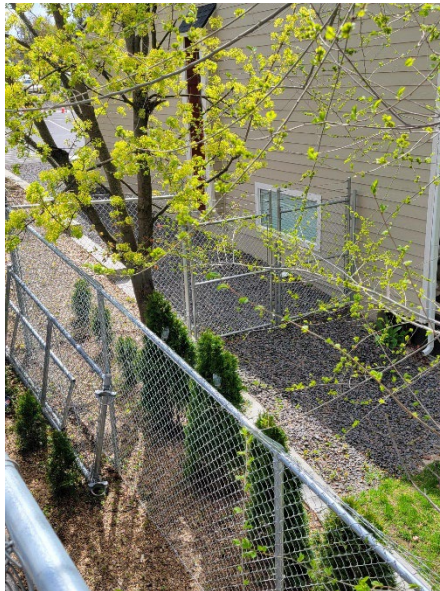
I have completed review of your fence permit application for 9011 E. South Riverway, dated April 15, 2025 with cover letter dated April 16, 2025, and my decision is as follows:

1. The fencing highlighted in **green** on the attached site plan (west side 6' tall chain link fence and adjoining side of building 6' tall fence, a portion of the west side 6' tall wrought iron fence up to the 25' front setback line, and the 42" tall fence along the front of the property) are hereby approved under this fence permit and construction may resume upon payment of the fence permit fee of \$125.00.
2. The 6' tall wrought iron fence within the front and front-side setback area (south of the 25' front setback line) that are highlighted in **red** on the attached site plan, are not approved. Front and front-side fences are limited to 42" in height.
 - a. No evidence was submitted to show that an existing 6' tall cedar fence ran along the west property line up to E. South Riverway to substantiate or document the claim of legal nonconforming status.
 - b. Additionally, as identified in the Ordinances provided by the City Clerk, prior to 1999, hedges / shrubs were not considered fences. Per the fence permit application cover letter, the junipers were approximately 45 years old; therefore, the junipers cannot establish a legal nonconforming provision for a front fence.
3. The proposed new 6' tall sight obscuring dumpster enclosure identified in **red highlight** on the attached site plan is not approved for identified location. It is located within the 25' front setback area. The previous dumpster location was outside of the 25' front setback area and the proposed 6' tall sight obscuring enclosure could be constructed in the previous area if approved by the City of Spokane Valley Building Department as a building permit may be required. The picture below from September 2022 and aerial photo from July 2023, identify the previous location on the east side of the property, cut into the hillside.





4. The fencing highlighted in **yellow** on the attached site plan were identified as existing or repaired. Per a site visit completed today, barbwire was added to the top of the chain link fence on the east side of the property. Barbwire is not permitted and must be removed unless evidence can be supplied to show that the previous fence had barbwire that was legally installed prior to 2009, to substantiate a nonconforming structure claim.





9103 E. Frederick Ave • Millwood, WA. 99206 • 509.924.0960 • www.millwoodwa.us

5. The proposed future 38' driveway gate (highlighted in blue) will require additional information to be submitted for review. At a minimum, the material type and proposed height are needed. The Spokane Valley Fire Department may also have specific requirements for a gate on a multi-family property. Please submit additional information to the City of Millwood and Spokane Valley Fire Department, Attn: Traci Harvey, referencing "9011 E. South Riverway Front Gate".
6. The 8'x8'x20' replacement storage unit (highlighted in orange on the attached site plan) cannot be reviewed under a fence permit application. A separate residential site plan / design review will be required for the storage unit.

This decision may be appealed to the Millwood City Council within fourteen (14) days of the date of this decision per the provisions of the Millwood Municipal Code. A \$900.00 land use administrative decision appeal fee would also need to be submitted at time of filing the appeal.

As previously discussed, in lieu of filing an appeal, a complete variance application with application fee and Agreement to Pay Fees form may be submitted. A variance hearing would be scheduled before the City Hearing Examiner to review and provide a decision on the variance request.

Sincerely,

Amanda /Tainio, Contract City Planner

Cc: Kevin Freeman, Mayor of Millwood
 Brian Werst, City of Millwood Attorney
 Lisa Cassels, Millwood City Clerk/Public Records Officer
 John T Sweitzer
 Benjamin Ward
 Rosina Yip

Attachments:

- Fence Permit 4-15-25 Application – site plan highlights
- Fence permit application cover letter dated 4-16-25
- Fence Permit 4-15-25 Application
- MMC Fence UR-3 Fence Sections
- MMC Nonconforming Structure Section
- Adopted City SMP Map for Parcel 45064.0701
- MMC Nonconforming Structure in Shoreline Jurisdiction Section
- MMC Appeal Section



9103 E. Frederick Ave • Millwood, WA. 99206 • 509.924.0960 • www.millwoodwa.us



April 16, 2025

Kevin M Freeman
Mayor, City of Millwood
9103 E Frederick Ave
Millwood WA 99206

Sent via email: Kevin M Freeman mayor@millwoodwa.us;
Amanda Tainio planner@millwoodwa.us; Lisa Cassels lcassels@millwoodwa.us;
Brian Werst bwerst@workwith.com; John Sweitzer jsweitzerco@hotmail.com;
Benjamin Ward ben@pinnaclespokane.com;
Rosina Yip yip@pinnaclespokane.com;

**Re: Amended and Restated Fence Permit with new storage unit
9011 E South Riverway**

Good Morning Mayor Freeman,

Attached hereto is the 5 page Amended and Restated Fence Permit with permission to install an 8 x 8 x 20 ft storage container.

I am just finishing up with the repairs and replacements we suffered from 2 horrendous windstorms within 12 months of Jan 1, 2021. The windstorm blew over a 140 ft bull pine across my lot. The stump upended and one of my storage buildings and destroyed both of them. Thirty feet of the large bull pine ended up in Argonne Rd. The largest tree with a 4 foot in diameter trunk and a 7 ft wide root was craned out onto Argonne Rd cut up and hauled away. That large bull pine knocked down 5 other 75-100 foot bull pines.

Prior to the storm, and for the last 45 +/- years there has been a 6 ft tall cedar fence along my west property line from the River to South Riverway. Except for the driveway approach, across the South Riverway boundary line and coterminous with my property line, boundary line has been occupied, for the same 45 +/- years, with 5+ foot junipers which by code definition are a fence, together with a rock fence or wall.

From the Spokane River along Argonne Road and around the corner along South Riverway is a fence installed by the Argonne bridge builder beaucoup moons ago. I added one section to the fence for safety purposes to prevent incoming cars from hitting the retaining wall and dumpster.

My previous building permit was turned down as there is fencing prohibition for fences above 42 inches in the 25 ft front yard setback. Much of the fencing was there for the past 45 years and much of it was 6 foot high and much of it was old, ugly and blown down. I recently removed 6

ft tall junipers that had grown out into the road right of way and a boulder wall that people would run into and replaced them with an attractive non-sight obscuring wrought iron fence.

The only real change is the height of the see-thru wrought iron fence along South Riverway from the end of the telephone pole guy wires to the end of the fence replacing the 40+ year old boulder wall. Crime in the area continues to rise with no end in sight.

Neighbors up and down the street have stopped and commented about how nice the apartment and the fence look.

Land use on 3 sides (Inland Empire Paper Company, All Four Automotive, and Max & Darcy Kelly, neighbor along my west boundary that is growing a site obscuring fence that is already taller than my 6ft wrought iron fence and operates a B & B rental) I am surrounded by 6 ft + fences. The fourth side on the north is the River.

One choice provided by the city was to move the 6 ft fence back to 25+ feet from South Riverway re-locating it right through the middle of my parking lot. Another was to cut it down to provide a hop-over height inviting continuous crime.

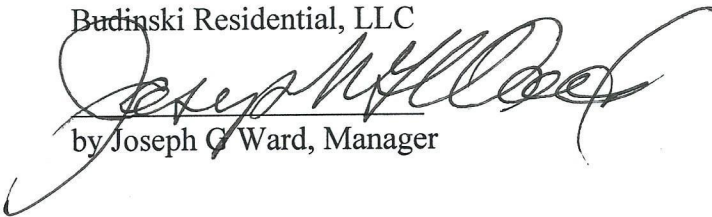
Except for a de minimis few feet, all of the fences I have recently constructed or repaired are in the exact same locations as the 40+ year old pre-existing fences destroyed by acts of God. The **only** new fence would be the site obscuring fence around the dumpster.

I would like an onsite meeting to determine which fences need additional appeals or variances.

I was given two choices; 1) appeal the permit denial, or 2) request a potentially expensive variance. I was hoping that some sort of simple exemption or waiver due to acts of God could be obtain. If there is no other way, then I'm asking if you, the City, would support a variance so that I don't have to hire attorneys and experts and bring in the neighborhood to support my position and to defend their fence violations since there are at least 10 similar fence violations from 8823 through 9003 East South Riverway that has been brought to the City's attention.

Thank you for your time and consideration in this matter.

Budinski Residential, LLC


by Joseph G. Ward, Manager

AMENDED & REINSTATED FENCE PERMIT
+ REPLACE VINNADAGE STORAGE CONTAINER

Section 3, Item a.



CITY OF **MILLWOOD**

APPLICATION FOR
FENCE PERMIT

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

APPLICATIONS MUST BE ACCOMPANIED BY THE FOLLOWING:

SITE PLAN INCLUDING:

- LOCATION OF PROPERTY LINES*
- STREET NAMES AND LOCATION(S)
- LOCATION OF ALL BUILDINGS ON SITE
- LOCATION OF FENCE INCLUDING HEIGHT

** APPLICATION WILL NOT BE ACCEPTED IF THE ABOVE MATERIALS ARE NOT ATTACHED**

APPLICANT: JOSEPH G. WARD	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPokane.com
ADDRESS: 15102 N. TORMEY RD	CITY NINEMILE FALLS	STATE WA
PROPERTY OWNER NAME: BUDINSKI RESIDENTIAL, LLC	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPokane.com
ADDRESS: 1510 - SAME AS ABOVE	CITY	STATE

IF APPLICANT IS NOT THE LEGAL PROPERTY OWNER, WRITTEN AUTHORIZATION FOR THE APPLICANT TO SERVE AS AGENT MUST BE SUBMITTED.

SITE ADDRESS:	CITY N/A	STATE	ZIP
LEGAL DESCRIPTION:	PARCEL NO:		

CONTRACTOR INFORMATION

CONTRACTOR:	N/A	LICENSE #:
CONTRACTOR ADDRESS:	CITY	STATE
PHONE:	EMAIL:	

FENCE INFORMATION

TYPE OF WORK:	NEW	ADDITION	ALTERATION	REPAIR
TYPE OF FENCE:	WOOD	CHAIN LINK	VINYL	OTHER
HEIGHT OF FENCE:	6 FT			
LENGTH OF FENCE:				

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE

WARD, Joseph G.

DATE

4/15/25

FOR STAFF USE ONLY

APPROVED WITH THE FOLLOWING CONDITIONS:

BY:	TITLE:	DATE:
DATE SUBMITTED:	FEE PAID:	PERMIT #

*It is the responsibility of the property owner/applicant to identify the location of property lines. If lines cannot be identified, a survey of the property may be required. The City of Millwood cannot locate private property lines.

SITE PLAN

COMMENTS: SEE ATTACHED AERIAL PHOTO. ALL FENCING WAS COMPLETED WITHOUT PERMIT OLD FENCING WAS REMOVED

PREPARED BY:

DATE:

PERMIT NO:

SHOW THE FOLLOWING:

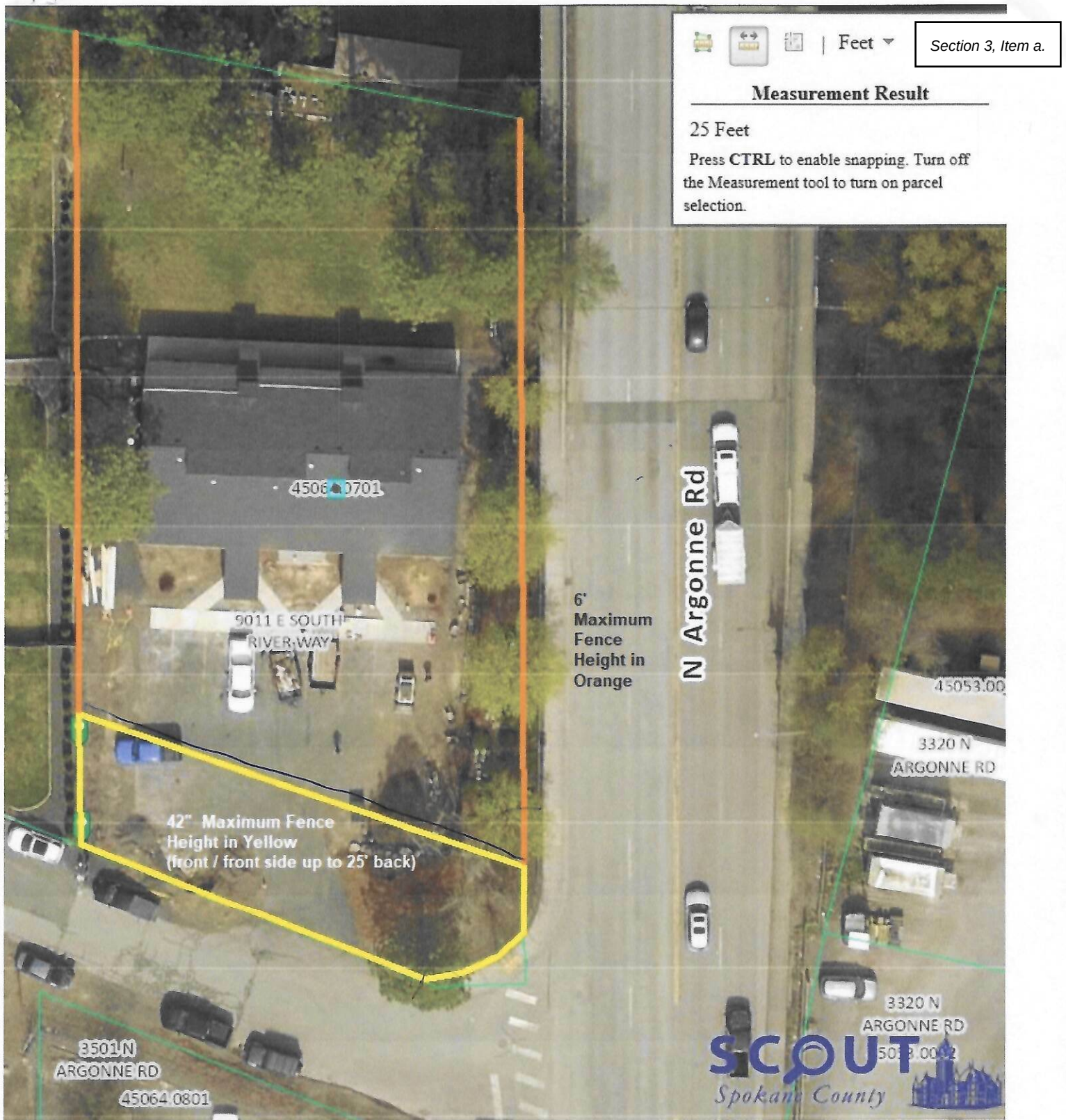
SOME FENCE REPAIRED
~~MOST FENCING WAS OLD~~ 90
MOST FENCING WAS 45+ YEARS OLD WAS
DESTROYED, DAMAGED AND REMOVE
AND IN ITS PLACE NEW CHAIN LINK
OR WROUGHT IRON FENCING.
A NEW DUMPSTER SIGHT OBSCURING
FENCE IS PROPOSED.
A NEW GATE IS ALSO PROPOSED.
A NEW GARAGE DUMPSTER ENCLOSURE

- EXISTING BUILDING LOCATIONS:
- STREETS & ALLEYS
- PROPOSED FENCE LOCATION AND HEIGHT
- LOCATION OF PROPERTY LINES
- IT IS THE HOMEOWNERS RESPONSIBILITY TO DETERMINE AND VERIFY PROPERTY LINES



Indicate North with an Arrow

SCHEMATIC DIAGRAM



If you do not agree with my interpretation and want to appeal it, please complete the attached administrative appeal form and the agreement to pay fees form, and submit them with the land use administrative decision appeal fee, then the City will begin the appeal process.

Alternatively, you can apply for a Variance by completing the attached variance form and the agreement to pay fees form, and submit them with the variance fee, and the City will begin the variance hearing process before the City's Hearing Examiner.

Thank you,

[illegible]

existing
chain
link
found

UNDER
CONSTRUCTION
NEW PUMP STATION
ENCLOSURE
10 FT X 12 FT
6 FT HIGH
SIBH7
ORSONE N20

NEW INSTALLED REPAIR
42" HIGH EXIST
24 FT LONG
ONLY ONE SECTION NEW FENCE

151-20 ft of new fence
replaced 6' high junipers
remainder replace of fence

[illegible]

From: Amanda Tainio
Sent: Tuesday, January 7, 2025 10:28 AM
To: 'jsweitzerco@hotmail.com'; Joseph G. Ward; Rosina Yip
Cc: Info; Lisa Cassels (Office)
Subject: RE: 9011 E South Riverway Fence
Attachments: Riverway - City of Millwood Fence Permit application 11 15 24.pdf; Scout Aerial - 25 ft.JPG; 9011 E. South Riverway.JPG; 9011 E. South Riverway 2.JPG; MMC Residential Development Standards.pdf; MMC Chapter 17.38.05 Fences.pdf; ADMINISTRATIVE APPEAL.docx; VARIANCE.pdf; AGREEMENT TO PAY FEES_FILLABLE.pdf; RES 2024-01 Amend Fee Schedule signed.pdf

Tracking:	Recipient	Delivery
	'jsweitzerco@hotmail.com'	
	Joseph G. Ward	
	Rosina Yip	
	Info	Delivered: 1/7/2025 10:29 AM
	Lisa Cassels (Office)	Delivered: 1/7/2025 10:28 AM

Good morning Mr. Ward and Mr. Sweitzer,

As discussed in the November 22, 2024 email below, the fence can be cut down to 42" within the yellow area and a fence permit obtained to be in compliance with the code (complete the attached fence permit application) or you can appeal my interpretation/decision or you can apply for a variance. I utilized as much "gray" area as I have with identifying the yellow line based on typical residential lots/yards and the required 25' front setback (even though your front yard is much larger).

MMC 17.38.005

E. Fences, Rear and Rear-Side Yard.

1. Rear and rear-side fences shall not exceed six feet in height.
2. Side yard fences between residences or main buildings may not exceed six feet in height.
3. Front and front-side fences may not exceed forty-two (42) inches in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.
5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.
6. Permits are required for the construction or rebuilding of any fence.

17.08.005 - [Purpose.]

There is established the UR-1, UR-2 and UR-3 residential zones, standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 527, § 1, 6-14-2022)

17.08.010 - Residential development standards.

Residential development shall meet the standards shown in Table 17-2.

Table 17-2

		UR-1	UR-2	UR-3
Minimum Lot Area		10,000	5,000	5,000
Maximum Lot Area		1 acre	1 acre	1 acre
Duplex Minimum Lot Size		10,000	7,200	7,200
Multi-Family Lot Size (per dwelling unit)				2,500
Lot Frontage (Width)	Single Family	80 ft.	50 ft.	50 ft.
	Duplex	80 ft.	70 ft.	70 ft.
	Multi-Family	----	----	85 ft.
Minimum Lot Depth		Minimum Lot Depth same as Minimum Lot Width		
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			

	1 Story	5 ft.	5 ft.	Section 3, Item a.
	1.5 Story	10 ft.	10 ft.	10 ft.
	2 Story	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage		40%	40%	40%
Maximum Total Lot Coverage (1)		60%	60%	60%
Building Height (2) (4)	Single Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. (3) (5)	25 ft.	20 ft.	20 ft.
(1) Includes all other impervious surfaces (2) Building height shall be measured from average grade level to the highest point of the structure (3) Maximum wall height not to exceed 16 feet (4) No structure shall exceed 2 stories in height (5) Accessory buildings taller than sixteen (16) feet shall be set back an additional one foot for each one foot of building height in excess of sixteen (16) feet to a maximum setback of ten feet from any property line.				

(Ord. No. 527, § 1, 6-14-2022)

17.14.005. - [Purpose.]

Section 3, Item a.

The UR-3 High Density Residential district is intended as a buffer between the areas of the city zoned for low density residential and the busiest commercial areas throughout the city. Areas zoned UR-3 offer the highest density residential uses on the smallest lots located on or close to major arterials and providing easy access to public services and transit.

For uses permitted in the UR-3 zone, see Table 17-1.

(Ord. No. 527, § 1, 6-14-2022)

17.14.010 - Animals.

In the UR-3 zone, animal requirements are as follows:

- A. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- B. The keeping, maintaining or slaughtering of any animals, livestock or poultry is prohibited.
- C. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

(Ord. No. 527, § 1, 6-14-2022)

17.14.020 - Design.

In the UR-3 zone, structures must have primary entrances facing the improved public street used as street frontage. At least forty (40) percent of the overall main or first floor wall area facing the improved public street used as street frontage shall be devoted to interest creating features such as entrances, windows or decorative detail. Blank walls are not permitted for the main or first floor wall area facing the improved public street used as street frontage. Each individual condominium unit shall have a width of at least twenty-five (25) feet of overall main or first floor wall area facing the improved public street used as street frontage.

(Ord. No. 527, § 1, 6-14-2022)

17.14.030 - Accessory buildings.

- A. The maximum size of any accessory building in the UR-3 zone shall be one thousand two hundred (1,200) square feet.
- B. The total of all accessory buildings shall cover not more than forty (40) percent of the area of the rear yard.

(Ord. No. 527, § 1, 6-14-2022)

17.38.005 - General provisions.

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

Exceptions: eaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building. Steps, terraces, platforms and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than twenty-five (25) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

Exceptions: eaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required yard.

Exceptions: eaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building. Steps, platforms and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

- E. Fences, Rear and Rear-Side Yard.

1. Rear and rear-side fences shall not exceed six feet in height.
2. Side yard fences between residences or main buildings may not exceed six feet in height.
3. Front and front-side fences may not exceed forty-two (42) inches in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.
5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.
6. Permits are required for the construction or rebuilding of any fence.

- F. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined

the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.

2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.

All development as defined in Section 17.16.065 of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single-family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single-family residence.

All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.

- G. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:
 1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:
 - a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;
 - b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

(1) Two-Way Stop Controlled

Posted Speed (in MPH)	Distance (in Feet)	Section 3, Item a.
25	40	

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the Public Works Director or designee; or
- d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.

2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:

- a. Public utility poles;
- b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;
- c. Properties where the natural ground contour penetrates the clear view triangle; and
- d. Traffic control devices installed by the city.

H. Administrative Exceptions. An administrative exception may be approved for the following when:

- a. Where the required setback is greater than five feet, a deviation of five feet or less
- b. Minimum lot area where the deviation is for ten percent or less of the required lot area.
- c. Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.
- d. Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.

Decision Criteria. The city planner shall approve, approve with conditions, or deny administrative exceptions based on the following criteria:

- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies;
- b. The exception may not increase density beyond what is currently allowed within the zoning

district;

Section 3, Item a.

- c. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a hearing examiner decision, or conditions associated with applicable plat approvals;
- d. The exemption is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the exemption will apply.
- e. The exception shall not conflict with other local, state, or federal laws; and
- f. The exception does not adversely impact the public health, safety, and welfare within the city.
- I. Sidewalks. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:
 1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.
 2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.
 3. All development as defined in Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single-family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single-family residence.
 4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.
 5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.
- J. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:
 1. A clear view triangle is a measurement applied at the intersection of two streets or the

intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:

- a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;
- b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

Two way stop controlled

Table 17-7

Posted Speed (in MPH)	Distance (in feet)
25	40

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the city traffic engineer; or
 - d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.
2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:
- a. Public utility poles;
 - b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;
 - c. Properties where the natural ground contour penetrates the clear view triangle; and
 - d. Traffic control devices installed by the city.
- K. Airport Compatibility.
- 1. The airport compatibility zone (ACZ) is designated on the official zoning map.
 - 2. Prior to the issuance of a commercial building permit or any land use permit within the airport

compatibility zone, a copy of the proposal shall be routed to the appropriate official(s) at Felts Field Airport for review and comment.

Section 3, Item a.

3. The calculated density in the ACZ shall be no greater than one hundred eighty (180) persons per acre after subtracting public rights-of-way. However, higher density may be allowed by the city council if it is deemed to be compatible with Felts Field Airport and Washington State Department of Transportation - Aviation guidelines, as a conditional use following the procedures contained in Sections 17.44.070 through 17.44.130.

(Ord. No. 527, § 1, 6-14-2022)

17.38.020 - Nonconforming uses.

Section 3, Item a.

Determination of legal nonconforming status of a lot, use or structure is an administrative function of the planning department. Property owners asserting legal nonconforming status of a lot, use or structure shall submit such information as the planning department deems necessary to substantiate or document the claim of legal nonconforming status.

- A. Legal nonconforming lots are lots of record established prior to the adoption of this Code or an amendment thereto and shall be considered a buildable lot even though such lots fail to meet the requirements for frontage width or lot area that are generally applicable in the zone, provided that yard setbacks and requirements other than frontage width or lot area shall conform to the regulations for the zone in which such lot is located.
- B. When a political subdivision of the state of Washington acquires a portion of a lot, tract, or parcel of land and as a result thereof, reduces such lot, tract, or parcel of land in area and/or frontage by not more than ten percent of the minimum requirements of the underlying use within the zone classification, such lot, tract, or parcel of land shall be deemed to be a legal nonconforming lot with respect to area and/or frontage. A legal nonconforming lot status resulting from an acquisition under this subsection shall run with the land and the status of the legal nonconforming lot shall be perpetual and continuous absent a subsequent amendment of the zoning code, regardless of whether the legal nonconforming lot is actually being used or not.
- C. A use which was lawfully established and in existence and which became or becomes nonconforming by amendment to the zoning code is a legal nonconforming use. The term legal nonconforming use refers only to a single existing use and does not include all uses to which the property could have been put under a prior zoning ordinance or classification.
 - 1. A legal nonconforming use which remains unoccupied or unused for a continuous period of one year is considered abandoned and shall not thereafter be occupied or used except by a use which conforms to the regulations of the district in which the use is located.
 - 2. A legal nonconforming use which remains unoccupied or unused for a continuous period of less than one year may be reoccupied only by the same nonconforming use or by a conforming use.
 - 3. A legal nonconforming use shall not be expanded or extended. The extension of a legal nonconforming use to any other portion of the building or structure which was originally arranged or designed for such nonconforming use shall not be deemed the extension of a legal nonconforming use. A structure containing a legal nonconforming use may be maintained in conformance with the standards of the adopted building codes.
- D. A legal nonconforming structure is one that was established prior to the adoption of this Code or an amendment thereto.
 - 1. Restoration of a legal nonconforming structure which is damaged by fire, flood or act of

nature shall be initiated, as evidenced by the issuance of a valid building permit, within one year of the date of such damage or destruction, and the restoration shall be completed within one and one-half years from the permit issue date.

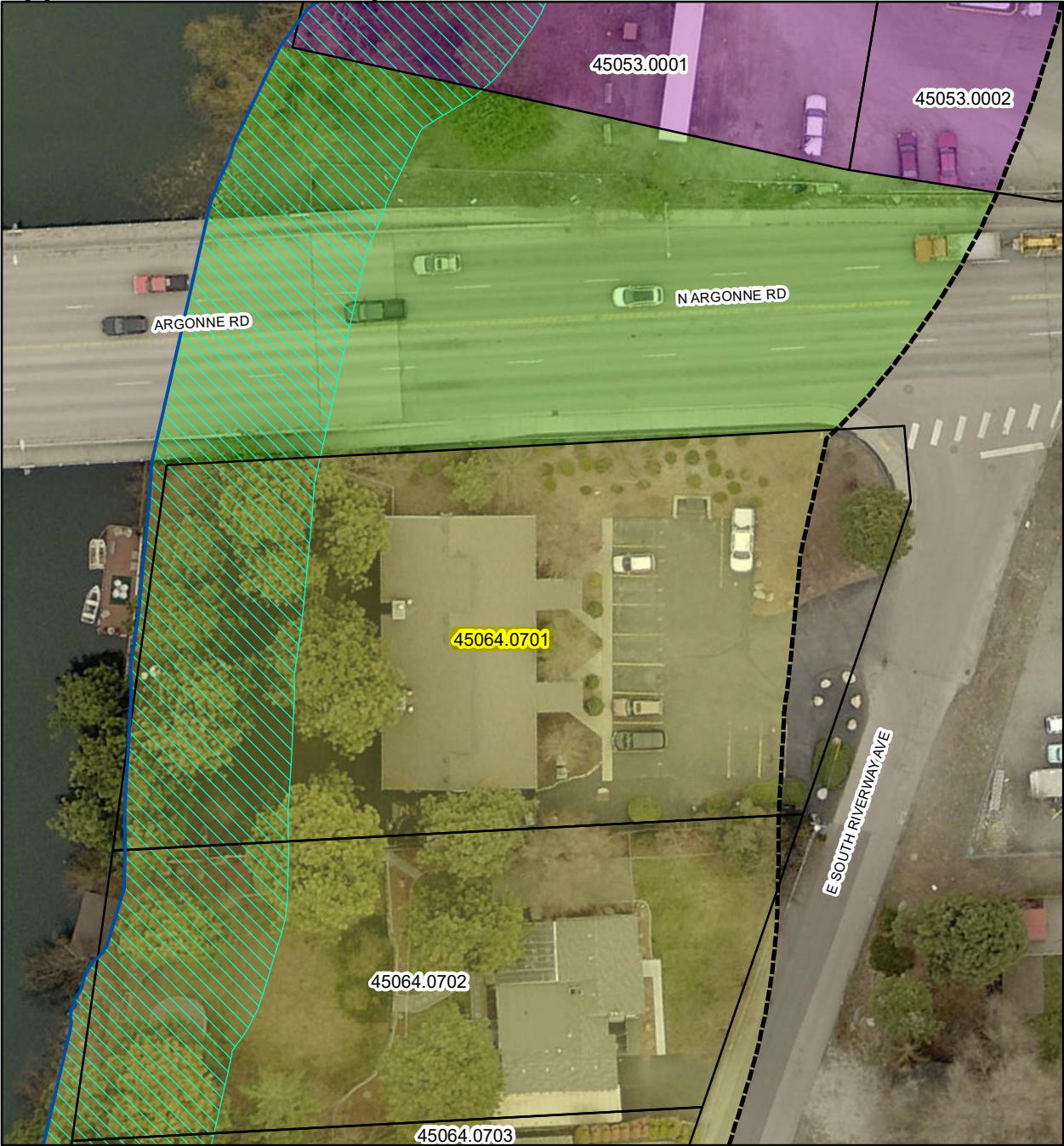
Section 3, Item a.

2. Repair and maintenance of legal nonconforming structures is allowed.
3. A nonconforming structure which contains a conforming use shall be allowed to expand, provided that the structure is not out of compliance with the code by greater than a total of ten percent and is not a danger to health or life safety, and further provided that the alteration or extension does not result in further violation of this Code.
4. When a lot contains a legal nonconforming structure, other structures may be placed on the lot provided none of the existing legal nonconforming structures are out of compliance with any one section of the current code by greater than ten percent.

(Ord. No. 527, § 1, 6-14-2022)

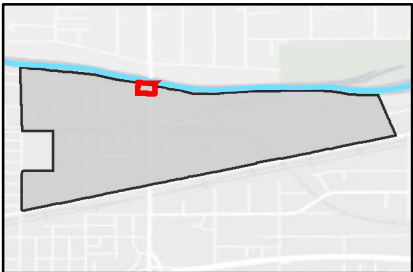
Appendix A: Detailed maps of 200' SMA

Appendix A. Detailed Maps of Shoreline Jurisdiction

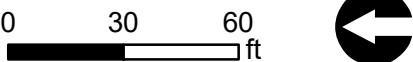


- Parcel Boundaries
- Ordinary High Water Mark¹
- 50' Shoreline Buffer¹
- Upland extent of shoreline jurisdiction¹

- Shoreline Environment Designation**
- Shoreline Public Reserve
 - Shoreline Industrial
 - Shoreline Residential



1. Features shown on map are approximate and must be identified in the field.



18.12.500 - Preexisting uses and development

Section 3, Item a.

A. Existing Residential and Industrial Structures.

1. The following existing and legally established structures shall be considered conforming structures:
 - a. Existing and legally established residential structures in the Shoreline Residential Environment (SRE) designation that encroach into the Native Conservation Area defined in Section 18.16.040 of this master program shall be considered conforming structures.
 - b. Existing and legally established industrial structures in the Shoreline Industrial Environment (SIE) designation that encroach into the Native Conservation Area defined in Section 18.16.040 of this master program shall be considered conforming structures.
2. For structures defined in subsection (1) above, further expansion of the structure into the Native Conservation Area shall be prohibited.

B. Nonconforming Structures.

1. With the exception of those structures defined in subsection (A) of this section, structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height, or density, shall be considered legally nonconforming structures.
2. Legally nonconforming structures may be maintained and repaired, and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Such normal appurtenances are by definition located landward of the OHWM.
3. A structure for which a variance has been issued shall be considered a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.
4. A structure that is being or has been utilized for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
 - a. No reasonable alternative conforming use is practical;
 - b. The proposed use will be at least as consistent with the policies and provisions of the Act and master program, and as compatible with the uses in the underlying zone as the preexisting use; and
 - c. Conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Act, and to ensure that the use will not become a nuisance or a hazard.
5. Any structure nonconforming as to height or setback standards that becomes damaged may

repaired or reconstructed, provided that:

Section 3, Item a.

- a. The extent of the previously existing nonconformance is not increased; and
- b. The building permit application for repair or reconstruction is submitted within twelve (12) months of the occurrence of damage or destruction.

C. Nonconforming Uses

1. Uses that were legally established prior to the adoption of the master program and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses after adoption.
2. If the nonconformity is due to encroachment into the Native Conservation Area, such uses shall not be enlarged or expanded waterward. They may be enlarged or expanded landward of the setback line in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g) upon approval of a conditional use permit.
3. A use which is listed as a conditional use but existed prior to adoption of the master program or any relevant amendment, and for which a conditional use permit has not been obtained, shall be considered a legal nonconforming use.
4. A use which is listed as a conditional use but existed prior to the applicability of the master program to the site, and for which a conditional use permit has not been obtained, shall be considered a legal nonconforming use for the duration of such use.
5. A legal nonconforming use which remains unoccupied or unused for a continuous period of one year is considered abandoned and shall not thereafter be occupied or used except by a use which conforms to the regulations of the district in which the use is located.
6. A legal nonconforming use which remains unoccupied or unused for a continuous period of less than one year may be reoccupied only by the same nonconforming use or by a conforming use.

D. Nonconforming Lots.

An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with Chapter 16.04 MMC, and state subdivision requirements prior to the effective date of the Act or the applicable master program that does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government, as long as such development conforms to all other requirements of the applicable master program and the Act.

(Ord. No. 462, § 1, 7-8-2014; Ord. No. 520, § 2, 6-8-2021)

14.12.140 - Administrative appeals.

Section 3, Item a.

- A. An appeal of the administrator's decision, shall be filed with the city council within fourteen (14) days after the notice of the decision or after other notice that the decision has been made and may be appealed. If a DNS with a public comment period is issued as part of the appealable project permit decision, the appeal period shall be extended for an additional seven days.
- B. Appeals of the final decision of the city council involving Titles 15, 16, 17 and 18 of this code, for which all other authorized appeals have been timely exhausted, shall be made to Spokane County Superior Court within twenty-one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.
- C. The city shall give official notice stating the date and place for commencing an appeal of procedural issues and of substantive determinations made under Ordinance 147 (SEPA). Official notice shall consist of publishing the notice in a newspaper of general circulation and posting the notice at three public notice boards within the city. Appeals shall be made within twenty-one (21) days of the date the notice is published in the newspaper.

(Ord. 271 § 14, 1996)

14.16.080 - Administrative appeals.

The fees collected from the proponent of any proposal pursuant to this chapter shall include costs incurred by the city in connection with any administrative appeal (including any quasi-judicial appeal) which may be made by any person in connection with such proposal.

(Ord. 205 § 6, 1991)

Exhibit C - Warning LTR Fence Height, No permit 10.30.24



9103 E. FREDERICK • MILLWOOD, WASHINGTON 99206 • (509) 924-0960 • FAX (509) 927-2867

Code Violation-Municipal Code **WARNING NOTICE** 9011 E SOUTH RIVERWAY

**CONDITIONS AT THIS ADDRESS ARE IN VIOLATION OF THE ADOPTED CITY OF
MILLWOOD MUNICIPAL CODE AS SPECIFIED BELOW:**

1. Description of Violations(s):

1. Installation of fence without permit.
2. Installation of fence exceeding 42 inches in height.

2. Action(s) Required to Comply:

1. Review guidelines for fences and apply for City of Millwood Fence Permit.
2. Correct height of fence not to exceed 42 inches in height.

3. Compliance Deadline(s):

You have fourteen (14) business days from the date of this warning to correct the violation(s) identified or to enter into a Voluntary Compliance Agreement with the City. Failure to act within fourteen (14) business days will result in the issuance of a Notice and Order. If you choose to correct the violation, please contact the City of Millwood Compliance Division at (509) 924-0960 for a correction verification inspection.

4. Consequences of Notice and Order:

The City's issuance of a Notice and Order is accompanied by monetary civil penalties for Code violations developed for remedial purposes and begin at **Two hundred fifty (\$250.00) dollars per violation**. Each violation constitutes a separate fine.

5. Specific code section(s) and code authority:

17.38.005 (MMC) - General provisions.

E. Fences, Rear and Rear-Side Yard.

1. Rear and rear-side fences shall not exceed six feet in height.

2. Side yard fences between residences or main buildings may not exceed six feet in height.
3. Front and front-side fences may not exceed forty-two (42) inches in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.
5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.
6. Permits are required for the construction or rebuilding of any fence.

17.44.040 (MMC) - Permit required for erection or alteration.

No person, company or corporation shall erect a building or structure of any kind, or alter any building or structure already erected when said alteration is made for the purpose of changing the use or purpose of occupancy, or institute or change a property use, without first obtaining a permit, in writing, from the city. Any permit shall expire at the end of one year after issuance unless the permittee has completed the structure or structures or instituted the use authorized by said permit. The provisions of this section shall not apply to one-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet. The city council shall set by resolution, fees for structural moving applications and the following permits: building, change of use, demolition, fence, manufactured home, mechanical, and plumbing.

Lisa Cassels
Code Compliance Officer
City of Millwood

October 30, 2024

The City of Millwood urges all potential violators of the Municipal Code (MMC) to immediately correct the identified violation to avoid additional code compliance actions. You are encouraged to work with City staff to address any questions or concerns that you may have.

**Exhibit D - Notice of City Council Special Meeting - Appeal Hearing
(9011 E. South Riverway Fence), issued June 11, 2025**



9103 E. Frederick Ave • Millwood, WA. 99206 • 509.924.0960 • www.millwoodwa.us

NOTICE OF SPECIAL CITY COUNCIL MEETING - APPEAL HEARING

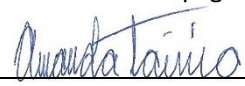
The project file may be examined between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday (except holidays) at Millwood City Hall, 9103 E. Frederick Avenue, Millwood, WA 99206. Project info is also available on the City website at https://www.millwoodwa.us/news?search=&field_news_type_value_1%5Bpublic_notice%5D=public_notice.

Proposal:	Fence Permit 4-15-25 Application Decision for 9011 E. South Riverway
Proposal Description:	Amended and Restated Fence Permit Application for multiple fence sections and an 8x8x20 storage container
Zoning:	UR-3 w/ Shoreline Residential
Parcel(s):	45064.0701
Address:	9011 E. South Riverway, Millwood, WA
General Location:	Northwest Corner of E. South Riverway and Argonne Rd.
Abbreviated Legal Description:	S1/2, Sec. 06, T 25N., RNG 44 E.W.M
Legal Description:	Millwood Salmons L1 Exc W25ft Inc Unplatted Ptn of Gov L10 Lyg N /F & Adj B1 Exc Rd
Owner:	Budinski Residential LLC
Applicant:	Joseph G. Ward
Decision Issued:	April 21, 2025
Appeal Deadline:	4pm, May 5, 2025 & 4pm, May 19, 2025 (Appeal Fee paid April 29, 2025 & Appeal Form Filed May 19, 2025 / May 20, 2025)
Appeal Hearing Body:	City of Millwood City Council
Appeal Hearing Date & Time:	Monday, June 30, 2025, at 6pm
Appeal Hearing Location:	Millwood City Hall

Appeal issues shall be limited to those expressly raised in the written appeal. The appeal will be on the record with no new evidence allowed unless specifically requested by the City Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument or oral comment. The City will allow the Appellant 15 minutes and then the City 15 minutes to present argument. The Appellant will then have a 5-minute rebuttal opportunity. Parties of record may file written arguments prior to the hearing and may present oral arguments at the hearing. Per MMC 14.12.120(A)(3)(b), the City Council shall render a decision within sixty (60) days for a closed record appeal. Pursuant to MMC 14.12.140(B), appeals of the final decision of the city council shall be made to Spokane County Superior Court within twenty-one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

Consistent with MMC 14.12.140(C), official notice of the appeal hearing is provided by publishing the notice in a newspaper of general circulation and posting the notice at three public notice boards within the city. Additionally, notice has been provided to the appellant / applicant and posted on the City Public Notices webpage listed above.

Issued: June 11, 2025

Signature: 

**Exhibit E - Notice of City Council Special Meeting - Appeal Hearing
(9011 E. South Riverway Fence), Spokesman Review publication on June 11, 2025**

NOTICE OF SPECIAL CITY COUNCIL MEETING - APPEAL

HI [REDACTED] Section 3, Item a. -15-25
PR

Application Decision for 9011 E. South Riverway

PROPOSAL DESCRIPTION: Amended and Restated Fence Permit Application for multiple fence sections and an 8x8x20 storage container

ZONING: UR-3 w/ Shoreline Residential

PARCEL(S): 45064.0701

ADDRESS: 9011 E. South Riverway, Millwood, WA

GENERAL LOCATION: Northwest Corner of E. South Riverway and Argonne Rd.

ABBREVIATED LEGAL DESCRIPTION: S1/2, Sec. 06, T 25N., RNG 44 E.W.M

LEGAL DESCRIPTION: Millwood Salmons L1 Exc W25ft Inc Unplatted Ptn of Gov L10 Lyg N /F & Adj B1 Exc Rd

OWNER: Budinski Residential LLC

APPLICANT: Joseph G. Ward

DECISION ISSUED: April 21, 2025

APPEAL DEADLINE: 4pm, May 5, 2025 & 4pm, May 19, 2025 (Appeal Fee paid April 29, 2025 & Appeal Form Filed May 19, 2025 / May 20, 2025)

APPEAL HEARING BODY: City of Millwood City Council

APPEAL HEARING DATE & TIME: Monday, June 30, 2025, at 6pm

APPEAL HEARING LOCATION: Millwood City Hall

Appeal issues shall be limited to those expressly raised in the written appeal. The appeal will be on the record with no new evidence allowed unless specifically requested by the City Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument or oral comment. The City will allow the Appellant 15 minutes and then the City 15 minutes to present argument. The Appellant will then have a 5-minute rebuttal opportunity. Parties of record may file written arguments prior to the hearing and may present oral arguments at the hearing. Per MMC 14.12.120(A)(3)(b), the City Council shall render a decision within sixty (60) days for a closed record appeal. Pursuant to MMC 14.12.140(B), appeals of the final decision of the city council shall be made to Spokane County Superior Court within twenty-one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance. Consistent with MMC 14.12.140(C), official notice of the appeal hearing is provided by publishing the notice in a newspaper of general circulation and posting the notice at three public notice boards within the city. Additionally, notice has been provided to the appellant / applicant and posted on the City Public Notices webpage.

INSPECTION OF FILE: The project file may be examined between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday (except holidays) at Millwood City Hall, 9103 E. Frederick Avenue, Millwood, WA 99211. Project info is also available at the City website under Public Notices.

SR231598

Exhibit F - November 15, 2024, email from Mr. Ward, with attachments

From: Info
Sent: Friday, November 15, 2024 10:17 AM
To: Amanda Tainio
Subject: FW: 9011 E South Riverway - Fence Permit Application
Attachments: Riverway - City of Millwood Fence Permit application 11 15 24.pdf

Amanda,

This is the owner of the property. I sent a warning notice to him about the fence. He constructed it without a permit and it is 6' tall. I believe it can only be 42". Can you please take a look at it and we can discuss.

Thank you,

Lisa Cassels

City Clerk/Public Records Officer

City of Millwood

office@millwoodwa.us

509-924-0960

(Washington's public disclosure laws apply to all Washington governments. Contents of this email and any replies are subject to public disclosure under the Public Records Act, RCW 42.56)

From: Joseph G. Ward <ward@pinnaclespokane.com>
Sent: Friday, November 15, 2024 9:50 AM
To: Info <info@millwoodwa.us>
Cc: Rosina Yip <yip@pinnaclespokane.com>
Subject: 9011 E South Riverway - Fence Permit Application

Good Morning again Lisa,

Attached is the requested Fence permit application filled out and signed.

Thank you

Joseph G. Ward
cell: **509-990-2506**
address: 15102 N. Tormey Rd.
Nine Mile Falls, WA
99026-9687
ward@pinnaclespokane.com



APPLICATION FOR
FENCE PERMIT

Section 3, Item a.

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

APPLICATIONS MUST BE ACCOMPANIED BY THE FOLLOWING:

SITE PLAN INCLUDING:

- LOCATION OF PROPERTY LINES*
- STREET NAMES AND LOCATION(S)
- LOCATION OF ALL BUILDINGS ON SITE
- LOCATION OF FENCE INCLUDING HEIGHT

**** APPLICATION WILL NOT BE ACCEPTED IF THE ABOVE MATERIALS ARE NOT ATTACHED****

APPLICANT: JOSEPH WARD	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPokane.COM
ADDRESS: 15102 N TORMEY RD	CITY: NINE MILE FALLS	STATE: WA ZIP: 99026
PROPERTY OWNER NAME: BUDINSKI RESIDENTIAL, LLC	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPokane.COM
ADDRESS: 15102 N TORMEY RD	CITY: NINE MILE FALLS	STATE: WA ZIP: 99026

IF APPLICANT IS NOT THE LEGAL PROPERTY OWNER, WRITTEN AUTHORIZATION FOR THE APPLICANT TO SERVE AS AGENT MUST BE SUBMITTED.

SITE ADDRESS: 9011 E SOUTH RIVERWAY AVE	CITY: MILLWOOD	STATE: WA	ZIP: 99212
LEGAL DESCRIPTION: MILLWOOD SALMONS LI EXC W25TH			PARCEL NO: 45064.0701
INC UNPLATTED PTN OF GOV 410 W/6 N/F & ADJ B1			

CONTRACTOR INFORMATION

CONTRACTOR: N/A	LICENSE #:
CONTRACTOR ADDRESS:	CITY: STATE: ZIP:
PHONE:	EMAIL:

FENCE INFORMATION

TYPE OF WORK:	NEW	ADDITION	ALTERATION	REPAIR
TYPE OF FENCE:	WOOD	CHAIN LINK	VINYL	OTHER
HEIGHT OF FENCE:	LENGTH OF FENCE:			

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Joseph Ward
APPLICANT SIGNATURE

11/15/24
DATE

FOR STAFF USE ONLY

APPROVED WITH THE FOLLOWING CONDITIONS:

BY:	TITLE:	DATE:
DATE SUBMITTED:	FEE PAID:	PERMIT #

***It is the responsibility of the property owner/applicant to identify the location of property lines. If lines cannot be identified, a survey of the property may be required. The City of Millwood cannot locate private property lines.**

SITE PLAN

COMMENTS: ALL FENCING CONSTRUCTED WITHOUT PERMIT EXCEPT FOR HAVE
DUMPSTER ENCLOSURE - POST FOR DUMPSTER ENCLOSURE

PREPARED BY: JOSEPH G. WARD DATE: 11/15/24 PERMIT NO:

SEE ATTACHED Aerial PHOTO

SHOW THE FOLLOWING:

EXISTING BUILDING
LOCATIONS:

STREETS & ALLEYS

PROPOSED FENCE
LOCATION AND HEIGHT

LOCATION OF PROPERTY
LINES

IT IS THE HOMEOWNERS
RESPONSIBILITY TO
DETERMINE AND VERIFY
PROPERTY LINES



Indicate North
with an Arrow

SCHEMATIC DIAGRAM

BEEN PLACED.

NEW INSTALLED
548' LONG
6.5' HIGH
CHAIN LINK FENCE

NEW INSTALLED
678' LONG
6.5' HIGH
CHAIN LINK FENCE

EXISTING
CHAIN
LINK
FENCE

UNDER
CONSTRUCTION
NEW PUMPSTATION
ENCLOSURE
10' x 12' x 12'
6.5' HIGH
S16 x 7
OBSOLETE

NEW INSTALLED
42" HIGH
24' x 7' LONG
EXISTING
FENCE

Exhibit G - November 22, 2024, email from Lisa Cassels, with attachments

From: Lisa Cassels (Office)
Sent: Friday, November 22, 2024 12:36 PM
To: Joseph G. Ward; yip@pinnaclespokane.com
Cc: Amanda Tainio
Subject: 9011 E South Riverway Fence
Attachments: VARIANCE.pdf; ADMINISTRATIVE APPEAL.docx; Riverway - City of Millwood Fence Permit application 11 15 24.pdf; Scout Aerial - 25 ft.JPG; 9011 E. South Riverway.JPG; 9011 E. South Riverway 2.JPG; MMC Residential Development Standards.pdf; MMC Chapter 17.38.05 Fences.pdf; RES 2024-01 Amend Fee Schedule signed.pdf

Mr. Ward,

The City sent you a warning notice regarding the fence installed at 9011 E South Riverway detailing two code violations; no fence permit submitted and height of fencing exceeding the maximum of 42”.

The Contract City Planner has reviewed your fence permit and as you can see in the attachment fences within the area bordering South Riverway and 25ft back from the property line can only be 42” tall. The 6’ tall fence is in violation of the Millwood Municipal Code and will need to be reduced to 42” within the 25 ft area shown on the attachment. The dumpster enclosure will also need to be either moved out of the 25ft area or reduce the height to 42”.

I have included two sections of the Millwood Municipal Code for your reference. The full code can be found [Code of Ordinances | Millwood, WA | Municode Library](#)

I have also included a Variance form, an Administrative Appeal form and the Resolution 2024-01 Fee Schedule.

Please contact me if you have any questions.

Thank you,

Lisa Cassels

City Clerk/Public Records Officer

City of Millwood

office@millwoodwa.us

509-924-0960

(Washington’s public disclosure laws apply to all Washington governments. Contents of this email and any replies are subject to public disclosure under the Public Records Act, RCW 42.56)



CITY OF

MILLWOOD

APPLICATION FOR

VARIANCE

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

Section 3, Item a.

PROPERTY OWNER NAME:		PHONE:		
ADDRESS:		CITY	STATE	ZIP
EMAIL:				
APPLICANT NAME:		PHONE:		
ADDRESS:		CITY	STATE	ZIP
EMAIL:				
LEGAL DESCRIPTION:		PARCEL No(S):		
PROPERTY SQ. FT.	ZONING DESIGNATION:	COMPREHENSIVE PLAN DESIGNATION:		
PARCEL NO. OF ADJACENT PROPERTY OWNED OR CONTROLLED BY PROPERTY OWNER:				
PREVIOUS LAND USE ACTIONS INVOLVING PROPERTY:				
ZONING DESIGNATION OF ADJACENT PROPERTIES:	NORTH:	SOUTH:	EAST:	WEST:
LIST ALL SECTION(S) OF THE MILLWOOD MUNICIPAL CODE FROM WHICH A VARIANCE IS REQUESTED:				
DESCRIBE IN DETAIL THE SPECIAL CIRCUMSTANCES WHICH APPLY TO THE SUBJECT PROPERTY I.E. LOT SIZE, TOPOGRAPHY, LOCATION, ETC.				
EXPLAIN THE UNNECESSARY HARDSHIP AND PRACTICAL DIFFICULTY THE STRICT APPLICATION OF THE ZONING CODE CREATES BECAUSE OF THE SPECIAL CIRCUMSTANCE(S) LISTED ABOVE:				
EXPLAIN HOW THE STRICT APPLICATION OF THE ZONING CODE DEPRIVES THE PROPERTY OF RIGHTS AND PRIVILEGES PERMITTED TO OTHER PROPERTIES IN THE VICINITY AND ZONE BECAUSE OF THE SPECIAL CIRCUMSTANCE(S) LISTED ABOVE.				

ARE THERE ADDITIONAL REASONS, OTHER THAN THE SPECIAL CIRCUMSTANCE(S) LISTED ABOVE, WHY THE VARIANCE IS REQUESTED? IF SO, DESCRIBE THEM IN DETAIL AND LIST THE CORRESPONDING DATE (E.G. THE DATE THE PARCEL WAS BUILT OR EXPANDED OR THE DATE THE PARCEL WAS SUBDIVIDED):

Section 3, Item a.

DESCRIBE IN DETAIL THE VARIANCE REQUESTED INCLUDING THE SPECIFIC REASON(S) FOR THE REQUEST:

DESCRIBE ANY MITIGATING MEASURES WHICH WILL ENSURE THAT THE INTENT AND PURPOSE OF THE ZONING CODE IS MAINTAIN WITH REGARD TO LOCATION, SITE DESIGN, APPEARANCE, LANDSCAPING, ETC. SHOULD THE VARIANCE BE GRANTED:

EXPLAIN HOW THE VARIANCE WILL AFFECT THE PUBLIC INTEREST AND GENERAL WELFARE:

DESCRIBE HOW THE GRANTING OF THE VARIANCE WILL AFFECT THE PROPERTY OR IMPROVEMENTS IN THE VICINITY:

DESCRIBE HOW THE GRANTING OF THE VARIANCE WILL AFFECT THE ECONOMIC RETURN FOR THE SUBJECT PROPERTY:

DESCRIBE HOW THE EXISTING OR PROPOSED STRUCTURE(S) WOULD BE AFFECTED BY THE GRANTING OF THE VARIANCE:

COULD THE SUBJECT PROPERTY BE PUT TO A REASONABLE AND PERMITTED USE WITHOUT THE PROPOSED VARIANCE AND WHY:

WHAT WILL BE THE EFFECT ON THE PROPERTY OWNER IF THE VARIANCE REQUEST IS NOT GRANTED:

Section 3, Item a.

INCLUDE ANY OTHER INFORMATION YOU CONSIDER TO BE PERTINENT IN YOUR APPLICATION FOR VARIANCE:

APPLICANT SIGNATURE

I, _____ (PRINTED NAME) SWEAR OR AFFIRM THAT THE ABOVE RESPONSES ARE MADE TRUTHFULLY AND TO THE BEST OF MY KNOWLEDGE. I FURTHER SWEAR OR AFFIRM THAT I AM THE OWNER OF RECORD OF THE PROPERTY IDENTIFIED IN THIS REQUEST FOR CONDITIONAL USE APPROVAL, OR IF NOT THE OWNER, HAVE PROVIDED BELOW THE PROPERTY OWNERS AUTHORIZATION TO ACT ON HIS/HER BEHALF.

SIGNATURE

DATE

STATE OF _____)

COUNTY OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____

BY: _____

NOTARY SEAL

NOTARY SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF: _____

RESIDING AT: _____

MY COMMISSION EXPIRES: _____

LEGAL OWNERS AUTHORIZATION

I, _____ (PRINTED NAME) AM THE OWNER OF RECORD FOR THE ABOVE IDENTIFIED PROPERTY AND DO HEREBY AUTHORIZE _____ TO REPRESENT ME AND MY INTEREST IN ALL MATTERS REGARDING THIS LAND USE APPLICATION.

SIGNATURE DATE

STATE OF)

COUNTY OF)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20 _____

BY: _____

NOTARY SEAL

NOTARY SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF: _____

RESIDING AT: _____

MY COMMISSION EXPIRES: _____

FOR STAFF USE ONLY

DATE SUBMITTED: _____

FEE PAID: _____

FILE NO: _____

RECEIVED BY: _____



APPLICATION FOR
ADMINISTRATIVE APPEAL

Section 3, Item a.

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
PLANNER@MILLWOODWA.US

APPELLANT

NAME:	PHONE:	DATE:
ADDRESS:	CITY	STATE ZIP
EMAIL:		

REPRESENTATIVE (IF DIFFERENT THAN APPELLANT)

NAME:	PARCEL NO:
ADDRESS:	CITY STATE ZIP
EMAIL:	PHONE:

PARCEL INFORMATION

OWNER NAME:	PARCEL NO:
SITE ADDRESS:	CITY STATE ZIP
LEGAL DESCRIPTION:	ZONING DESIGNATION:

ADMINISTRATIVE DECISION BEING APPEALED

PLEASE SUBMIT RESPONSES TO THE FOLLOWING:

1. State how the appellant is significantly affected by the matter being appealed.
2. State the appellant's issues on appeal: the specific decision and specific portions of the decision or determination being appealed and the specific reasons why each aspect is in error as a matter of fact or law.
5. State the specific relief requested, such as reversal or modification

ICERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE

DATE

FOR STAFF USE ONLY

DATE SUBMITTED: _____ FEE PAID: _____ PERMIT #: _____



APPLICATION FOR
FENCE PERMIT

Section 3, Item a.

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

APPLICATIONS MUST BE ACCOMPANIED BY THE FOLLOWING:

SITE PLAN INCLUDING:

- LOCATION OF PROPERTY LINES*
- STREET NAMES AND LOCATION(S)
- LOCATION OF ALL BUILDINGS ON SITE
- LOCATION OF FENCE INCLUDING HEIGHT

**** APPLICATION WILL NOT BE ACCEPTED IF THE ABOVE MATERIALS ARE NOT ATTACHED****

APPLICANT: JOSEPH WARD	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPOKANE.COM
ADDRESS: 15102 N TORMEY RD	CITY: NINE MILE FALLS	STATE: WA ZIP: 99026
PROPERTY OWNER NAME: BUDINSKI RESIDENTIAL, LLC	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPOKANE.COM
ADDRESS: 15102 N TORMEY RD	CITY: NINE MILE FALLS	STATE: WA ZIP: 99026

IF APPLICANT IS NOT THE LEGAL PROPERTY OWNER, WRITTEN AUTHORIZATION FOR THE APPLICANT TO SERVE AS AGENT MUST BE SUBMITTED.

SITE ADDRESS: 9011 E SOUTH RIVERWAY AVE	CITY: MILLWOOD	STATE: WA	ZIP: 99212
LEGAL DESCRIPTION: MILLWOOD SALMONS LI EXC W25TH			PARCEL NO: 45064.0701
INC UNPLATTED PTN OF GOV 410 W/6 N/F & ADJ B1			

CONTRACTOR INFORMATION

CONTRACTOR: N/A	LICENSE #:
CONTRACTOR ADDRESS:	CITY: STATE: ZIP:
PHONE:	EMAIL:

FENCE INFORMATION

TYPE OF WORK:	NEW	ADDITION	ALTERATION	REPAIR
TYPE OF FENCE:	WOOD	CHAIN LINK	VINYL	OTHER
HEIGHT OF FENCE:	LENGTH OF FENCE:			

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Joseph Ward
APPLICANT SIGNATURE

11/15/24
DATE

FOR STAFF USE ONLY

APPROVED WITH THE FOLLOWING CONDITIONS:

BY:	TITLE:	DATE:
DATE SUBMITTED:	FEE PAID:	PERMIT #

***It is the responsibility of the property owner/applicant to identify the location of property lines. If lines cannot be identified, a survey of the property may be required. The City of Millwood cannot locate private property lines.**

SITE PLAN

COMMENTS: ALL FENCING CONSTRUCTED WITHOUT PERMIT EXCEPT FOR HAVE
DUMPSTER ENCLOSURE - POST FOR DUMPSTER ENCLOSURE

PREPARED BY: JOSEPH GILWARR DATE: 11/15/24 PERMIT NO:

SEE ATTACHED Aerial PHOTO

SHOW THE FOLLOWING:

EXISTING BUILDING
LOCATIONS:

STREETS & ALLEYS

PROPOSED FENCE
LOCATION AND HEIGHT

LOCATION OF PROPERTY
LINES

IT IS THE HOMEOWNERS
RESPONSIBILITY TO
DETERMINE AND VERIFY
PROPERTY LINES



Indicate North
with an Arrow

SCHEMATIC DIAGRAM

BEEN PLACED.

NEW INSTALLED
548' LONG
6.5' HIGH
CHAIN LINK FENCE

NEW INSTALLED
678' LONG
6.5' HIGH
CHAIN LINK FENCE

30 FT
6.5' HIGH
30 FT LONG
NEW INSTALLED
ALUMINUM FENCE

388' DRIVEWAY

10' x 12' 8"
5' x 5'
29' 4"

NEW INSTALLED
42" HIGH
24 FT LONG
EXIST FENCE

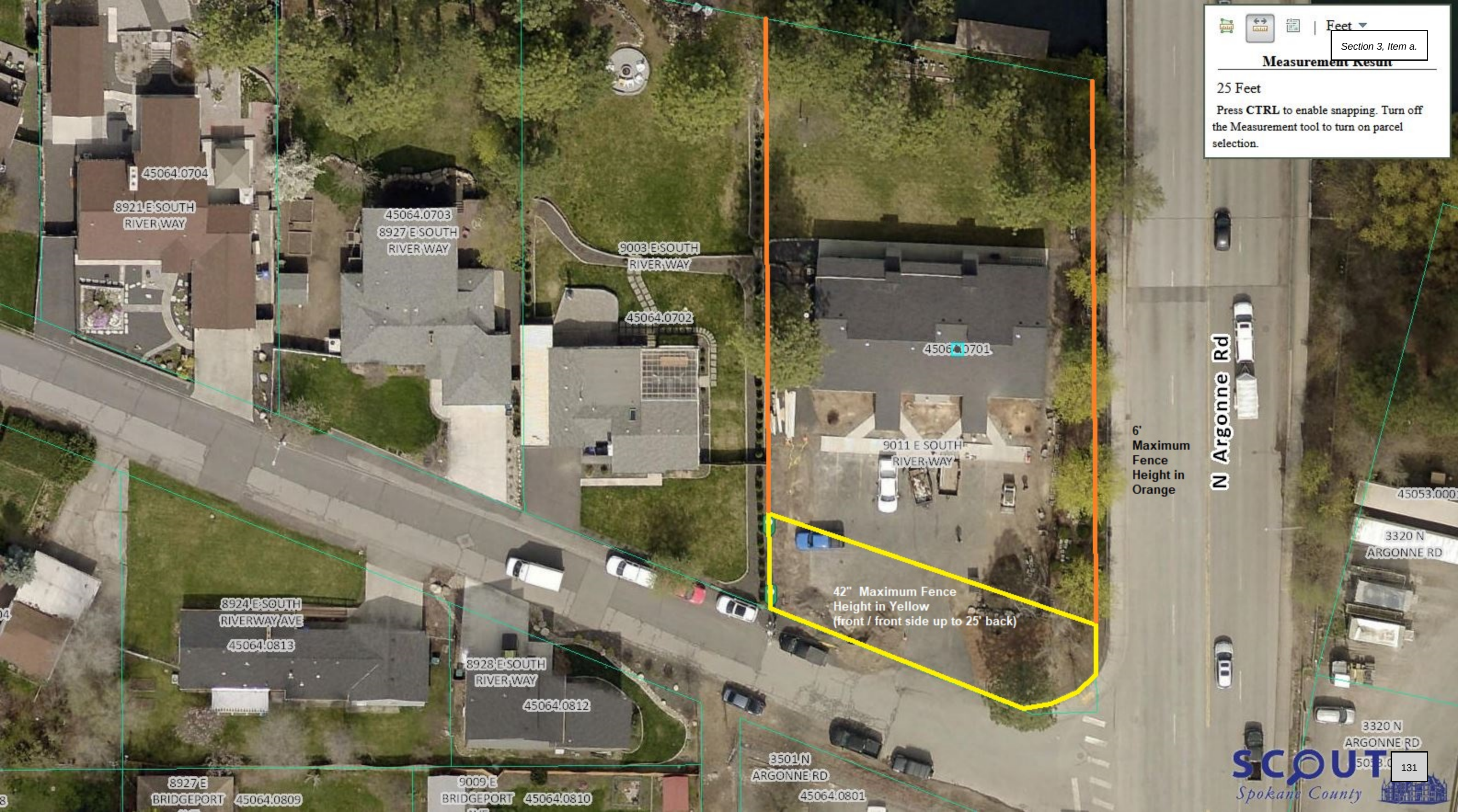
EXISTING
CHAIN
LINK
FENCE

UNDER
CONSTRUCTION
NEW PUMPSTATION
ENCLOSURE
10' x 12' 8"
6.5' HIGH
S16X7
OBSOLETE

Measurement Result

25 Feet

Press CTRL to enable snapping. Turn off the Measurement tool to turn on parcel selection.



45064.0704
8921 E SOUTH
RIVER WAY

45064.0703
8927 E SOUTH
RIVER WAY

9003 E SOUTH
RIVER WAY

45064.0702

45064.0701

9011 E SOUTH
RIVER WAY

8924 E SOUTH
RIVERWAY AVE
45064.0813

8928 E SOUTH
RIVER WAY
45064.0812

8927 E
BRIDGEPORT
45064.0809

9009 E
BRIDGEPORT
45064.0810

3501 N
ARGONNE RD
45064.0801

N Argonne Rd

6" Maximum
Fence
Height in
Orange

42" Maximum Fence
Height in Yellow
(front / front side up to 25' back)

3320 N
ARGONNE RD

3320 N
ARGONNE RD







RESIDENTIAL DEVELOPMENT STANDARDS

		UR-1	UR-2	UR-3
Minimum Lot Area		10,000	5,000	5,000
Maximum Lot Area		1 acre	1 acre	1 acre
Duplex Minimum Lot Size		10,000	7,200	7,200
Multi-Family Lot Size (per dwelling unit)				2,500
Lot Frontage (Width)	Single Family	80 ft.	50 ft.	50 ft.
	Duplex	80 ft.	70 ft.	70 ft.
	Multi-Family	----	-----	85 ft.
Minimum Lot Depth		Minimum Lot Depth same as Minimum Lot Width		
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			
	1 Story	5 ft.	5 ft.	5 ft.
	1.5 Story	10 ft.	10 ft.	10 ft.
	2 Story	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage		40%	40%	40%
Maximum Total Lot Coverage (1)		60%	60%	60%
Building Height (2) (4)	Single Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. (3) (5)	25 ft.	20 ft.	20 ft.

(1) Includes all other impervious surfaces

(2) Building height shall be measured from average grade level to the highest point of the structure

(3) Maximum wall height not to exceed 16 feet

(4) No structure shall exceed 2 stories in height

(5) Accessory buildings taller than sixteen (16) feet shall be set back an additional one foot for each one foot of building height in excess of sixteen (16) feet to a maximum setback of ten feet from any property line.

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification of property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

Exceptions: eaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building. Steps, terraces, platforms and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than twenty-five (25) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

Exceptions: eaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required yard.

Exceptions: eaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building. Steps, platforms and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

E. Fences, Rear and Rear-Side Yard.

1. Rear and rear-side fences shall not exceed six feet in height.
2. Side yard fences between residences or main buildings may not exceed six feet in height.
3. Front and front-side fences may not exceed forty-two (42) inches in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.
5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.
6. Permits are required for the construction or rebuilding of any fence.

- F. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.
2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential

RESOLUTION 2024-01

January 9, 2024

A RESOLUTION AMENDING CERTAIN FEES AND CHARGES OF THE CITY OF MILLWOOD;
AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a noncharter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, the Council of the City (the "Council") may adopt and enforce resolutions of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, in various provisions of the Revised Code of Washington and the Millwood Municipal Code, the Council is authorized to set fees and charges of the City; and

WHEREAS, the Council wishes to amend certain fees and charges of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millwood that:

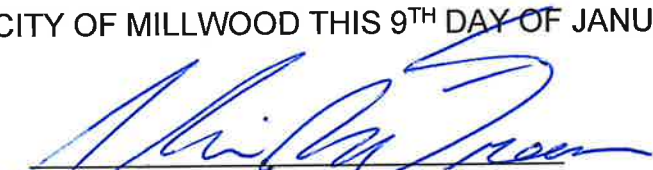
Section 1. Amendment of Certain Fees and Charges: The City Council amends the fees and charges of the City as set forth in Attachment "A" to this Resolution, attached hereto and incorporated herein by this reference. Such fees and charges are necessary to recover costs and/or expense incurred by the City and are a reasonable approximation of the costs and/or expense incurred by the City in providing services related to such fees and charges.

Section 2. Severability: If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

Section 3. Repealer: All ordinances and resolutions, laws, regulations, guidelines, or policies, or parts thereof in conflict with this Resolution, including without limitation Resolution 03-02, Resolution 11-03, Resolution 20-05, and Resolution 2022-02 are, to the extent of said conflict, hereby repealed.

Section 4. Effect: This Resolution shall be in full force and effect from upon adoption by the City Council.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 9TH DAY OF JANUARY 2024.


KEVIN FREEMAN, MAYOR

Attest:


DEBB MATKIN,
ACTING CITY CLERK

Attachments: Attachment "A" City Fee Schedule

CITY OF MILLWOOD FEE SCHEDULE

BUILDING FEES

	FEE
Accessory Dwelling Unit Permit Review	\$250.00
Commercial Site Plan & Design Review ²	\$400.00
Fence Permit	\$125.00
Manufactured Home Set Permit Review	\$75.00
Residential Site Plan & Design Review	\$75.00
Sign Permit Review (individual sign)	\$75.00
Sign Permit Review (sign package)	\$125.00
Structural Moving Permit	\$75.00

PLANNING FEES

	FEE
AMENDMENTS	
Comprehensive Plan Amendment (SEPA not included)	\$2,650.00
Zone change/Rezone (SEPA not included)	\$5,250.00
Zoning Map or Text Amendment (SEPA not included)	\$2,650.00
APPEALS	
Land Use Administrative Decision	\$900.00
ENVIRONMENTAL REVIEW	
SEPA (Environmental Checklist Review)	\$300.00
SEPA Environmental Impact Statement (DS/EIS) Deposit	\$1,500.00
Shoreline Substantial Development Permit ³	\$1,500.00
Shoreline Exemption ³	\$625.00
Critical Area Site Plan Review/Reasonable Use Exception	\$625.00
LAND DIVISION AND BOUNDARY LINE ADJUSTMENTS ¹	
Alteration/Amendment/Change of Conditions	80% of land division fee
Boundary Line Adjustment (per line)	\$150.00
Boundary Line Aggregation	\$250.00
Preliminary Binding Site Plan (BSP)	\$2,500.00 (for 1 st acre + \$30 per acre for each additional acre)
Final Binding Site Plan / BSP Lots Through ROS	\$1,650.00 (+ \$25 per lot)
Preliminary Short Subdivision (up to 4 lots)	\$1,750.00 (for 1 st acre + \$30 per acre for each additional acre)
Final Short Subdivision (up to 4 lots)	\$1,250.00 (+ \$25 per lot)
Preliminary Subdivision	\$2,650.00 (for 1 st acre + \$30 per acre for each additional acre)
Final Subdivision	\$1,500.00 (+ \$25 per lot)
Time Extension	\$400.00
Vacation of subdivision	\$1,300.00
LAND USE	
Conditional Use Permit	\$1,750.00
Home Occupation	\$100.00

Special Sign Permit	\$725.00
Temporary Use Permit	\$225.00
Variance	\$1,750.00
Zoning Letter / Written Code Interpretation	\$300.00
Project Review / Inspections / Service Not Listed Above ⁴	Refer to ⁴
¹ May require Millwood outside engineer review @ +/- \$140.00/hr ² Includes multi-family w/ landscaping ³ Variance or Conditional Use Permit are an additional cost ⁴ Any project review not specifically listed shall be classified at the closest application rate or otherwise conducted at current hourly staff or consultant rate (per MMC 14.16.040). All applications will require an Agreement to Pay Fees form to be completed and submitted at time of application submittal. Reimbursement for public notice, Hearing Examiner, Engineer review, Attorney review, transcript preparation, etc. fees will be required.	

HISTORIC PRESERVATION FEES

	FEE
Historic Register Application	\$50.00

MISCELLANEOUS FEES

	FEE
Business License (New)	\$30.00
Business License (Renewal)	\$20.00
Special Event Application Fee	\$50.00
Special Event Permit (limited to 200 people)	\$200.00

UTILITY FEES

	FEE
Notice Fee	\$10.00
Disconnection Fee	\$100.00
Account Servicing Fee	\$40.00
Account Servicing Fee (Sewer only)	\$20.00
NSF	\$35.00
Service Call (per hour w/ 1-hour minimum charge)	\$125.00
Service Call (after 4:00pm, per hour w/ 1-hour minimum charge)	\$300.00
Service Call Team (per hour w/ 1-hour minimum charge)	\$200.00
Service Call Team (after 4:00pm, per hour w/ 1-hour minimum charge)	\$475.00
Equipment Fee	
Backhoe (per hour w/ 1-hour minimum)	\$150.00
Mini Excavator (per hour w/ 1-hour minimum)	\$120.00
Dump Truck (per hour w/ 1-hour minimum)	\$120.00
Meter Tampering (per occurrence)	\$500.00
Hydrant Tampering (per occurrence)	\$1,000.00

	FEE
WATER (MMC 13.04)	
Residential Monthly Base Rate	\$29.65
Consumption Tier 1 (0- 1,600 CF)	\$.32 per 100 CF

Consumption Tier 2 (1,601-4,000 CF)	\$.40 per 100 CF	Section 3, Item a.
Consumption Tier 3 (over 4,001 CF)	\$.48 per 100 CF	
Private Irrigation Tier 1 (0-22,000 CF)	\$.32 per 100 CF	
Private Irrigation Tier 2 (over 22,001 CF)	\$.40 per 100 CF	
Non-Residential Monthly Base Rate	Based on meter size	
1-inch Meter	\$29.65 per connection	
1.5-inch Meter	\$44.48 per connection	
2-inch Meter	\$59.30 per connection	
3-inch Meter	\$88.95 per connection	
4-inch Meter	\$118.60 per connection	
Consumption Tier 1 (0-1,600 CF)	\$.32 per 100 CF	
Consumption Tier 2 (1,601-4,000 CF)	\$.40 per 100 CF	
Consumption Tier 3 (over 4,000 CF)	\$.48 per 100 CF	
Private Irrigation (Non-Residential)	See Base Rate for Non-Residential above	
Tier 1 (0-22,000 CF)	\$.32 per 100 CF	
Tier 2 (over 22,000 CF)	\$.40 per 100 CF	
Public Irrigation (Non-Residential)	See Base Rate for Non-Residential above	
Tier 1 (0-72,000 CF)	\$.32 per 100 CF	
Tier 2 (over 72, 000 CF)	\$.40 per 100 CF	
SEWER (MMC 13.16.070)		
Residential Base Rate	\$17.25	
Commercial Base Rate (800 CF included)	\$17.25	
CF over 800 (per 100 CF)	\$1.86	
Commercial Pre-Treatment Charge	\$3.00	
County Treatment Charge (Res. or Com. Per month)	\$13.55	

PUBLIC WORKS FEES

CROSS CONNECTION PROGRAM	
Cross Connection Violation	\$100.00
WATER CONNECTION	
Plan Review	\$75.00
New Connection (per unit)	\$1,000.00
Inspection	\$50.00
SEWER CONNECTION	
Plan Review	\$75.00
Inspection	\$150.00
Connection Fee (per unit)	\$1,000.00
Installation Deposit Water <u>or</u> Sewer service	\$4,000.00
Installation Deposit Water and Sewer service	\$8,000.00
RIGHT-OF-WAY WORK	
Approach	\$75.00
Right-of-way obstruction	\$150.00

Exhibit H - March 25, 2025, letter from Mayor Kevin Freeman



March 25, 2025

Joseph Ward
Budinski Residential LLC
15102 N Tormey Rd
Nine Mile Falls, WA, 99026-9687

**Re: Violation of Millwood Municipal Code
9011 E. South Riverway**

Dear Mr. Ward:

I am responding to your most recent correspondence to the City of Millwood (the "City"), dated March 8, 2025, regarding the following violations of the Millwood Municipal Code (the "MMC"):

1. Installation of a fence without a permit in violation of MMC 17.44.040; and
2. Installation of a fence exceeding 42 inches in height in violation of 17.38.005.

You have been previously apprised of these violations of the MMC on various occasions, including but not limited to receipt of a Warning Notice dated October 30, 2024, issued by the City.

Please confirm on or before April 4, 2025, that you will remedy the violations of the MMC on or before May 2, 2025. Should you fail to provide such confirmation on or before April 4, 2025, the City will pursue code enforcement and an abatement order to remedy the violations of the MMC.

Regards,

A handwritten signature in blue ink that reads "Kevin M. Freeman". The signature is fluid and cursive, with the first name "Kevin" and last name "Freeman" clearly legible.

Kevin M. Freeman
Mayor
City of Millwood, Washington

7020 2450 0001 8036 8905

U.S. Postal Service TM	
CERTIFIED MAIL [®] RECEIPT	
Domestic Mail Only	
Section 3, Item a.	
For delivery information, visit our website at www.usps.com .	
OFFICIAL USE	
Certified Mail Fee \$ 9.64	Postmark Here 3-26-25
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$ Joe Ward	
Sent To Budinski Residential LLC	
Street and Apt. No., or PO Box No. 15702 N. Tarmey RD.	
City, State, ZIP+4 [®] Nine Mile Falls, WA 99026-9687	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for International mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an elec
associate
return rec
USPS®-p
retail associate.

Section 3, Item a.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

PS Form **3800**, April 2015 (Reverse) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph Ward
Budinski Residential LLC
15102 N Tormey RD
Nine Mile Falls, WA 99026-9687



9590 9402 6669 1060 3978 16

2. Article Number (Transfer from service label)

7020 2450 0001 8036 8905

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Rosina

Section 3, Item a.

☐ Agent☐ Addressee

B. Received by (Printed Name)

ROSINA YIP

C. Date of Delivery

3-28-25

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Mail Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted

Delivery

☐ Signature Confirmation™☐ Signature Confirmation

Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#



Section 3, Item a.

Permit No. G-10

9590 9402 6669 1060 3978 16

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

CITY OF MILLWOOD
9103 E. FREDERICK AVE.
MILLWOOD, WA 99206



Exhibit I - April 3, 2025, email from Mr. Ward

From: Joseph G. Ward <ward@pinnaclespokane.com>
Sent: Thursday, April 3, 2025 8:25 AM
To: Office
Cc: John T Sweitzer (Jsweitzerco@hotmail.com); City Planner; Brian M Werst; Sabrina R D'Angelo (sabrinalcleaning509@gmail.com); Rosina Yip; Miles Lunde (mylesd98@aol.com)
Subject: Fencing Code violations 9011 E South Riverway
Attachments: Riverway - 2nd Fence Code Violation Warning Notice from Mayor 03 25 25.pdf

Good Morning Mr. Freeman,

Attached hereto is your most recent correspondence.

I would like to resubmit my building permit for the fencing and work with the planner and whoever else you choose use to deal with the issue. I will submit either a variance or any other format regarding the code violation.

I respectfully request a 60 day extension to each of your deadlines in you March 25, 2025 letter.

Thank you in advance for your consideration in this matter

Joseph G. Ward
cell: **509-990-2506**
address: 15102 N. Tormey Rd.
Nine Mile Falls, WA
99026-9687
ward@pinnaclespokane.com

Exhibit J - April 4, 2025, email from Lisa Cassels, with attachments

From: Office
Sent: Friday, April 4, 2025 10:09 AM
To: Joseph G. Ward
Cc: Kevin Freeman; City Planner; Brian Werst
Subject: 9011 E South Riverway Fence
Attachments: VARIANCE.pdf; AGREEMENT TO PAY FEES_FILLABLE.pdf; MMC Chapter 17.38.05 Fences.pdf; MMC Residential Development Standards.pdf; Scout Aerial - 25 ft.JPG; ADMINISTRATIVE APPEAL.pdf; RES 2024-01 Amend Fee Schedule signed.pdf; Riverway - City of Millwood Fence Permit application 11 15 24.pdf; FENCE PERMIT.pdf

Good Morning Mr. Ward,

As discussed previously, there are three available options to address the code violation of the installation of a fence exceeding 42 inches in height (17.38.005).

The fence can be cut down to 42" within the setback area to be in compliance with the code.

If you disagree with Ms. Tainio's interpretation and wish to appeal her decision, you can complete the Administrative Appeal form and the Agreement to Pay Fees form, submit those forms with the Administrative Decision Appeal fee, and the City will begin the appeal process.

Another available option is to apply for a Variance by completing the attached Variance form and the Agreement to Pay Fees form, submit those forms with the Variance fee, and the City will begin the Variance Hearing process before the Hearing Examiner.

Per your request, the Mayor has authorized a 60-day extension pending receipt of either the Administrative Appeal Application or the Variance Application; along with any applicable fees.

Attachments:

Fence Permit Application (Blank)
Fence Permit Application (completed 11.15.24)
Variance Application
Agreement to Pay Fees
Administrative Appeal Application
Resolution 2024-01 Amend Fee Schedule
MMC 17.38.05 & Residential Development Standards

Please contact me if you have any questions.

Regards,

Lisa Cassels

City Clerk/Public Records Officer

City of Millwood

lcassels@millwoodwa.us

509-924-0960



APPLICATION FOR VARIANCE

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

PROPERTY OWNER NAME:		PHONE:		
ADDRESS:		CITY	STATE	ZIP
EMAIL:				
APPLICANT NAME:		PHONE:		
ADDRESS:		CITY	STATE	ZIP
EMAIL:				
LEGAL DESCRIPTION:		PARCEL No(S):		
PROPERTY SQ. FT.	ZONING DESIGNATION:	COMPREHENSIVE PLAN DESIGNATION:		
PARCEL NO. OF ADJACENT PROPERTY OWNED OR CONTROLLED BY PROPERTY OWNER:				
PREVIOUS LAND USE ACTIONS INVOLVING PROPERTY:				
ZONING DESIGNATION OF ADJACENT PROPERTIES:	NORTH:	SOUTH:	EAST:	WEST:
LIST ALL SECTION(S) OF THE MILLWOOD MUNICIPAL CODE FROM WHICH A VARIANCE IS REQUESTED:				
DESCRIBE IN DETAIL THE SPECIAL CIRCUMSTANCES WHICH APPLY TO THE SUBJECT PROPERTY I.E. LOT SIZE, TOPOGRAPHY, LOCATION, ETC.				
EXPLAIN THE UNNECESSARY HARDSHIP AND PRACTICAL DIFFICULTY THE STRICT APPLICATION OF THE ZONING CODE CREATES BECAUSE OF THE SPECIAL CIRCUMSTANCE(S) LISTED ABOVE:				
EXPLAIN HOW THE STRICT APPLICATION OF THE ZONING CODE DEPRIVES THE PROPERTY OF RIGHTS AND PRIVILEGES PERMITTED TO OTHER PROPERTIES IN THE VICINITY AND ZONE BECAUSE OF THE SPECIAL CIRCUMSTANCE(S) LISTED ABOVE.				

ARE THERE ADDITIONAL REASONS, OTHER THAN THE SPECIAL CIRCUMSTANCE(S) LISTED ABOVE, WHY THE VARIANCE IS REQUESTED? IF SO, DESCRIBE THEM IN DETAIL AND LIST THE CORRESPONDING DATE (E.G. THE DATE THE PARCEL WAS BUILT OR EXPANDED OR THE DATE THE PARCEL WAS SUBDIVIDED):

Section 3, Item a.

DESCRIBE IN DETAIL THE VARIANCE REQUESTED INCLUDING THE SPECIFIC REASON(S) FOR THE REQUEST:

DESCRIBE ANY MITIGATING MEASURES WHICH WILL ENSURE THAT THE INTENT AND PURPOSE OF THE ZONING CODE IS MAINTAINED WITH REGARD TO LOCATION, SITE DESIGN, APPEARANCE, LANDSCAPING, ETC. SHOULD THE VARIANCE BE GRANTED:

EXPLAIN HOW THE VARIANCE WILL AFFECT THE PUBLIC INTEREST AND GENERAL WELFARE:

DESCRIBE HOW THE GRANTING OF THE VARIANCE WILL AFFECT THE PROPERTY OR IMPROVEMENTS IN THE VICINITY:

DESCRIBE HOW THE GRANTING OF THE VARIANCE WILL AFFECT THE ECONOMIC RETURN FOR THE SUBJECT PROPERTY:

DESCRIBE HOW THE EXISTING OR PROPOSED STRUCTURE(S) WOULD BE AFFECTED BY THE GRANTING OF THE VARIANCE:

COULD THE SUBJECT PROPERTY BE PUT TO A REASONABLE AND PERMITTED USE WITHOUT THE PROPOSED VARIANCE AND WHY:

WHAT WILL BE THE EFFECT ON THE PROPERTY OWNER IF THE VARIANCE REQUEST IS NOT GRANTED:

Section 3, Item a.

INCLUDE ANY OTHER INFORMATION YOU CONSIDER TO BE PERTINENT IN YOUR APPLICATION FOR VARIANCE:

APPLICANT SIGNATURE

I, _____ (PRINTED NAME) SWEAR OR AFFIRM THAT THE ABOVE RESPONSES ARE MADE TRUTHFULLY AND TO THE BEST OF MY KNOWLEDGE. I FURTHER SWEAR OR AFFIRM THAT I AM THE OWNER OF RECORD OF THE PROPERTY IDENTIFIED IN THIS REQUEST FOR CONDITIONAL USE APPROVAL, OR IF NOT THE OWNER, HAVE PROVIDED BELOW THE PROPERTY OWNERS AUTHORIZATION TO ACT ON HIS/HER BEHALF.

SIGNATURE

DATE

STATE OF _____)

COUNTY OF _____)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____

BY: _____

NOTARY SEAL

NOTARY SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF: _____

RESIDING AT: _____

MY COMMISSION EXPIRES: _____

LEGAL OWNERS AUTHORIZATION

I, _____ (PRINTED NAME) AM THE OWNER OF RECORD FOR THE ABOVE IDENTIFIED PROPERTY AND DO HEREBY AUTHORIZE _____ TO REPRESENT ME AND MY INTEREST IN ALL MATTERS REGARDING THIS LAND USE APPLICATION.

SIGNATURE DATE

STATE OF)

COUNTY OF)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20 _____

BY: _____

NOTARY SEAL

NOTARY SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF: _____

RESIDING AT: _____

MY COMMISSION EXPIRES: _____

FOR STAFF USE ONLY

DATE SUBMITTED: _____

FEE PAID: _____

FILE NO: _____

RECEIVED BY: _____



AGREEMENT TO PAY FEES

CITY OF MILLWOOD
9103 E FREDERICK AVE
MILLWOOD, WA 99206

This agreement between the City of Millwood and _____,
(name of person)
whose interest in the project is _____, is entered into this _____ day of _____
(i.e. owner, agent, etc.)
_____, 20____. This agreement is applicable to file number _____,
known as _____.

That the individuals and parties named herein as having an interest in the above-described property or project agrees to the following:

1. Reimburse the City of Millwood for the project review and inspection fees. The fees will be based on the costs incurred by the City of Millwood for project reviews and/or inspections and will be billed as accrued. Any billing amounts due, including any expenses incurred in the collection of an overdue account, must be paid prior to the City's acceptance of the project for filing or permit issuance.
2. The undersigned agrees that these fees are due and payable upon receipt of the billing as specified above and that receipt of fees shall not constitute an approval by the City.
3. Any invoices not paid within 30 days of the invoice date will be considered delinquent. If any outstanding balance on the account for this project is not paid within 30 days of the invoice date, no further reviews of the project documents will be conducted until the entire account balance has been paid. Any balance on this account for this project not paid within 65 days of the invoice date may result in legal action or the initiation of other collection procedures including referral to a collection agency. The Sponsor will be liable for any and all expenses incurred by the City for the collection of overdue accounts.
4. All billing should be sent to the attention of:

NAME: _____

ADDRESS: _____

EMAIL: _____ PHONE: _____

I understand that failure to comply with the terms of this agreement may result in delays in the completion of the project or other possible sanctions.

- If this fee agreement is completed by someone other than the Sponsor (i.e. the project owner or a principal in the firm sponsoring the project), then written authorization from the Sponsor specifically authorizing the agent to execute this Fee Agreement is attached to this agreement.

SIGNATURE BY: _____ DATE: _____

NAME: _____ TITLE: _____

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification of property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

Exceptions: eaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building. Steps, terraces, platforms and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than twenty-five (25) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

Exceptions: eaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required yard.

Exceptions: eaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building. Steps, platforms and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

E. Fences, Rear and Rear-Side Yard.

1. Rear and rear-side fences shall not exceed six feet in height.
2. Side yard fences between residences or main buildings may not exceed six feet in height.
3. Front and front-side fences may not exceed forty-two (42) inches in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.
5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.
6. Permits are required for the construction or rebuilding of any fence.

- F. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.
2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential



RESIDENTIAL DEVELOPMENT STANDARDS

		UR-1	UR-2	UR-3
Minimum Lot Area		10,000	5,000	5,000
Maximum Lot Area		1 acre	1 acre	1 acre
Duplex Minimum Lot Size		10,000	7,200	7,200
Multi-Family Lot Size (per dwelling unit)				2,500
Lot Frontage (Width)	Single Family	80 ft.	50 ft.	50 ft.
	Duplex	80 ft.	70 ft.	70 ft.
	Multi-Family	----	-----	85 ft.
Minimum Lot Depth		Minimum Lot Depth same as Minimum Lot Width		
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			
	1 Story	5 ft.	5 ft.	5 ft.
	1.5 Story	10 ft.	10 ft.	10 ft.
	2 Story	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage		40%	40%	40%
Maximum Total Lot Coverage (1)		60%	60%	60%
Building Height (2) (4)	Single Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. (3) (5)	25 ft.	20 ft.	20 ft.

(1) Includes all other impervious surfaces

(2) Building height shall be measured from average grade level to the highest point of the structure

(3) Maximum wall height not to exceed 16 feet

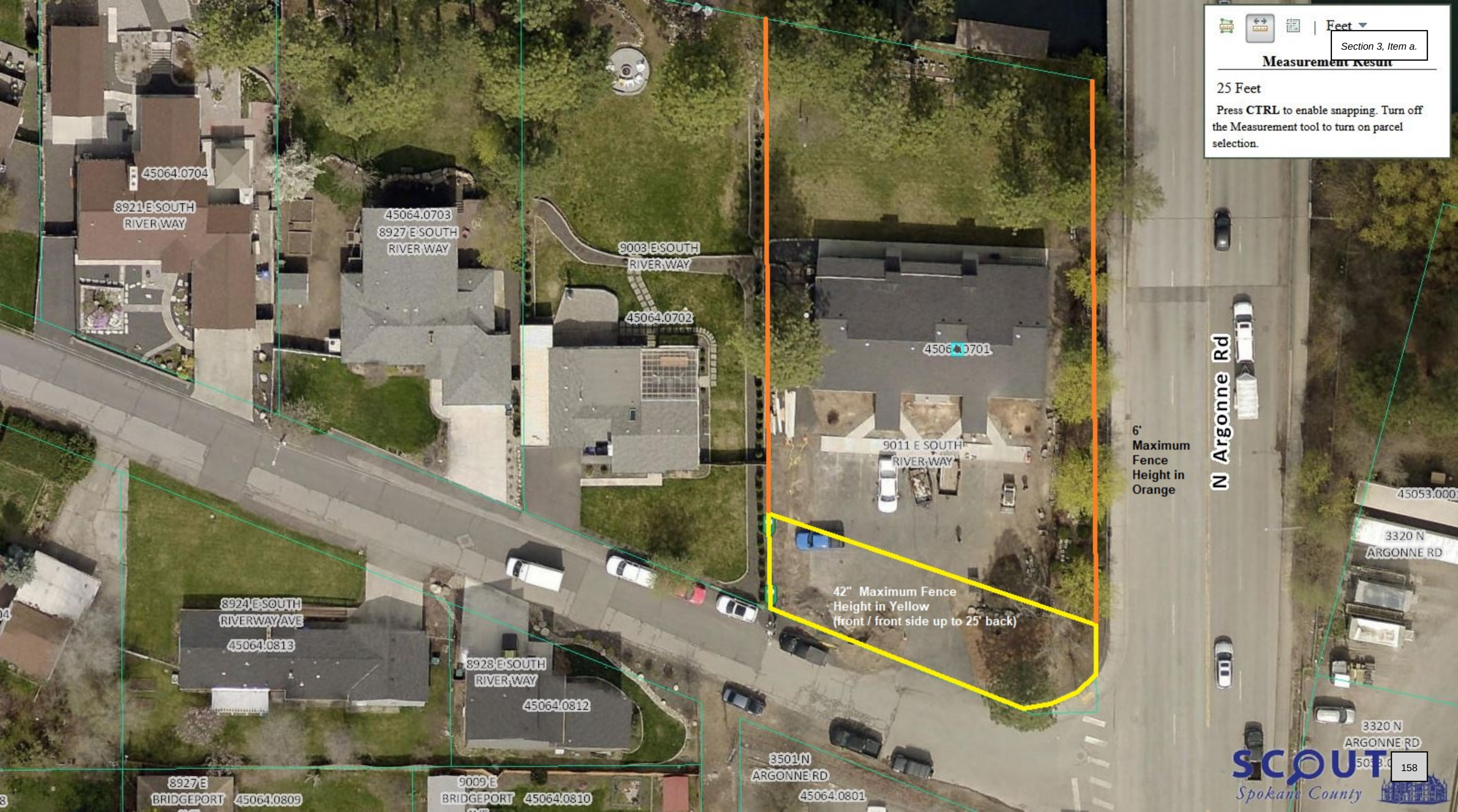
(4) No structure shall exceed 2 stories in height

(5) Accessory buildings taller than sixteen (16) feet shall be set back an additional one foot for each one foot of building height in excess of sixteen (16) feet to a maximum setback of ten feet from any property line.

Measurement Result

25 Feet

Press **CTRL** to enable snapping. Turn off the Measurement tool to turn on parcel selection.



6' Maximum Fence Height in Orange

42" Maximum Fence Height in Yellow (front / front side up to 25' back)

N Argonne Rd



APPLICATION FOR
ADMINISTRATIVE APPEAL

Section 3, Item a.

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
PLANNER@MILLWOODWA.US

APPELLANT

NAME:	PHONE:	DATE:
ADDRESS:	CITY	STATE ZIP
EMAIL:		

REPRESENTATIVE (IF DIFFERENT THAN APPELLANT)

NAME:	PARCEL NO:
ADDRESS:	CITY STATE ZIP
EMAIL:	PHONE:

PARCEL INFORMATION

OWNER NAME:	PARCEL NO:
SITE ADDRESS:	CITY STATE ZIP
LEGAL DESCRIPTION:	ZONING DESIGNATION:

ADMINISTRATIVE DECISION BEING APPEALED

PLEASE SUBMIT RESPONSES TO THE FOLLOWING:

1. State how the appellant is significantly affected by the matter being appealed.
2. State the appellant's issues on appeal: the specific decision and specific portions of the decision or determination being appealed and the specific reasons why each aspect is in error as a matter of fact or law.
5. State the specific relief requested, such as reversal or modification

ICERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE

DATE

FOR STAFF USE ONLY

DATE SUBMITTED: _____ FEE PAID: _____ PERMIT #: _____

RESOLUTION 2024-01

January 9, 2024

A RESOLUTION AMENDING CERTAIN FEES AND CHARGES OF THE CITY OF MILLWOOD;
AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a noncharter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, the Council of the City (the "Council") may adopt and enforce resolutions of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, in various provisions of the Revised Code of Washington and the Millwood Municipal Code, the Council is authorized to set fees and charges of the City; and

WHEREAS, the Council wishes to amend certain fees and charges of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millwood that:

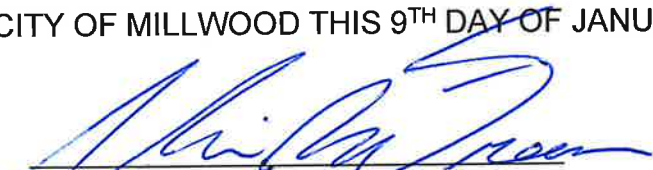
Section 1. Amendment of Certain Fees and Charges: The City Council amends the fees and charges of the City as set forth in Attachment "A" to this Resolution, attached hereto and incorporated herein by this reference. Such fees and charges are necessary to recover costs and/or expense incurred by the City and are a reasonable approximation of the costs and/or expense incurred by the City in providing services related to such fees and charges.

Section 2. Severability: If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

Section 3. Repealer: All ordinances and resolutions, laws, regulations, guidelines, or policies, or parts thereof in conflict with this Resolution, including without limitation Resolution 03-02, Resolution 11-03, Resolution 20-05, and Resolution 2022-02 are, to the extent of said conflict, hereby repealed.

Section 4. Effect: This Resolution shall be in full force and effect from upon adoption by the City Council.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 9TH DAY OF JANUARY 2024.


KEVIN FREEMAN, MAYOR

Attest:


DEBB MATKIN,
ACTING CITY CLERK

Attachments: Attachment "A" City Fee Schedule

CITY OF MILLWOOD FEE SCHEDULE

BUILDING FEES

	FEE
Accessory Dwelling Unit Permit Review	\$250.00
Commercial Site Plan & Design Review ²	\$400.00
Fence Permit	\$125.00
Manufactured Home Set Permit Review	\$75.00
Residential Site Plan & Design Review	\$75.00
Sign Permit Review (individual sign)	\$75.00
Sign Permit Review (sign package)	\$125.00
Structural Moving Permit	\$75.00

PLANNING FEES

	FEE
AMENDMENTS	
Comprehensive Plan Amendment (SEPA not included)	\$2,650.00
Zone change/Rezone (SEPA not included)	\$5,250.00
Zoning Map or Text Amendment (SEPA not included)	\$2,650.00
APPEALS	
Land Use Administrative Decision	\$900.00
ENVIRONMENTAL REVIEW	
SEPA (Environmental Checklist Review)	\$300.00
SEPA Environmental Impact Statement (DS/EIS) Deposit	\$1,500.00
Shoreline Substantial Development Permit ³	\$1,500.00
Shoreline Exemption ³	\$625.00
Critical Area Site Plan Review/Reasonable Use Exception	\$625.00
LAND DIVISION AND BOUNDARY LINE ADJUSTMENTS ¹	
Alteration/Amendment/Change of Conditions	80% of land division fee
Boundary Line Adjustment (per line)	\$150.00
Boundary Line Aggregation	\$250.00
Preliminary Binding Site Plan (BSP)	\$2,500.00 (for 1 st acre + \$30 per acre for each additional acre)
Final Binding Site Plan / BSP Lots Through ROS	\$1,650.00 (+ \$25 per lot)
Preliminary Short Subdivision (up to 4 lots)	\$1,750.00 (for 1 st acre + \$30 per acre for each additional acre)
Final Short Subdivision (up to 4 lots)	\$1,250.00 (+ \$25 per lot)
Preliminary Subdivision	\$2,650.00 (for 1 st acre + \$30 per acre for each additional acre)
Final Subdivision	\$1,500.00 (+ \$25 per lot)
Time Extension	\$400.00
Vacation of subdivision	\$1,300.00
LAND USE	
Conditional Use Permit	\$1,750.00
Home Occupation	\$100.00

Special Sign Permit	\$725.00
Temporary Use Permit	\$225.00
Variance	\$1,750.00
Zoning Letter / Written Code Interpretation	\$300.00
Project Review / Inspections / Service Not Listed Above ⁴	Refer to ⁴
¹ May require Millwood outside engineer review @ +/- \$140.00/hr ² Includes multi-family w/ landscaping ³ Variance or Conditional Use Permit are an additional cost ⁴ Any project review not specifically listed shall be classified at the closest application rate or otherwise conducted at current hourly staff or consultant rate (per MMC 14.16.040). All applications will require an Agreement to Pay Fees form to be completed and submitted at time of application submittal. Reimbursement for public notice, Hearing Examiner, Engineer review, Attorney review, transcript preparation, etc. fees will be required.	

HISTORIC PRESERVATION FEES

	FEE
Historic Register Application	\$50.00

MISCELLANEOUS FEES

	FEE
Business License (New)	\$30.00
Business License (Renewal)	\$20.00
Special Event Application Fee	\$50.00
Special Event Permit (limited to 200 people)	\$200.00

UTILITY FEES

	FEE
Notice Fee	\$10.00
Disconnection Fee	\$100.00
Account Servicing Fee	\$40.00
Account Servicing Fee (Sewer only)	\$20.00
NSF	\$35.00
Service Call (per hour w/ 1-hour minimum charge)	\$125.00
Service Call (after 4:00pm, per hour w/ 1-hour minimum charge)	\$300.00
Service Call Team (per hour w/ 1-hour minimum charge)	\$200.00
Service Call Team (after 4:00pm, per hour w/ 1-hour minimum charge)	\$475.00
Equipment Fee	
Backhoe (per hour w/ 1-hour minimum)	\$150.00
Mini Excavator (per hour w/ 1-hour minimum)	\$120.00
Dump Truck (per hour w/ 1-hour minimum)	\$120.00
Meter Tampering (per occurrence)	\$500.00
Hydrant Tampering (per occurrence)	\$1,000.00

	FEE
WATER (MMC 13.04)	
Residential Monthly Base Rate	\$29.65
Consumption Tier 1 (0- 1,600 CF)	\$.32 per 100 CF

Consumption Tier 2 (1,601-4,000 CF)	\$.40 per 100 CF	Section 3, Item a.
Consumption Tier 3 (over 4,001 CF)	\$.48 per 100 CF	
Private Irrigation Tier 1 (0-22,000 CF)	\$.32 per 100 CF	
Private Irrigation Tier 2 (over 22,001 CF)	\$.40 per 100 CF	
Non-Residential Monthly Base Rate	Based on meter size	
1-inch Meter	\$29.65 per connection	
1.5-inch Meter	\$44.48 per connection	
2-inch Meter	\$59.30 per connection	
3-inch Meter	\$88.95 per connection	
4-inch Meter	\$118.60 per connection	
Consumption Tier 1 (0-1,600 CF)	\$.32 per 100 CF	
Consumption Tier 2 (1,601-4,000 CF)	\$.40 per 100 CF	
Consumption Tier 3 (over 4,000 CF)	\$.48 per 100 CF	
Private Irrigation (Non-Residential)	See Base Rate for Non-Residential above	
Tier 1 (0-22,000 CF)	\$.32 per 100 CF	
Tier 2 (over 22,000 CF)	\$.40 per 100 CF	
Public Irrigation (Non-Residential)	See Base Rate for Non-Residential above	
Tier 1 (0-72,000 CF)	\$.32 per 100 CF	
Tier 2 (over 72, 000 CF)	\$.40 per 100 CF	
SEWER (MMC 13.16.070)		
Residential Base Rate	\$17.25	
Commercial Base Rate (800 CF included)	\$17.25	
CF over 800 (per 100 CF)	\$1.86	
Commercial Pre-Treatment Charge	\$3.00	
County Treatment Charge (Res. or Com. Per month)	\$13.55	

PUBLIC WORKS FEES

CROSS CONNECTION PROGRAM	
Cross Connection Violation	\$100.00
WATER CONNECTION	
Plan Review	\$75.00
New Connection (per unit)	\$1,000.00
Inspection	\$50.00
SEWER CONNECTION	
Plan Review	\$75.00
Inspection	\$150.00
Connection Fee (per unit)	\$1,000.00
Installation Deposit Water <u>or</u> Sewer service	\$4,000.00
Installation Deposit Water and Sewer service	\$8,000.00
RIGHT-OF-WAY WORK	
Approach	\$75.00
Right-of-way obstruction	\$150.00



APPLICATION FOR
FENCE PERMIT

Section 3, Item a.

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

APPLICATIONS MUST BE ACCOMPANIED BY THE FOLLOWING:

SITE PLAN INCLUDING:

- LOCATION OF PROPERTY LINES*
- STREET NAMES AND LOCATION(S)
- LOCATION OF ALL BUILDINGS ON SITE
- LOCATION OF FENCE INCLUDING HEIGHT

**** APPLICATION WILL NOT BE ACCEPTED IF THE ABOVE MATERIALS ARE NOT ATTACHED****

APPLICANT: JOSEPH WARD	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPOKANE.COM
ADDRESS: 15102 N TORMEY RD	CITY: NINE MILE FALLS	STATE: WA ZIP: 99026
PROPERTY OWNER NAME: BUDINSKI RESIDENTIAL, LLC	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPOKANE.COM
ADDRESS: 15102 N TORMEY RD	CITY: NINE MILE FALLS	STATE: WA ZIP: 99026

IF APPLICANT IS NOT THE LEGAL PROPERTY OWNER, WRITTEN AUTHORIZATION FOR THE APPLICANT TO SERVE AS AGENT MUST BE SUBMITTED.

SITE ADDRESS: 9011 E SOUTH RIVERWAY AVE	CITY: MILLWOOD	STATE: WA	ZIP: 99212
LEGAL DESCRIPTION: MILLWOOD SALMONS LI EXC W25TH			PARCEL NO: 45064.0701
INC UNPLATTED PTN OF GOV 410 W/6 N/F & ADJ B1			

CONTRACTOR INFORMATION

CONTRACTOR: N/A	LICENSE #:
CONTRACTOR ADDRESS:	CITY: STATE: ZIP:
PHONE:	EMAIL:

FENCE INFORMATION

TYPE OF WORK:	NEW	ADDITION	ALTERATION	REPAIR
TYPE OF FENCE:	WOOD	CHAIN LINK	VINYL	OTHER
HEIGHT OF FENCE:	LENGTH OF FENCE:			

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Joseph Ward
APPLICANT SIGNATURE

11/15/24
DATE

FOR STAFF USE ONLY

APPROVED WITH THE FOLLOWING CONDITIONS:

BY:	TITLE:	DATE:
DATE SUBMITTED:	FEE PAID:	PERMIT #

***It is the responsibility of the property owner/applicant to identify the location of property lines. If lines cannot be identified, a survey of the property may be required. The City of Millwood cannot locate private property lines.**

SITE PLAN

COMMENTS: ALL FENCING CONSTRUCTED WITHOUT PERMIT EXCEPT FOR HAVE
DUMPSTER ENCLOSURE - POST FOR DUMPSTER ENCLOSURE

PREPARED BY: JOSEPH GILWARR DATE: 11/15/24 PERMIT NO:

SEE ATTACHED Aerial PHOTO

SHOW THE FOLLOWING:

EXISTING BUILDING
LOCATIONS:

STREETS & ALLEYS

PROPOSED FENCE
LOCATION AND HEIGHT

LOCATION OF PROPERTY
LINES

IT IS THE HOMEOWNERS
RESPONSIBILITY TO
DETERMINE AND VERIFY
PROPERTY LINES



Indicate North
with an Arrow

SCHEMATIC DIAGRAM

BEEN PLACED.

NEW INSTALLED
548' LONG
6.5' HIGH
CHAIN LINK FENCE

NEW INSTALLED
678' LONG
6.5' HIGH
CHAIN LINK FENCE

30 FT
6.5' HIGH
30 FT LONG
NEW INSTALLED
ALUMINUM FENCE

388' DRIVEWAY

10' 8" 12' 8" 5' 29' 4"

NEW INSTALLED
42" HIGH
24 FT LONG
EXIST FENCE

EXISTING
CHAIN
LINK
FENCE

UNDER
CONSTRUCTION
NEW PUMPSTATION
ENCLOSURE
10' x 12' 8"
6.5' HIGH
S16 x 7
OBSOLETE



APPLICATION FOR
FENCE PERMIT

Section 3, Item a.

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

APPLICATIONS MUST BE ACCOMPANIED BY THE FOLLOWING:

SITE PLAN INCLUDING:

- LOCATION OF PROPERTY LINES*
- STREET NAMES AND LOCATION(S)
- LOCATION OF ALL BUILDINGS ON SITE
- LOCATION OF FENCE INCLUDING HEIGHT

**** APPLICATION WILL NOT BE ACCEPTED IF THE ABOVE MATERIALS ARE NOT ATTACHED****

APPLICANT:	PHONE:	EMAIL:
ADDRESS:	CITY	STATE ZIP
PROPERTY OWNER NAME:	PHONE:	EMAIL:
ADDRESS:	CITY	STATE ZIP

IF APPLICANT IS NOT THE LEGAL PROPERTY OWNER, WRITTEN AUTHORIZATION FOR THE APPLICANT TO SERVE AS AGENT MUST BE SUBMITTED.

SITE ADDRESS:	CITY	STATE	ZIP
LEGAL DESCRIPTION:	PARCEL No:		

CONTRACTOR INFORMATION

CONTRACTOR:	LICENSE #:
CONTRACTOR ADDRESS:	CITY STATE ZIP
PHONE:	EMAIL:

FENCE INFORMATION

TYPE OF WORK:	NEW	ADDITION	ALTERATION	REPAIR
TYPE OF FENCE:	WOOD	CHAIN LINK	VINYL	OTHER
HEIGHT OF FENCE:	LENGTH OF FENCE:			

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE

DATE

FOR STAFF USE ONLY

APPROVED WITH THE FOLLOWING CONDITIONS:

BY:	TITLE:	DATE:
DATE SUBMITTED:	FEE PAID:	PERMIT #

***It is the responsibility of the property owner/applicant to identify the location of property lines. If lines cannot identified, a survey of the property may be required. The City of Millwood cannot locate private property lines.**

Exhibit K - April 16, 2025, email from Mr. Ward, with attachments

From: Joseph G. Ward <ward@pinnaclespokane.com>
Sent: Wednesday, April 16, 2025 2:26 PM
To: Kevin Freeman; City Planner; Office; Brian M Werst (BWerst@workwith.com)
Cc: John T Sweitzer (Jsweitzerco@hotmail.com); Benjamin Ward; Rosina Yip
Subject: 9011 East South Riverway Amended and Restated Application for fencing etc
Attachments: Fence Permit Application cover letter 04 16 25 SIGNED.PDF; Fence Permit Amended & Restated Application 04 15 25 Final.pdf

Good afternoon Mayor Freeman,

Attached hereto is an Amended & Restated Application for fencing which now I believe includes all of the fencing that I have repaired and replace on all 3 sides of the subject property. If the existing fence does not reduce crime I would like to put in a gate. I also wanted to include in my application a 8 x 8 storage container which would be located behind a sight obscuring fence behind the front setback line of the existing building to replace 2 storage building in the same location destroyed by the windstorm a few years ago.

Sorry it took so long to respond to you

Hope to hear from you soon.

Joseph G. Ward
cell: **509-990-2506**
address: 15102 N. Tormey Rd.
Nine Mile Falls, WA
99026-9687
[**ward@pinnaclespokane.com**](mailto:ward@pinnaclespokane.com)

April 16, 2025

Kevin M Freeman
Mayor, City of Millwood
9103 E Frederick Ave
Millwood WA 99206

Sent via email: Kevin M Freeman mayor@millwoodwa.us;
Amanda Tainio planner@millwoodwa.us; Lisa Cassels lcassels@millwoodwa.us;
Brian Werst bwerst@workwith.com; John Sweitzer jsweitzerco@hotmail.com;
Benjamin Ward ben@pinnaclespokane.com;
Rosina Yip yip@pinnaclespokane.com;

**Re: Amended and Restated Fence Permit with new storage unit
9011 E South Riverway**

Good Morning Mayor Freeman,

Attached hereto is the 5 page Amended and Restated Fence Permit with permission to install an 8 x 8 x 20 ft storage container.

I am just finishing up with the repairs and replacements we suffered from 2 horrendous windstorms within 12 months of Jan 1, 2021. The windstorm blew over a 140 ft bull pine across my lot. The stump upended and one of my storage buildings and destroyed both of them. Thirty feet of the large bull pine ended up in Argonne Rd. The largest tree with a 4 foot in diameter trunk and a 7 ft wide root was craned out onto Argonne Rd cut up and hauled away. That large bull pine knocked down 5 other 75-100 foot bull pines.

Prior to the storm, and for the last 45 +/- years there has been a 6 ft tall cedar fence along my west property line from the River to South Riverway. Except for the driveway approach, across the South Riverway boundary line and coterminous with my property line, boundary line has been occupied, for the same 45 +/- years, with 5+ foot junipers which by code definition are a fence, together with a rock fence or wall.

From the Spokane River along Argonne Road and around the corner along South Riverway is a fence installed by the Argonne bridge builder beaucoup moons ago. I added one section to the fence for safety purposes to prevent incoming cars from hitting the retaining wall and dumpster.

My previous building permit was turned down as there is fencing prohibition for fences above 42 inches in the 25 ft front yard setback. Much of the fencing was there for the past 45 years and much of it was 6 foot high and much of it was old, ugly and blown down. I recently removed 6

ft tall junipers that had grown out into the road right of way and a boulder wall that people would run into and replaced them with an attractive non-sight obscuring wrought iron fence.

The only real change is the height of the see-thru wrought iron fence along South Riverway from the end of the telephone pole guy wires to the end of the fence replacing the 40+ year old boulder wall. Crime in the area continues to rise with no end in sight.

Neighbors up and down the street have stopped and commented about how nice the apartment and the fence look.

Land use on 3 sides (Inland Empire Paper Company, All Four Automotive, and Max & Darcy Kelly, neighbor along my west boundary that is growing a site obscuring fence that is already taller than my 6ft wrought iron fence and operates a B & B rental) I am surrounded by 6 ft + fences. The fourth side on the north is the River.

One choice provided by the city was to move the 6 ft fence back to 25+ feet from South Riverway re-locating it right through the middle of my parking lot. Another was to cut it down to provide a hop-over height inviting continuous crime.

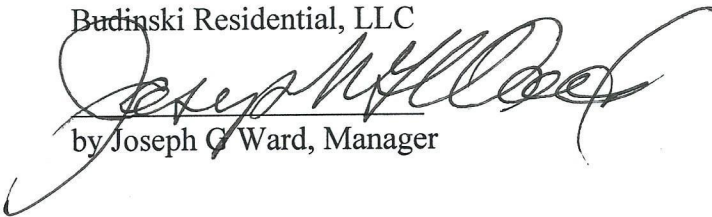
Except for a de minimis few feet, all of the fences I have recently constructed or repaired are in the exact same locations as the 40+ year old pre-existing fences destroyed by acts of God. The **only** new fence would be the site obscuring fence around the dumpster.

I would like an onsite meeting to determine which fences need additional appeals or variances.

I was given two choices; 1) appeal the permit denial, or 2) request a potentially expensive variance. I was hoping that some sort of simple exemption or waiver due to acts of God could be obtain. If there is no other way, then I'm asking if you, the City, would support a variance so that I don't have to hire attorneys and experts and bring in the neighborhood to support my position and to defend their fence violations since there are at least 10 similar fence violations from 8823 through 9003 East South Riverway that has been brought to the City's attention.

Thank you for your time and consideration in this matter.

Budinski Residential, LLC


by Joseph G. Ward, Manager

AMENDED & RESTATED FENCE PERMIT
+ REPLACE VINNADAGE STORAGE CONTAINER

Section 3, Item a.



CITY OF **MILLWOOD**

APPLICATION FOR
FENCE PERMIT

MILLWOOD CITY HALL
9103 E. FREDERICK AVE
MILLWOOD, WA 99206
(509) 924-0960
INFO@MILLWOODWA.US

APPLICATIONS MUST BE ACCOMPANIED BY THE FOLLOWING:

SITE PLAN INCLUDING:

- LOCATION OF PROPERTY LINES*
- STREET NAMES AND LOCATION(S)
- LOCATION OF ALL BUILDINGS ON SITE
- LOCATION OF FENCE INCLUDING HEIGHT

** APPLICATION WILL NOT BE ACCEPTED IF THE ABOVE MATERIALS ARE NOT ATTACHED**

APPLICANT: JOSEPH G. WARD	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPokane.com
ADDRESS: 15102 N. TORMEY RD	CITY NINEMILE FALLS	STATE WA
PROPERTY OWNER NAME: BUDINSKI RESIDENTIAL, LLC	PHONE: 509-990-2506	EMAIL: WARD@PINNACLESPokane.com
ADDRESS: 1510 - SAME AS ABOVE	CITY	STATE

IF APPLICANT IS NOT THE LEGAL PROPERTY OWNER, WRITTEN AUTHORIZATION FOR THE APPLICANT TO SERVE AS AGENT MUST BE SUBMITTED.

SITE ADDRESS:	CITY N/A	STATE	ZIP
LEGAL DESCRIPTION:	PARCEL NO:		

CONTRACTOR INFORMATION

CONTRACTOR:	N/A	LICENSE #:
CONTRACTOR ADDRESS:	CITY	STATE
PHONE:	EMAIL:	

FENCE INFORMATION

TYPE OF WORK:	NEW	ADDITION	ALTERATION	REPAIR
TYPE OF FENCE:	WOOD	CHAIN LINK	VINYL	OTHER
HEIGHT OF FENCE:	6 FT			
LENGTH OF FENCE:	WROUGHT IRON			

I CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE

Joseph G. Ward
WARDEN, Budinski

DATE

4/15/25

FOR STAFF USE ONLY

APPROVED WITH THE FOLLOWING CONDITIONS:

BY:	TITLE:	DATE:
DATE SUBMITTED:	FEE PAID:	PERMIT #

*It is the responsibility of the property owner/applicant to identify the location of property lines. If lines cannot be identified, a survey of the property may be required. The City of Millwood cannot locate private property lines.

SITE PLAN

COMMENTS: SEE ATTACHED AERIAL PHOTO. ALL FENCING WAS COMPLETED WITHOUT PERMIT OLD FENCING WAS REMOVED

PREPARED BY:

DATE:

PERMIT NO:

SHOW THE FOLLOWING:

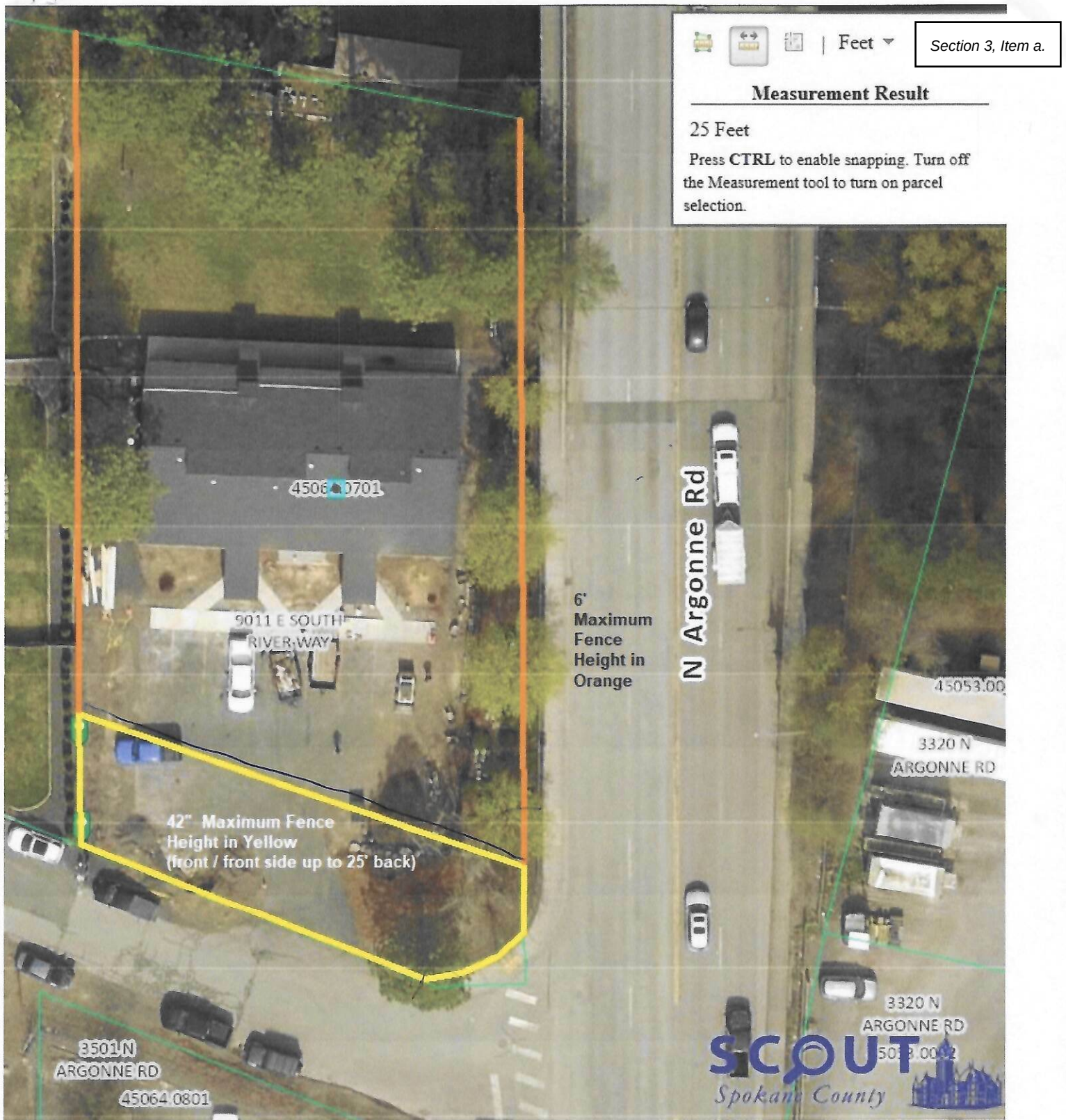
SOME FENCE REPAIRED
~~MOST FENCING WAS OLD~~ 90
MOST FENCING WAS 45+ YEARS OLD WAS
DESTROYED, DAMAGED AND REMOVE
AND IN ITS PLACE NEW CHAIN LINK
OR WROUGHT IRON FENCING.
A NEW DUMPSTER SIGHT OBSCURING
FENCE IS PROPOSED.
A NEW GATE IS ALSO PROPOSED.
A NEW GARBAGE DUMPSTER ENCLOSURE

- EXISTING BUILDING LOCATIONS:
- STREETS & ALLEYS
- PROPOSED FENCE LOCATION AND HEIGHT
- LOCATION OF PROPERTY LINES
- IT IS THE HOMEOWNERS RESPONSIBILITY TO DETERMINE AND VERIFY PROPERTY LINES



Indicate North with an Arrow

SCHEMATIC DIAGRAM



If you do not agree with my interpretation and want to appeal it, please complete the attached administrative appeal form and the agreement to pay fees form, and submit them with the land use administrative decision appeal fee, then the City will begin the appeal process.

Alternatively, you can apply for a Variance by completing the attached variance form and the agreement to pay fees form, and submit them with the variance fee, and the City will begin the variance hearing process before the City's Hearing Examiner.

Thank you,

[illegible]

existing chain link fence

UNDER CONSTRUCTION
NEW PUMP
ENCLOSURE
10' X 7' X 12'
6' 5" HIGH
SIBX7
OKSCON 20

151-20 ft of new fence
replaced 6' high junipers
remainder replaced of fence

NEW INSTALLED ROLLER
42" HIGH
24 FT LONG
EXIST FENCE
ONLY ONE SECTION NEW

175

[illegible]

From: Amanda Tainio
Sent: Tuesday, January 7, 2025 10:28 AM
To: 'jsweitzerco@hotmail.com'; Joseph G. Ward; Rosina Yip
Cc: Info; Lisa Cassels (Office)
Subject: RE: 9011 E South Riverway Fence
Attachments: Riverway - City of Millwood Fence Permit application 11 15 24.pdf; Scout Aerial - 25 ft.JPG; 9011 E. South Riverway.JPG; 9011 E. South Riverway 2.JPG; MMC Residential Development Standards.pdf; MMC Chapter 17.38.05 Fences.pdf; ADMINISTRATIVE APPEAL.docx; VARIANCE.pdf; AGREEMENT TO PAY FEES_FILLABLE.pdf; RES 2024-01 Amend Fee Schedule signed.pdf

Tracking:	Recipient	Delivery
	'jsweitzerco@hotmail.com'	
	Joseph G. Ward	
	Rosina Yip	
	Info	Delivered: 1/7/2025 10:29 AM
	Lisa Cassels (Office)	Delivered: 1/7/2025 10:28 AM

Good morning Mr. Ward and Mr. Sweitzer,

As discussed in the November 22, 2024 email below, the fence can be cut down to 42" within the yellow area and a fence permit obtained to be in compliance with the code (complete the attached fence permit application) or you can appeal my interpretation/decision or you can apply for a variance. I utilized as much "gray" area as I have with identifying the yellow line based on typical residential lots/yards and the required 25' front setback (even though your front yard is much larger).

MMC 17.38.005

E. Fences, Rear and Rear-Side Yard.

1. Rear and rear-side fences shall not exceed six feet in height.
2. Side yard fences between residences or main buildings may not exceed six feet in height.
3. Front and front-side fences may not exceed forty-two (42) inches in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.
5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.
6. Permits are required for the construction or rebuilding of any fence.

Exhibit L - Ordinance 299

TOWN OF MILLWOOD
SPOKANE COUNTY, WASHINGTON

ORDINANCE #299

MAY 3, 1999

E. Accessory Buildings. Residential accessory buildings may be built within a side yard, provided that the required total open space area is not exceeded. A side yard set back of not less than five feet in width is required for residential accessory buildings. In all districts there shall be a side yard of not less than fifteen (15) feet on a flanking street for accessory buildings. Accessory buildings in districts other than residential may not be built within a required side yard. Residential accessory buildings may be built within a rear yard, provided that the required total open space area is not exceeded. A rear yard set back of not less than five feet in width is required for residential accessory buildings. The total of all accessory buildings shall cover no more than forty (40) percent of the area of the rear yard. Accessory buildings in other districts may not be built within a required rear yard.

Change to E. Fences. to **F. Fences.** ~~Rear and rear-side yard fences may be constructed not to exceed eight feet in height, except that where said rear and rear-side fences front on a street, said fence may not exceed forty-two (42) inches in height. Side-yard fences between residences or main buildings may not exceed six feet in height, except that where said side-yard fences front on a street, said fence may not exceed forty-two (42) inches in height. Front and front-side fences may not exceed forty-two (42) inches in height. Permits are required for the erection of any fence.~~ **Rear and rear-side yard fences shall not exceed six feet in height. Rear and rear-side fences which front on a street shall not exceed forty-two (42) inches in height unless said fence is placed at least fifteen (15) feet from the street right-of-way. Side-yard fences between residences or main buildings may not exceed six feet in height. Side-yard fences which front on a street shall not exceed forty-two (42) inches in height. Front and front-side fences may not exceed forty-two (42) inches in height. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle". Permits are required for the construction or rebuilding of any fence.**

17.28.030 Courts.

Delete in its entirety "Courts".

17.28.040 Non-conforming use.

Delete in its entirety and add the following:

Determination of legal nonconforming status of a lot, use or structure is an administrative function of the Planning Department. Property owners asserting legal nonconforming status of a lot, use or structure shall submit such information as the Planning Department deems necessary to substantiate or document the claim of legal nonconforming status.

A. Legal nonconforming lots are lots of record established prior to the adoption of this code or an amendment thereto, and shall be considered a buildable lot even though such lots fail to meet the requirements for frontage width or lot area that are generally applicable in the district, provided that yard set backs and requirements other than frontage width or lot area shall conform to the regulations for the district in which such lot is located.

B. When a political subdivision of the State of Washington acquires a portion of a lot, tract, or parcel of land and as a result thereof, reduces said lot, tract, or parcel of land in area and/or frontage by no more than ten percent (10%) of the minimum requirements of the underlying use within the

Exhibit M - Ordinance 46

**TOWN OF MILLWOOD
SPOKANE COUNTY, WASHINGTON**

Section 3, Item a.

FZ

ORDINANCE No. 46

DATE April 4, 1955

-10-

4. Libraries, art galleries and museums.
5. Parks, playgrounds, tennis courts and like recreational uses.
6. Schools, public and private.

STORAGE: No premise in the Public Reserve Area District, P-1, shall be used as a storage area for any purpose other than storage of materials required in connection with the permitted uses in the Public Reserve Area District, P-1. All storage must be indoors or within a six (6) foot sight obscuring unpierced fence. Storage areas must conform to the minimum set back regulations of the district.

FRONT YARD: There shall be a front yard having a minimum depth of twenty-five (25) feet.

REAR YARD: There shall be a rear yard having a minimum depth of fifteen (15) feet, except that on a lot which is a complete unit held under separate and distinct ownership from the adjoining lots and of record prior to the taking effect of this Ordinance the depth of rear yard may be reduced to not less than ten (10) feet, if necessary to such an extent only as will permit a building depth of thirty (30) feet.

SIDE YARD: There shall be a side yard having a minimum depth of five (5) feet, except on a flanking side street a side yard of not less than fifteen (15) feet in width shall be provided.

SITE AREA: No specific requirements.

HEIGHT LIMIT: No building shall exceed a height limit of forty-five (45) feet, nor shall any building exceed four (4) stories in height, provided, however, that when a lot in the Public Reserve Area District, P-1, is located adjacent to Residential District, R-1, or Residential District, R-2, with no intervening street or alley, the permissible number of stories and the maximum height of building shall not exceed that allowed in the adjacent residential district.

OFF STREET PARKING: Off street parking space for vehicles is required as follows:

1. Governmental buildings and uses. One off street parking space for each employee or public official.
2. Hospitals and sanatoriums. One off street parking space for each 4 beds.
3. Institutions for education, philanthropic or eleemosynary uses, and schools. One off street parking space for each six (6) seats in the main auditorium or place of public assembly and one off street parking space for each staff member or employee.
4. Libraries, art galleries and museums. One off street parking space for each employee or public official.
5. Parks, playgrounds, tennis courts, and like recreational uses. No specific requirements.

SECTION 8.

GENERAL PROVISIONS.

FRONT YARD: Where any front yard is required, no building shall be hereaft er erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

EXCEPTIONS: Eaves, cornices, fireplaces, steps, terraces, platforms and porches having no roof covering, and being not over forty-two (42) inches in height may be built within a front yard. When forty (40) percent or more, on front foot basis, of all the property on one side of a street between two intersecting streets at the time of passage of this Ordinance, has been built up with buildings having a minimum front yard of more or

TOWN OF MILLWOOD
SPOKANE COUNTY, WASHINGTON

Section 3, Item a.

ORDINANCE No. 46

DATE April 4, 1955

-11-

less depth than that established by this Ordinance, and provided that the majority of such front yards do not vary more than six (6) feet in depth, no building shall be built within nor shall any portion, save as above excepted, project into such minimum front yard; provided further that no new buildings shall be required to set back more than thirty-five (35) feet from the street line in a residential district, nor more than two (2) feet farther than any building on an adjoining lot and that this regulation shall not be so interpreted as to reduce a required front yard to less than ten (10) feet in depth.

SIDE YARD: Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

EXCEPTIONS: Eaves, cornices and fireplaces, may extend into the required side yard for a distance of not more than two (2) feet. Accessory buildings when erected so that the entire building is within a distance of thirty (30) feet from the rear lot line, may also occupy the side yard on an inside lot line.

REAR YARD: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required yard.

EXCEPTIONS: Eaves, cornices, fireplaces, steps, platforms and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor more than one story in height may extend into the rear yard.

Accessory buildings may be built within a rear yard, provided that the required total open space is not exceeded. No accessory building shall cover more than forty (40) percent of the area of the rear yard. No rear yard is required for accessory buildings except when the rear line of a lot is adjacent to the side line of a lot located in a residential district, then a rear yard not less than five (5) feet in width is required for accessory buildings.

FENCES: Fences not to exceed forty-two (42) inches in height may be built within a front, side or rear yard.

SECTION 9. OWNERSHIP DIVIDED BY A DISTRICT BOUNDARY LINE.

If a zoning district boundary line cuts a property having a single ownership as of record at the time of passage of this Ordinance, all such property may take the least restrictive classification, provided that at least forty (40) percent by area of the entire property is located in the district having the least restrictive classification.

SECTION 10. COURTS.

In all buildings hereafter erected or structurally altered, all windows shall open upon a yard, court, street or alley as provided. In no event shall any yard, or court be made to serve two buildings hereafter erected or any existing building and a building hereafter erected.

Every court shall be open and unobstructed to the sky from the floor level of the lowest story in a building in which there are windows from rooms or apartments abutting the said court and serviced by the said court, except that a cornice, belt course or similar projection on the building may extend into an "outer court", two inches for each foot in width of such court, and may extend into an "inner court" one inch for each such foot in width of such court; provided, further, that a cornice or similar projection may extend any distance desired, into a court.

INNER COURT: An inner court shall be of a width of not less than four (4) feet nor less than sixteen (16) percent of the court height, provided, further that in no case shall a width of more than twenty (20)

Exhibit N - Ordinance 88

TOWN OF MILLWOOD
SPOKANE COUNTY, WASHINGTON

ORDINANCE #88

DATE December 6, 1976

SECOND AMENDMENT TO ZONING ORDINANCE NO. 46
Section 8
FENCE REQUIREMENTS

An ordinance amending prior Ordinance No. 46 of the Town of Millwood, said amendment being specifically applicable to Section 8 of said Ordinance No. 46 and pertaining to heights of fences.

BE IT ORDAINED by the Council of the Town of Millwood, as follows:

Ordinance No. 46 was passed by the Council of the Town of Millwood on April 4, 1955; and

Section 8 of said ordinance was amended on April 3, 1961; and

It now being the intent of the Town of Millwood through its Council to again amend said Section 8 of said Ordinance No. 46;

NOW, THEREFORE, the Council of the Town of Millwood ordains as follows:

Rear and rear-side yard fences may be constructed not to exceed eight (8) feet in height, except that where said rear and rear-side fences front on a street, said fence may not exceed forty-two (42) inches in height. Side-yard fences between residences or main buildings may not exceed six (6) feet in height, except that where said side-yard fences front on a street, said fence may not exceed forty-two (42) inches in height. Front and front-side fences may not exceed forty-two (42) inches in height. Permits are required for the erection of any fence.

Passed by the Town Council of the Town of Millwood this 6th day of December, 1976.

Mayor

Attest:

Alice M. Estey
Clerk

Approved as to form:

Jack Bennett
Attorney for Town of Millwood

STATE OF WASHINGTON)
 : ss.
County of Spokane)

I, Alice M. Estey, being first duly sworn, on oath, depose and say:
That I am the Clerk of the Town of Millwood; that the foregoing ordinance is a true and correct copy of an ordinance of the Town of Millwood, numbered 88, and that said ordinance was published and posted according to law.

Alice M. Estey
SUBSCRIBED AND SWORN to before me this 29th day of December, 1976.

Jack Bennett
Notary Public in and for the State of
Washington, residing at Spokane.

Exhibit O - Ordinance 387

5. The director may include any conditions for the temporary use permit deemed necessary in order to reasonably mitigate any adverse impacts anticipated from the permit.

Section 10. Subsection 17.28.010(F) of Chapter 17.28 General Use Provisions of the Millwood Municipal Code is hereby amended to read as follows:

F. Fences, Rear and Rear-Side Yard. Fences shall not exceed six feet in height. Rear and rear-side fences which front on a street shall not exceed forty-two (42) inches in height unless such fence is placed at least fifteen (15) feet from the street right-of-way. Side yard fences between residences or main buildings may not exceed six feet in height. Side yard fences which front on a street shall not exceed forty-two (42) inches in height. Front and front-side fences may not exceed forty-two (42) inches in height. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed. Permits are required for the construction or rebuilding of any fence.

Section 11. A new subsection 17.28.010(H) is hereby added to Chapter 17.28 General Use Provisions of the Millwood Municipal Code to read as follows:

H. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:

1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:

a. Uncontrolled Intersection. The right triangle having sides of 30 feet measured along the property line of each intersecting street;

b. Two-Way Stop Controlled Intersection. The right triangle having a 10-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

Two-Way Stop Controlled

Posted Speed (in MPH)	Distance (in Feet)
25	40

c. Yield-Controlled Intersection. For intersections of local streets with 25 mile per hour speed limits, the right triangle having a 20-foot side measured along the property line of the yield-controlled street, and an 60-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than 25 miles per hour, will be determined by the City traffic engineer; or

d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of 25 miles per hour, one-way streets, steep grades and sharp curves.

2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:

- Public utility poles;
- Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;
- Properties where the natural ground contour penetrates the clear view triangle; and
- Traffic control devices installed by the City.

Section 12. Repeal. All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

Section 13. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

Exhibit P - Ordinance 519

CITY OF MILLWOOD

ORDINANCE # 519

MAY 11, 2021

AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, AMENDING CHAPTER 17.28 GENERAL USE REGULATIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council (the "Council") may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, chapter 14.12.150 MMC authorizes any citizen of Millwood, staff member of Spokane County, Washington State, or federal agencies may suggest amendments to Millwood's development regulations; and

WHEREAS, in July 2020 the City received a request from a citizen to review and update the regulations for fences in residential zones; and

WHEREAS, on March 31, 2021 the Planning Commission conducted a properly noticed public hearing and forwarded recommendations to the City Council; and

WHEREAS, the City Council considered the proposed amendments at the April 13, 2021 City Council meeting; and

WHEREAS, the Council finds it is in the best interests of the City to amend and update such regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MILLWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Amendment to Section 17.28.010(F) MMC – Fences, Rear and Rear-Side Yard. Section 17.28.010(F) MMC is hereby amended as follows (deleted language ~~stricken~~, added language double-underlined):

~~Fences shall not exceed six feet in height. Rear and rear-side fences which front on a street shall not exceed forty-two (42) inches~~ six (6) feet in height, unless such fence is placed at least fifteen (15) feet from the street right of way. Side yard fences between residences or main buildings may not exceed six feet in height. ~~Side yard fences which front on a street shall not exceed forty-two (42) inches in height.~~ Front and front-side fences may not exceed forty-two (42) inches in height. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed. Permits are required for the construction or rebuilding of any fence.

Section 2. Repeal. All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

Section 3. Severability: If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effect: This Ordinance shall be in full force and effect from and after its adoption and five (5) days after its publication or a publication of a summary of this Ordinance in the official newspaper of the City.

CITY OF MILLWOOD

ORDINANCE # 519

MAY 11, 2021

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 11th DAY OF MAY 2021.

CITY OF MILLWOOD,
Spokane County, Washington

Kevin Freeman, Mayor

ATTEST:

Christina Janssen
Christina Janssen, City Clerk

STATE OF WASHINGTON)

County of Spokane)ss;
)

Christina Janssen, being first duly sworn on oath deposes and says:

I am the Clerk of the City of Millwood, Washington, and the foregoing ordinance entitled "AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, AMENDING CHAPTER 17.28 GENERAL USE REGULATIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO" is the true and correct copy of the City of Millwood's Ordinance numbered #519 and that the same was posted and published according to law.

Christina Janssen

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF May, 2021.



Lisa Cassels
Notary Public in and for the State of
Washington
My Commission expires September 30, 2024

Exhibit Q - Ordinance 527

- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

Exceptions: eaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building. Steps, terraces, platforms and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than twenty-five (25) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

Exceptions: eaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required yard.

Exceptions: eaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building. Steps, platforms and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

- E. Fences, Rear and Rear-Side Yard.

1. Rear and rear-side fences shall not exceed six feet in height.
2. Side yard fences between residences or main buildings may not exceed six feet in height.
3. Front and front-side fences may not exceed forty-two (42) inches in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.
5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.
6. Permits are required for the construction or rebuilding of any fence.

- F. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.
2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.