

CITY OF SPOKANE HEARING EXAMINER

Re: Shoreline Conditional Use Permit (SCUP)) FINDINGS, CONCLUSIONS,
Application by the City of Spokane) AND DECISION
Department of Engineering Services for)
the construction of a stormwater) FILE NO. Z19-0008SCUP
treatment swale, a buried stormwater)
storage tank, and associated pipes and)
pumps, adjacent to the Spokane River,)
along N. Erie Street)

SUMMARY OF PROPOSAL AND DECISION

Proposal: The City of Spokane Department of Engineering Services (“Engineering Services”) is proposing to construct a stormwater treatment swale, a buried stormwater storage tank, and associated pipes and pumps. There will also be an extension of the Ben Burr trail across the project parcels that will connect with a trail segment to be constructed by Washington State Department of Transportation (WSDOT) under the Trent Bridge.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant/Owner: City of Spokane
808 W. Spokane Falls Boulevard
Spokane WA 99201

Owner: Union Gospel Mission
UGM Foundation Inc.
PO Box 4066
Spokane WA 99202-0066

Property Location: The proposed site is located at 1206 E. Trent Avenue and 513 N. Erie Street, Parcel Nos. 35174.0562, 35174.0561, and 35174.0528. The legal descriptions of the parcels that make up the site are provided in Exhibit 2A.

Zoning: The property is zoned Heavy Industrial (HI).

Comprehensive Plan Map Designation: The property is designated as HI in the Comprehensive Plan for the City of Spokane (“CP”).

Shoreline Designations: Limited Urban Environment (LUE) Designation, 75-foot Shoreline Buffer, and Campus/U District Shoreline District.

Environmental Overlays: Habitat and Species, Riparian Habitat Area 2

Site Description: The subject property is located adjacent to the Spokane River, along N. Erie Street and directly south of the E. Trent Bridge. The project site is currently being used as a grassed park-like area, and Erie Street is a gravel road. The area is flat and is immediately adjacent to and approximately 10 feet above the Spokane River. The Spokane River is designated by the Shoreline Management Act (SMA) as a shoreline of statewide significance and, therefore, subject to the requirements of the Shoreline Master Plan (SMP). The SMP designates this area as within the Shoreline LUE Designation and the Campus/U District Shoreline District with a 75-foot buffer from the Spokane River.

Surrounding Conditions and Uses: The Spokane River is adjacent to and westerly of the site. The Union Gospel Mission facilities are east of the site. Second Harvest is located to the south of the property. The Iron Bridge Complex is located to the north of the site. The properties to the east of the Spokane River and south of Trent Avenue, including the project site, are zoned HI. The properties to the east of the Spokane River, and north of Trent Avenue are zoned Light Industrial. The properties to the west of the Spokane River are zoned CC1-DC, a centers and corridors classification.

Project Description: Engineering Services is proposing to construct a stormwater treatment swale, a buried stormwater storage tank, and associated pipes and pumps. This facility is necessitated by state regulations that discourage direct discharge of stormwater to the river without treatment. Also included in the project is an approximately 12-foot-wide trail parallel to and adjacent to the shoreline, part of a future Ben Burr to Iron Bridge Trail planned for the south side of the Spokane River. This trail will connect with a trail segment that will be constructed by WSDOT. The finished grade where the segments connect will be approximately a half foot below the Ordinary High Water Mark (OHWM).

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (SMC) 17G.160, Land Use Application Procedures; and SMC 17G.060.170(C), Decision Criteria

Notice of Community Meeting: Mailed: December 26, 2018
Posted: December 27, 2018

Notice of Application/Public Hearing: Mailed: March 11, 2019
Posted: March 11, 2019

Community Meeting: January 10, 2019

Public Hearing Date: April 11, 2019

Site Visit: April 10, 2019

SEPA: A Determination of Nonsignificance (DNS) was issued by Engineering Services, the lead agency, on January 11, 2019.

Testimony:

Donna deBit, Assistant Planner II
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Dan Buller
City of Spokane Engineering Services
808 West Spokane Falls Boulevard
Spokane, WA 99201

Exhibits:

1. Planning Services Staff Report dated 04/03/19
 - 1A Revised Planning Services Staff Report dated 04/09/19
2. Application, including:
 - 2A General Application
 - 2B Floodplain Development Permit Application
 - 2C Shoreline/Critical Areas Checklist
 - 2D Conditional Use Permit Application
 - 2E Notification Map Application
 - 2F State Environmental Policy Act (SEPA) Checklist
3. Request for Comments Letter dated 01/11/19
 - 3A Revised Request for Comments Letter dated 02/19/19
 - 3B Spokane Fire Department dated 02/20/19
 - 3C Washington State Department of Archaeology and Historic Preservation (WSAHP) dated 01/17/19
 - 3D Spokane Tribe of Indians dated 01/23/19
 - 3E Washington State Department of Ecology (WSDOE) dated 01/24/19
 - 3F Avista dated 03/07/19
4. DNS dated 01/11/19
5. Community Meeting instructions dated 12/20/18
 - 5A Notice of Community Meeting
 - 5B Affidavit of Mailing dated 12/26/18
 - 5C Affidavit of Posting at Library and City Hall dated 12/27/18
 - 5D Affidavit of Posting at project site dated 12/27/18
 - 5E Community Meeting Sign in Sheet
 - 5F Community Meeting Presentation
 - 5G Community Meeting Summary
6. Notice of Application Instructions dated 03/06/19:
 - 6A Notice of Application & Public Hearing
 - 6B Affidavit of Mailing dated 03/11/19
 - 6C Affidavit of Posting at project site dated 03/11/19
 - 6D Affidavit of Posting at Library and City Hall dated 03/11/19
- A Exhibits received at the hearing:
 - A-1 Hardcopy of Planning's PowerPoint presentation
- B Exhibits received after the hearing:
 - B-1 Clarification of Fire Department's Condition #4