

EXHIBIT A



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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,

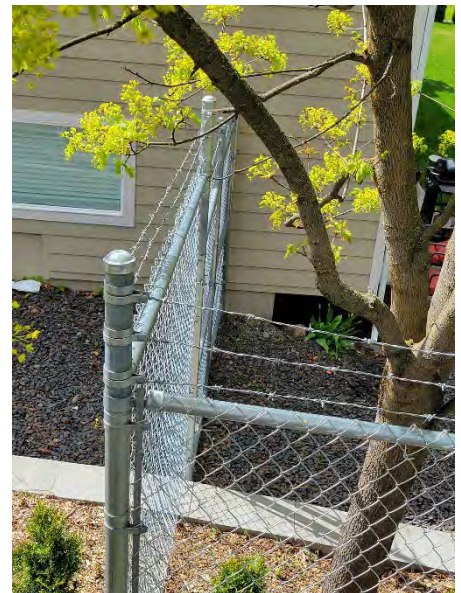
I have completed review of your fence permit application for 9011 E. South Riverway, dated April 15, 2025 with cover letter dated April 16, 2025, and my decision is as follows:

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.





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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
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An aerial photograph of a residential property located at 9011 E.S. RIVER RD AV. The property is outlined by a red line. Various parts of the property are annotated with handwritten notes and colored lines. A green line runs along the left side of the property, labeled "NEW INSTALLED 6' HIGH CHAIN LINK FENCE". A blue line runs along the bottom side of the property, labeled "NEW INSTALLED 6' HIGH CHAIN LINK FENCE". A yellow line runs along the right side of the property, labeled "EXISTING CHAIN LINK FENCE". A red line runs diagonally across the property, labeled "REPLACE WITH MAXIMUM 8x8x24 BUILDING WITH A STORAGE". A black line runs diagonally across the property, labeled "REMOVE TO TREE TRUNKS WITH 6\"/>