

**CITY OF SPOKANE HEARING EXAMINER**

**Re:** Shoreline Substantial Development ) FINDINGS, CONCLUSIONS,  
Conditional Use Permit Application by ) AND DECISION  
the Spokane Police Department for )  
renovating an existing Police Academy )  
Training Center. )  
 ) FILE NO. Z1100048-SCUP

**SUMMARY OF PROPOSAL AND DECISION**

**Proposal:** The applicant has applied for a shoreline substantial development conditional use permit to renovate the existing police academy regional training center. The proposal includes the construction of a new 100-yard, 10 point rifle range, modifications to an existing pistol range canopy, modifications to the existing Steel Range and Rogers Range and construction of a 10 to 15 foot high earthen berm surrounding the firing ranges.

**Decision:** Approval, subject to conditions.

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

**Applicant:** City of Spokane Police Department, represented by  
Stg. Matthew Cowles  
2302 North Waterworks Street  
Spokane, WA 99212

City of Spokane Engineering Services, represented by  
Steve Hansen, Team 4  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

**Property Address:** 2302 North Waterworks Street in the City of Spokane, Washington

**Property Location:** The property is located in the east portion of Spokane between the Spokane River and Felts Field Airport.

**Legal Description:** A full legal description is in the record attached to Exhibit #2B.

**Zoning:** LI (Light Industrial).

**Comprehensive Plan Map Designation:** The property is designated Light Industrial in the City's 2001 Comprehensive Land Use Plan.

**Site Description:** The site is irregular in shape and contains approximately 51 acres in area. Except for manmade berms, it is relatively flat with some slopes on the north and east side as the property slopes to the Spokane River. Its located on the south side of the Spokane River between the river and Felts Field Airport. It is just north of Upriver Dam. It currently has police academy training facilities on site which are going to be upgraded.

**Surrounding Conditions:** Parcels to the east, south and west are zoned LI, Light Industrial, the same as the subject site. Along the east and south is Felts Field Airport and to the west is the City of Spokane Water Department office which is connected to the Upriver Dam. Zoning to the north, across the Spokane River is RSF, Residential Single Family. Immediately across the Spokane River to the north there is an extremely steep slope up to Upriver Drive. To the north of Upriver Drive, in Spokane County, there is vacant land and single family development.

**Project Description:** The City's police department is planning to renovate their existing firing range as part of the Police Academy Regional Training Center. The proposal calls for the construction of a new 100-yard, 10 point rifle range as well as modifications to the existing pistol range canopy, modifications to the existing Steel Range and Rogers Range and construction of a 10 to 15 foot high earthen berm system to surround the firing ranges which already exist on the property. Some of the improvements will be within the shoreline area and therefore the City has developed a Habitat Management Plan (HMP) to address shoreline regulations.

### **PROCEDURAL INFORMATION**

**Authorizing Ordinances:** Spokane Municipal Code Sections 17C.130, 17C.180, 17E.020, 17E.060, 17G.060, and 17G.060.170.

**Hearing Date:** January 5, 2012, (At the request of the parties, the record remained open until February 24, 2012 for further negotiations and submittal of additional information.)

**Notices:** Mailed: March 23 and November 22, 2011  
Posted: March 28 and November 23, 2011

**Site Visit:** None made.

**SEPA:** A Determination of Nonsignificance (DNS) was issued by the City of Spokane Engineering Services Department on May 6, 2011.

#### **Testimony:**

Marla French  
City of Spokane, Current Planning  
808 West Spokane Boulevard  
Spokane, WA 99201

Steve Hansen  
City of Spokane Engineering Services  
808 West Spokane Falls Boulevard  
Spokane, WA 99201

James Richman, Attorney at Law  
City of Spokane Legal Department  
808 West Spokane Falls Blvd  
Spokane, WA 99201

Captain Judi Carl  
Spokane Police Department  
1100 West Mallon Street  
Spokane, WA 99224

**Exhibits:**

1. Planning Services Staff Report
2. Application, including:
  - 2A General application with Shoreline Permits and Critical Areas Checklist
  - 2B Notification Map application
  - 2C Site Plans
  - 2D Habitat Management Plan
  - 2E Counter complete checklist
3. Pre-Development Conference Notes
4. Engineering Services comments
5. Traffic Engineering comments
6. Design Review comments
7. Spokane Regional Clean Air Agency comments
8. Spokane International Airport comments
9. Spokane Health District comments
10. Spokane Tribe of Indians comments
11. Notice map with parcel and address listings
12. Notices
13. Affidavit of mailing 03-23 and 11-22-11
14. Affidavit of posting 03-28 and 11-23-11
15. Affidavit of sign removal 04-08-11
16. SEPA Determination of Nonsignificance
17. Environmental checklist
18. "LEAD" Best Practices Guide
19. Spokane Police Academy Firearms Range Master Plan
20. RCW 35.79.035, Street Vacations
21. Community Meeting sign in sheet
22. Community Meeting notes, none, no members of public attended
23. Hearing File Preparation Checklist
24. Email dated 06-30-10 to Sherry Miller from Marla French  
re: regarding project
25. Email dated 07-15-10 to Marla French from Neal Sealock  
re: regarding project
26. Letter dated 09-23-11 to Interested Parties from Marla French  
re: requesting comments
27. Email dated 09-25 through 10-25-11 to/from City Staff and Marla French  
re: project and fees
28. Letter dated 11-18-11 to Steve Hansen from Marla French  
re: notice of application/public meeting instructions
- A. Material received at hearing:
  - A-1 Police Academy Property and Development Plans submitted by James Richman
  - A-2 Site Layout – Phasing

- B. Materials received after the hearing:  
B-1 Correspondence relating to HMP and boundary negotiations

### **FINDINGS AND CONCLUSIONS**

To be approved, the proposed shoreline conditional use permit must comply with the criteria set forth in Spokane Municipal Code Section 17G.060.170. The Hearing Examiner has reviewed the proposed conditional use permit application and the evidence of record with regard to this section and makes the following findings and conclusions:

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

The staff notes that this use is considered a basic utility pursuant to SMC 17C.190.400. Basic utilities are listed under the Institutional category in the zoning code and pursuant to Table 17C.130 are permitted outright in Light Industrial Zones. In addition staff notes that the area in which this is to be located is designated as Zone 1 under SMC 17E.020 and would not be allowed except that it is a public health and safety use which is allowed. It is also considered a low intensity use which is allowed under the Airfield Overlay Zone which covers this site because of the proximity of Felts Field Airport. Staff further notes in its report that the Planning Director has determined that the use complies with the Shoreline Regulations, specifically SMC 17E.060.720 and 17E.060.490 and that the use therefore can comply with the Shoreline Regulations as long as certain conditions are attached. Therefore this use is allowed under the Zoning Regulations.

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

This type of use is addressed in Chapter 5 of the Comprehensive Plan which relates to the goal of providing and maintaining adequate public facilities and utility services and reliable funding in order to protect the investment in existing facilities and insure appropriate levels of service. That chapter encourages the maintenance, rehabilitation and renovation of existing capital facilities such as this. This firing range and Police Training Center have been in existence at this location since the 1950's. The chapter also encourages the use of existing structures before new facilities are constructed and also encourages the City to develop management plans for its utilities. CFU 1.7. The Police Department had a master plan developed for the Police Academy Range facility and that master plan is in the record as Exhibit #19. No evidence was presented to show that the rehabilitation of this use is inconsistent in any way with the Comprehensive Plan.

3. The proposal meets the concurrency requirements of Chapter 17D.010.

This application was circulated to all City departments and outside agencies with jurisdiction over development and shoreline matters. There were no departments or agencies that reported that concurrency could not be achieved although certain conditions will be placed on this approval to insure concurrency is achieved. This is an existing facility that is being renovated and there should be little or no increase in traffic or the use of other basic utilities such as sewer and water. Some agencies, such as the Health District have requested that conditions be placed on

the renovations and those conditions will become part of this approval. Therefore this criterion has been met.

4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to: size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water, and the existence of natural, historic, or cultural features.

The site plan is set forth in the record as Exhibit #2C. It appears that the site is suitable for the proposed use and no evidence was submitted to demonstrate that the site is unsuitable. The Hearing Examiner hereby adopts and incorporates the findings as set forth in the Planning Services Staff report Exhibit #1, page 5.

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary, conditions can be placed on the proposal to avoid significant effect or interference with the use or neighboring property or the surrounding area, considering the design and intensity of the proposed use.

This project was evaluated under the State Environmental Policy Act (SEPA) and a DNS was issued by the City on May 6, 2011. The results of the environmental studies caused the City to conclude that this renovation should have no significant adverse environmental impacts on surrounding properties. Most of the surrounding properties belong to the City of Spokane, Spokane County or the Airport Board with the main impact being on the shoreline. With the Habitat Management Plan being developed to restore the shoreline riparian environment this use should have positive effects on the shoreline environment.

#### **Additional Criteria that Apply to Shoreline Conditional Use Permits**

There are 5 additional criteria that apply to Shoreline Conditional Use Permits. They are:

6. The proposed use is consistent with the policies of RCW 90.58.020 and the Shoreline Master Program;

As stated above the proposed project is consistent with the policies of the Shoreline Master Program. Staff and outside agencies with jurisdiction have also found it consistent with the policies of RCW 90.58.020 and no evidence was presented to show inconsistencies with either of those regulatory processes.

7: The proposed use will not unreasonably interfere with the normal public use of public shorelines;

This regional training facility has been in this location for over 50 years. The public has never had access to this area because of the nature of this use. Further, the Water Department discourages public use of its ownership to the west near the dam and Felts Field Airport to the south also discourages public use of that property. While the project does not provide physical public access to the Spokane River in this area, it doesn't change the situation and does not further limit public access.

8. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the Shoreline Master Program;

There was no evidence of other conditional use permits of this type or other types being proposed on the shoreline in this area so there is little likelihood that this proposal would preclude achieving the goals of the Shoreline Master Program. This applicant will be required to restore the natural character of the shoreline which will improve the shoreline in this area. The surrounding shoreline in this area is owned primarily by City Utilities and the Airport Board and is unlikely to change in the near future.

9. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with the uses planned for the area under the comprehensive plan and the Shoreline Master Program;

This use has been at this site for over 50 years and is found to be compatible with the uses surrounding it. It was subject to design review and Design Review Board's comments will become conditions of approval. No evidence was submitted to show that the use and design of this site is not compatible with other authorized uses in the area.

10. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying the physical and visual access suffers no substantial detrimental effect.

See Criteria #5 and #7 above.

### **DECISION**

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed shoreline conditional use permit, subject to the following conditions:

1. Approval is for a shoreline substantial development conditional use permit to allow the restoration and rehabilitation of the existing Police Academy Regional Training Center. The site is to be developed substantially in accordance with the application and testimony submitted at the hearing. The shoreline area will be restored pursuant to the recommendations of the Habitat Management Plan which is in the record as Exhibit #2D as well as with the recommendations of the Design Review Board which are in the record as Exhibit #6. The site will be constructed substantially in accordance with the site plans which are in the record as Exhibit #2C. If any changes are sought to this approval, the applicant shall submit those proposed changes to Planning Services for review and approval. If Planning Services finds that the changes are substantial, then they shall be submitted to the Hearing Examiner for review and approval.

2. This project lies within the Riparian Habitat, Zone 1 of the Spokane River as defined in SMC 17E.020.050. In compliance with the Municipal Code all activities shall be undertaken using Best Management Practices. The applicant shall maintain records documenting compliance with Best Management Practices.

3. The Shoreline Master Program, SMC 17E.060 and SMC 17E.020 require the replacement of any lost habitat functions that result from the proposed renovation. The applicant shall comply with the recommendations of its Habitat Management Plan including the completion, watering and monitoring of the plantings for no less than three years. The applicant shall prepare a report for the City of Spokane Planning Department every year for three years to show progress toward the implementation of the Habitat Management Plan.
4. Stormwater will be managed in accordance with SMC 17D.060, "Storm-water Facilities".
5. An erosion and sediment control plan will be required upon building permit application.
6. If any artifacts or human remains are found during construction, the Spokane Tribe of Indians is to be immediately notified and work in the immediate area stopped.
7. The applicant must comply with the requirements and regulations of relevant outside agencies such as the Washington State Department of Ecology, Washington State Department of Fish and Wildlife, the Federal Aviation Administration, the Spokane Regional Clean Air Agency, the Spokane Airport Board and the Spokane Regional Health District. If any agency places conditions on its approval, those conditions shall become conditions of this approval.
8. The applicant shall comply with the recommendations of the Design Review Board.
9. This approval does not waive the applicant's obligation to comply with all other requirements of the Spokane Municipal Code as well as requirements of City Departments and outside agencies with jurisdiction over land development.
10. Spokane Municipal Code 17G.060.240 regulates the expiration of this approval, and Table 17G.060-3 sets forth the time frame for the expiration of all approvals.

DATED this 12th day of March 2012.

  
Greg Smith  
City of Spokane Hearing Examiner

## NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions of the Hearing Examiner regarding shoreline conditional use permits are reviewed by the Washington State Department of Ecology. After review, they may be appealed to the Washington State Shoreline Hearings Board. **All appeals must be filed with the Shoreline Hearings Board within twenty-one (21) calendar days of the date of the Ecology decision.**