

CITY OF SPOKANE HEARING EXAMINER

Re: Shoreline Conditional Use Permit)
Application by Wattenbarger Architects)
on behalf of the Riverview Lutheran) FINDINGS, CONCLUSIONS,
Retirement Community for a new 82-unit) AND DECISION
independent living building, 31-unit)
active adult apartment with associated) FILE NO. Z25-475SCUP
parking, and overall site improvements)

1 SUMMARY OF PROPOSAL AND DECISION

Proposal: The Applicant, Wattenbarger Architects, on behalf of Riverview Lutheran Retirement Community, has applied for a shoreline conditional use permit (SCUP) to demolish one existing building and rebuild a new 82 unit, 4-story residential building. On an adjacent site, build a new 31 unit 3-story residential building to the west on the same campus, land which is currently vacant. Site improvements and parking are included in the plans. There will be development and site improvements on the adjacent parcels. Some of the Riverview Retirement Campus and this project is located within the shoreline jurisdiction and 150-foot shoreline buffer.

Decision: APPROVED, subject to conditions.

2 FINDINGS OF FACT/BACKGROUND INFORMATION

Applicant: Wattenbarger Architects
c/o James Brown
40 Lake Bellevue Drive, Suite 350
Bellevue, WA 98005

Owner: Riverview Lutheran Retirement Community
1801 East Upriver Drive
Spokane WA 99207

Property Location: 1841 E. Upriver Drive and 1777 E. Upriver Drive, parcel numbers 35093.1002 and 35093.1316, respectively.

Legal Description: The legal description for the site is provided in Exhibit 2.

Zoning: Residential Multi Family (RMF) and Light Industrial (LI)

Comprehensive Plan Map Designation: Residential Moderate and Light Industrial

Shoreline Designations: North of the Spokane River; Urban Conservancy Environment Designation; 75-foot buffer; Upriver Shoreline District

Environmental Overlays: Fish & Wildlife Habitat Area (RHA-2)

Site Description: The subject properties total 4.02 acres in size (175,111 square feet) and are generally sloped from the north to south, with slopes ranging from <8% to 15%. There is an existing skilled nursing facility on the eastern property that will be demolished. The western property is vacant with a parking area and accessory uses (gardens and storage).

The subject property is located adjacent to the Spokane River. The Spokane River is designated by the Shoreline Management Act as a shoreline of statewide significance and, therefore, subject to the requirements of the City of Spokane Shoreline Master Program (SMP). The City of Spokane SMP designates this area as Urban Conservancy Environment with a 75-foot buffer from the Spokane River.

Surrounding Conditions and Uses: Surrounding zoning designations include Residential Multi-family to the north and east, Light Industrial to the west, and Residential 1 to the south (Spokane River).

3 PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code (SMC) 17C.111 Residential Zones; SMC 17C.130 Industrial Zones; SMC 17E.060 Shoreline Regulations

Notice of Community Meeting: Mailed: July 2, 2025
Posted: July 3, 2025

Notice of Application/Public Hearing: Mailed: October 8, 2025
Posted: October 9 & 10, 2025

Community Meeting: July 23, 2025

Site Visit: November 19, 2025

Public Hearing Date: November 20, 2025

State Environmental Policy Act (SEPA): A mitigated determination of nonsignificance (MDNS) was issued by the City on October 27, 2025. The MDNS was not appealed.

Testimony:

Tavis Schmidt, Senior Planner
City of Spokane Planning & Development
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James Brown
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Ted Johnson
Marathon Development
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Mike Schleigh
Riverview Retirement
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Exhibits:

1. Planning Services Staff Report dated November 7, 2025
2. Application Materials
3. SEPA Documentation
4. Request for Comments
5. Notice of Application and Hearing Materials
6. Notification Documents
7. Community Meeting Materials
8. Staff Presentation

4 FINDINGS AND CONCLUSIONS

To be approved, the proposed SCUP must comply with the criteria set forth in Spokane Municipal Code Section 17G.061.310. The Hearing Examiner has reviewed the proposed SCUP application and the evidence of record with regard to this section and makes the following findings and conclusions:

- 4.1 The proposal is allowed under the provisions of the land use codes. *SMC 17.G.061.310(C)(1)*.

The subject property is located in the base zones RMF and LI. The proposed uses include Residential Household Living and Group Living (SMC 17C.190.110). The proposal also includes accessory parking, which would be subject to the parking standards of SMC 17C.230. Apartments and condominiums are categorized as Residential Household Living; Nursing and Assisted Living Facilities are categorized as Group Living. These uses are allowed outright in the Residential Multi-Family zone under SMC Table 17C.111.100-1, Residential Zone Primary Uses. These uses are allowed as Limited Uses in the Light Industrial zone, with the limitation being the uses must be located within one-quarter mile of the Spokane River; they are located within a couple hundred feet of the Spokane River. See Exhibit 1, p. 4.

In the City of Spokane, Shoreline Master Program, Primary Permitted Uses, multifamily residences of four or more dwelling units, and Group Living, are noted as "CU" in SMC Table 17E.060.690-1, Shoreline Primary Uses. Parking, which is accessory to a permitted use, is also permitted in the Urban Conservancy Environment. Pursuant to SMC 17E.060.310 a shoreline conditional use permit is required for this development. *Id.*

Given that the proposal has been determined to be an allowed conditional use, the Hearing Examiner finds this criterion is satisfied.

- 4.2 The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. *SMC 17.G.061.310(C)(2)*.

The subject property is located in the Land Use Category of Residential Moderate according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001,

and subsequently amended in September 2023. See Exhibit 1, pp. 4-5. This proposal is consistent with the intent of several Comprehensive Plan Policies, including:

- LU 4.4 Connections - Form a well-connected network which provides safe, direct and convenient access for all users, including pedestrians, bicycles, and automobiles, through site design for new development and redevelopment.
- LU 5.1 Built and Natural Environment - Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.
- LU 5.5 Compatible Development - Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.
- SMP 1.3 No Net Loss of Ecological Functions - Ensure that all shoreline uses and development are regulated in a manner that guarantees no net loss of shoreline ecological functions that are necessary to sustain shoreline natural resources.
- SMP 3.7 Parking Facility Impacts - Minimize the environmental and visual impacts of parking facilities.
- SMP 5.4 Provisions for Shoreline Protection - Require that new development provide adequate provisions for the protection of water quality, erosion control, landscaping, aesthetic characteristics, drainage systems, aquatic and wildlife habitat, views, archaeological sites, and normal public use of the water.
- SMP 8.2 Access and Shoreline Ecological Functions - Assure that public access improvements result in no net loss of shoreline ecological functions.
- SMP 10.3 Landscaping with Native Plants - Encourage the use of native plant communities for landscaping within the Shoreline Jurisdiction.
- SMP 11.35 Visual and Physical Access in Development - Ensure that shoreline development includes, when feasible, visual and physical public access to the shorelines, while avoiding, minimizing, or mitigating negative impacts to the shoreline.

Because the project is consistent with the designations, goals, and policies of the Comprehensive Plan, the Hearing Examiner finds that this criterion is satisfied.

4.3 The proposal meets the concurrency requirements of Chapter 17D.010. *SMC 17.G.061.310(C)(3)*.

The decision criteria for Type III decisions (such as a SCUP) require that these types of applications satisfy the concurrency requirements under *SMC 17D.010*. See *SMC 17G.061.310(C)(3)*. Accordingly, the application was circulated on August 27, 2025, among all City departments and outside agencies with jurisdiction. See Exhibit 1, p. 5.

The City received various comments regarding the proposal. See e.g. Exhibit 4. None of the commenting departments or agencies reported that concurrency could not be achieved. See Exhibit 1, p. 5. The Spokane Tribe of Indians submitted comments about the high potential for encountering cultural resources and the ground disturbing actions could destroy any cultural resources present. They are requesting an Archeology Cultural Resource Survey be completed on parcel #35093.1316 before any ground disturbing activity. This will be required prior to issuance of any building permit. *Id.*

The Hearing Examiner concludes that the project satisfies the concurrency requirements of the municipal code. This criterion is satisfied.

- 4.4 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. *SMC 17.G.061.310(C)(4)*.

The site area is suitable for redevelopment per the site plan submitted with this application. The applicant lists all physical and environmental elements located on the site, or in the vicinity, in the Environmental Checklist that was provided with this application. See Exhibit 1, pp. 5-6.

Portions of the site are located within the 100-year Federal Emergency Management Agency floodplain due to previous cut into the grade for the development of the existing roadways and structures. A floodplain development permit is included as part of this application per *SMC.17E.030 Floodplain Management*. See Exhibit 1, p. 6.

The Applicant lists all physical and environmental elements located on the site, or in the vicinity, in the submitted Environmental Checklist. See Exhibit 3. City departments and other agencies also reviewed this checklist for physical characteristics of the property. Based upon the foregoing, the Hearing Examiner concludes that this criterion for project approval is satisfied.

- 4.5 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 of neighboring property or the surrounding area, considering the design and intensity of the proposed use. *SMC 17.G.061.310(C)(5)*.

As mentioned above, application materials were reviewed by applicable departments and agencies. Their findings and recommendations will be incorporated into the conditions of approval for this proposal. An Environmental Checklist dated July 23, 2025, was submitted by the applicant for review, and a Final MDNS was issued on October 27, 2025. See Exhibit 1, p. 6.

The project will be required to meet shoreline design standards found in *SMC 17E.060* as well as the multi-family design standards found in *SMC 17C.111*. Along Upriver Drive, there is a mix of single-family homes, duplexes, apartment complexes, and the Avista Campus. This new development would blend in well to the surrounding uses. A primary objective of this proposal is to avoid impacts to the shoreline and ecological functionality consistent with *SMC 17E.060.230(D)* where avoidance of any impact to shoreline vegetation cover is preferred. *Id.*

For the foregoing reasons, the Hearing Examiner concludes that the project will not have significant impacts on the environment that cannot be adequately addressed through mitigation. Therefore, this criterion for approval of the SCUP is satisfied.

4.6 For SCUPs the following additional criteria apply:

4.6.1 The proposed use is consistent with the policies of [Revised Code of Washington] RCW 90.58.020 and the Shoreline Master Program. *SMC 17G.061.310(D)(2)(a)(i)*.

The Hearing Examiner agrees with Staff's conclusion that this proposal is consistent with the policies of the SMP. See Exhibit 1, pp. 6-7. In particular, the Staff noted as follows:

This proposal is consistent with 90.58 RCW the Shoreline Management Act. This proposal implements the Shoreline Management Act as enunciated in RCW 90.58.020. This proposal will not diminish the quality of the shoreline environment, given the site's characteristics and conditions. The development sits landward of a public right-of-way (Upriver Drive), so there is less impact directly adjacent to the Shoreline. The procedures of Chapter 173-27 of the WAC have been followed.

This proposal is consistent with the map, goals and policies of the SMP. This site is located in the area designated by the SMP as Urban Conservancy Environment and the Upriver Shoreline District.

The Urban Conservancy Environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Id. In addition, the proposal is consistent with the adopted shoreline policies, as is referenced in Paragraph 4.2 above.

The Hearing Examiner concludes that the project is consistent with the policies of state law and the SMP. Therefore, this criterion for approval is satisfied.

4.6.2 The proposed use will not unreasonably interfere with the normal public use of public shorelines. *SMC 17G.061.310(D)(2)(a)(ii)*.

The proposed development will not interfere with the public access to the shoreline. The Centennial Trail is a heavily used public trail that will continue to provide public access and views of the Spokane River. This proposed development will not interfere with the trail at any point during construction or post construction. In addition, the project will enhance access and enjoyment of the Spokane River. The construction of housing near the Spokane River will bring people closer to the river and provide future residents with a view of the shoreline. See Exhibit 1, p. 7.

Given the foregoing and the fact that the proposal provides a river recreation feature for public use, the Hearing Examiner finds this criterion for approval satisfied.

- 4.6.3 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. *SMC 17G.061.310(D)(2)(a)(iii).*

There are other Conditional Use Permits in the general vicinity; however, they all work together to improve the Spokane River Shoreline experience and implement the goals and policies outlined in the SMP. The surrounding area to the north and east for at least a half mile is zoned residential, allowing for multiple types of residences to be constructed and allow for continued views of the river for those residing in this area. To the west is the Avista campus comprising Office and Light Industrial uses. *Id.*

The Hearing Examiner believes the proposal adds yet another complementary residential living opportunity – this one focused on the retired demographic – to the overall offerings of the Spokane River area and finds this criterion for approval satisfied.

- 4.6.4 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. *SMC 17G.061.310(D)(2)(a)(iv).*

As mentioned above, the proposed multi-family development is consistent with the Comprehensive Plan and SMP. Existing residential uses exist along this segment of Upriver Drive, so the proposal is compatible with surrounding uses. See Exhibit 1, pp. 7-8.

For these reasons, and for the reasons discussed elsewhere in this decision, the Hearing Examiner concludes that this criterion is satisfied.

- 4.6.5 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. *SMC 17G.061.310(D)(2)(a)(v).*

As stated previously, the project has been reviewed through the SEPA process and reviewed by applicable departments and agencies. The site will be developed in accordance with the land use requirements in place at the time of building permit. See Exhibit 1, p. 8.

The project is located next to a city street, with access to public roads, water, and sewer, thus all city utilities exist at the site. Parking facilities will be located on the landward side of the development, furthest away from the shoreline. The design of the project minimizes the traffic and construction impacts on the shoreline environment as much as possible. In addition, the applicant will be required to show there is no net loss of ecological functions on site during and after the project is complete. *Id.*

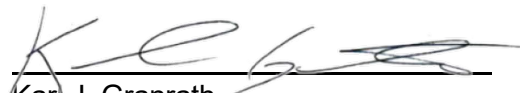
The Hearing Examiner concludes that this criterion is satisfied.

5 DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the SCUP, subject to the following conditions:

1. This Shoreline Conditional Use Permit is subject to the compliance of this proposal with all applicable codes and requirements including shoreline regulations, public access, building height, bulk, setbacks, and site coverage.
2. The site shall be developed in substantial compliance with the plans submitted with this application, as well as comments received on the project from City Departments and outside agencies with jurisdiction.
3. The SMP , SMC 17E.060 and SMC 17E.020 require no net loss of shoreline ecological functions that could result from the proposal. Pursuant to Section 17E.060.220 the applicant shall engage in the restoration, rehabilitation, or enhancement of the shoreline environment in order to offset the impacts resulting from this proposal.
4. Public access to the Spokane River and river views shall be required as part of the SMP and SMC 17E.060.280.
5. The applicant must register all dry wells installed to receive stormwater runoff with Washington Stated Department of Ecology's Underground Injection Control Program. Registration must occur 60 days before construction of the drywell.
6. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County, Washington State, and any federal agency.
7. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning & Development Department should be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.

SIGNED this 24th day of November 2025.


Karl J. Granrath
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.061.340 and 17G.050.

Decisions of the Hearing Examiner regarding shoreline conditional use permits are reviewed by the Washington State Department of Ecology. After Ecology's review and decision, 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.**

In addition to paying any Court costs to appeal the decision, the applicant is also responsible for providing a verbatim transcript of the recording by a certified transcriptionist and covering the cost of preparing a full record for the Court.