

November 17, 2015

Avista Corporation
Robin Bekkedahl
1411 E Mission
Spokane, WA 99220

Re: Avista Mission Swale

Planning Application File Number Z1500073SSDP

Dear Ms. Bekkedahl,

In accordance with the provisions of the City of Spokane Shoreline Master Program as codified in the Spokane Municipal Code 17E.060, the Avista Swale Project is hereby granted an administrative Shoreline Substantial Development Permit, subject to conditions, for the construction of a new 5,960 square foot bio-infiltration swale for treatment of stormwater, that is substantially in conformance with this decision and the application on file in the Planning and Development Services Department.

This Shoreline Substantial Development Permit shall be forwarded to the Department of Ecology on **November 30, 2015**, unless an appeal to the City of Spokane Hearing Examiner occurs before this date. Upon the date of filing with the Department of Ecology, a 21-day appeal period follows; appeals during this period are made to the Shorelines Hearings Board. In compliance with WAC 173-27-090, construction activities shall commence within two years of the effective date of this permit unless an extension has been granted and authorization to conduct development activities shall terminate five years after the effective date of filing.

This is not a construction permit. Any permits required by Building Services or other City/County departments for any construction must be obtained from the proper agency before proceeding with work. Any permits required by any other state or federal agencies for any construction must be obtained from the proper agency before proceeding with work.

Enclosed are the decision and a copy of the covenant that must be signed by the property owner(s) and **filed with the Spokane County Auditor's Office** in order to fulfill the requirements of the approval given for the Shoreline Substantial Development Permit application for the above property. A conformed copy of that agreement must be filed with this office prior to the issuance of building permits.

Please feel free to contact Ali Brast at (509) 625-6638 if you have any further questions related to this matter.

Jamara Palmquist for Louis Meuler

Louis Meuler, Interim Planning Director
Planning and Development

By Ali Brast, Assistant Planner

**Shoreline Substantial Development Permit
City of Spokane Planning File Number Z1500073-SSDP**

PLANNING DIRECTOR'S FINDING OF FACT, CONCLUSIONS AND DECISION

Date: November 17, 2015

Applicant: Avista Corporation

Summary of Proposed Action:

This is a Request for a Shoreline Substantial Development Permit for the construction of a new 5,960 square foot bio infiltration swale on a parcel between Upriver Drive and the Spokane River, on the Avista Campus. The work involves the removal of an outfall and the installation of a bio infiltration swale for treatment of stormwater and roof drainage collected into a manhole and pumped from another location on the Avista campus. The proposal is entirely within the shoreline jurisdiction of the Spokane River, to be constructed on parcel 35093.2103. Currently a portion of the campus' stormwater system collects and directly discharges untreated into the Spokane River. The swale and associated disturbed ground will be re-vegetated with native and adaptive grasses, shrubs, and trees to reduce impacts and create additional wildlife habitat. This permit is for plans substantially in conformance with the plans and application on file with Planning and Development Services.

Location/Context:

The project is located north of Mission Ave, east of Upriver Drive, and west of the Spokane River. The site address is 1508 E Upriver Drive, Spokane, WA 99220. The existing parcel is roughly 0.88 acres and currently consists of an open grassy area with trees and the Centennial Trail runs north/south through the eastern portion of the site. Existing surrounding land uses include the larger Avista Campus to north and the west, the Spokane River to the east, and Mission Ave and the Mission Park Pool to the south. The creation of this swale and the eventual trees and native vegetation will make this site much more esthetically pleasing for pedestrian, bicycle and vehicle traffic, as well as offer better protection for the river system by providing an infiltration location landward of the Spokane River.

Legal Description:

The site is located on parcel 35093.2103. The property is located in Section 16 Township 25 Range 43E. A full legal description of the subject property is available in the Planning and Development Services Department, located on the 3rd Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329.

Existing Conditions:

The site is located adjacent to the Avista Mission Campus, with the Centennial Trail running through the east side of the parcel. The Spokane River is directly to the east of this site. Recreational uses along the shoreline in this area include walking and biking. This site is in the Logan Neighborhood.

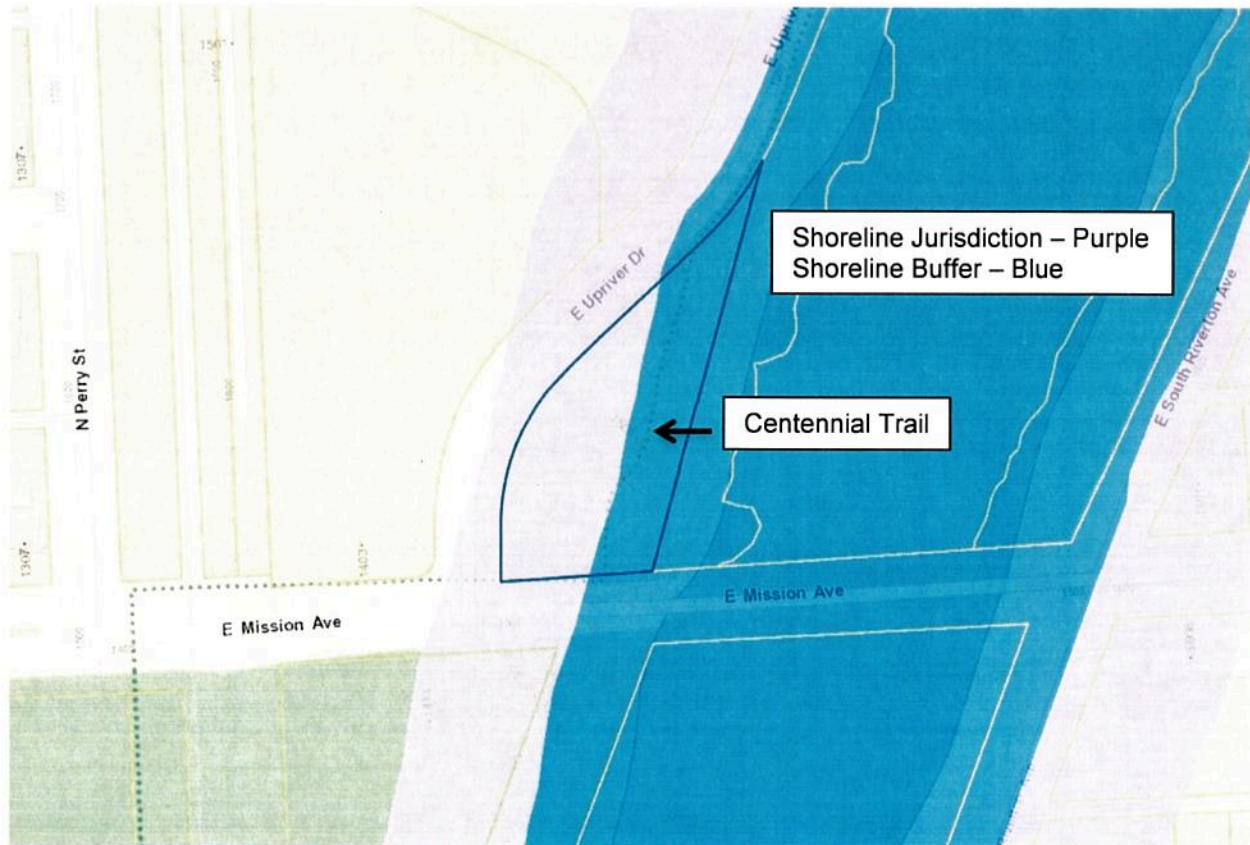


Figure 1: 2012 Aerial View. Green dotted line indicates location of proposed project boundaries.

FINDINGS OF FACT

1. Avista Corporation applied for an Administrative Shoreline Substantial Development Permit, Z1500073-SSDP for the Avista Swale Project on September 2nd, 2015.
2. 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. The City of Spokane Shoreline Master Program designates this site as Limited Urban Environment with a 75-foot shoreline buffer from the Spokane River.
3. The subject property is located in the Land Use Category of *Conservation Open Space* according to the City of Spokane's Comprehensive Plan, amended in January of 2012. Previously, the site had a land use category R1.
4. The subject property is located in the base zone RSF (Residential Single-Family). This development requires a Shoreline Substantial Development Permit because the proposal falls within the shoreline jurisdiction and the total cost of the proposed project exceeds \$5,718, the dollar amount established per WAC 173-27-040.
5. The subject property is located within the Riparian Habitat Zone 2, as designated in Spokane Municipal Code Chapter 17E.020, Fish and Wildlife Conservation Areas.
6. A Determination of Non-Significance (DNS) is being issued with this decision, on November 17, 2015; Lead Agency, City of Spokane Planning and Development, Tami Palmquist,

Associate Planner, Responsible Official. This was one of two projects included in the environmental review.

7. The application materials pertaining to the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on September 3rd, 2015. These comments are on record with the Planning & Development Department.
8. This application was deemed technically complete on September 25th, 2015. Notice of Application was provided to the applicant by email.
9. Notice of the Shoreline Substantial Development Permit application was posted on Upriver Drive, at the downtown library, and in City Hall on October 8th 2015. Notices were also mailed to surrounding property owners, taxpayers and occupants within 400 feet of the subject property, as specified on the Notification District Map. The Logan Neighborhood Council was also notified.
10. The public comment period for this shoreline substantial development permit was from October 8th, 2015 to November 6th, 2015. No public comments were received on this project.

CONCLUSIONS AND DECISION CRITERIA

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

SMC Chapter 17G.060.170

The intent of the shoreline substantial development permit procedure is to determine the conditions under which a use may be permitted. These permits are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A shoreline substantial development permit may be granted only if the following facts and conditions are found to exist:

1. *The proposal is allowed under the provisions of the land use codes;*

Relevant Facts

This proposal of a grassy swale has been identified as an accessory use to the larger Avista site, which is classified as a Capital Facility and Utility. This work involves the removal of an existing outfall and the installation of a bio infiltration swale to provide treatment of the stormwater before it enters the River. This is considered maintenance of an existing facility and is permitted, with a Shoreline Substantial Development Permit in the Limited Urban Environment of the Shoreline Master Program, per SMC 17E.060-04.

Additionally, in the City of Spokane Shoreline Master Program, SMC 17E.060.290 states that no use, modification, or development, except for those listed in SMC 17E.060.300, shall be undertaken in the shoreline jurisdiction without first obtaining a shoreline substantial development permit. Substantial developments include any development where the total cost or fair market value exceeds \$5,718.

2. *The proposal is consistent with the Comprehensive Plan designation and goals, objectives and policies for the property;*

Relevant Facts:

The subject property is located in the Land Use Category of *Conservation Open Space* according to the City of Spokane's Comprehensive Plan. This proposal is consistent with the intent of several Comprehensive Plan Policies.

CFU 3 Coordination – Goal: *Promote contiguous, orderly development and provision of urban services through the regional coordination of land use and public services related to capital facilities and utilities.*

CFU 4 Service Provision – Goal: *Provide public services in a manner that facilitates efficient and effective delivery of services and meets current and future demand.*

CFU 4.1 Compact Development: *Promote areas of concentrated development in designated centers to facilitate economical and efficient provisions of utilities, public facilities, and services.*

SMP 4.1 Preservation of Natural Resources - *Preserve and properly utilize the natural resources of the shorelines, including scenic vistas, aesthetics, vegetation, and vital estuarine areas for fisheries and wildlife protection.*

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 10.2 Native Plant Restoration - *Maintain and restore native plant communities within the Shoreline Jurisdiction in order to:*

- ◆ *Ensure no net loss of ecological functions; and*
- ◆ *Improve impaired 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.*

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

Relevant Facts:

The application was circulated on September 3rd, 2015, amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved. This application will be subject to compliance with the various conditions of approval.

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

Relevant Facts:

Originally, comment was offered on this project by the Tribal Historic Preservation Officer of the Spokane Tribe of Indians on September 14, 2015, requesting an archeological survey and sub-surface testing at all construction and staging areas, as

well as an Inadvertent Discovery Plan implemented in the plane of action. However, the applicant had completed a consultation with the Spokane Tribe earlier in the summer, where a monitoring system for the proposed project was agreed to. The Tribe responded that the previously agreed to monitoring plan was sufficient for this work. As in all cases, if any artifacts or human remains are found upon excavation, the THPO office should be immediately notified and the work in the immediate area ceased.

The Department of Historic Preservation responded that the project area may be within a recorded archeological site, indicating that DAHP's site boundaries were never fully delineated and the site was not evaluated. The request was for a professional archeological survey for this project and based on the results, a permit from DAHP may be required. The applicant was able to find the site inventory for the recorded archeological site 45SP213, that DAHP referred to. The applicant believes the proposed project is outside the small area identified in 45SP213. However, DAHP doesn't believe that boundary was well delineated and that the project proposal location has a high potential for containing other archeological sites and should be surveyed.

The City's engineering department provided comments with no concerns, stating that any comments regarding the design of the proposal will be handled with the engineering permit that is currently under review with Planning and Development.

Per the shoreline regulations, SMC Section 17E.060.200 Water Quality and Stormwater, stormwater management facilities shall be developed in such a manner that there is no net loss of shoreline ecological functions or a significant impact to aesthetic qualities or recreational opportunities. The site has not provided much in terms of aesthetics or shoreline function for quite some time. The addition of native landscaping including trees and plants will increase the site's stormwater function and contribution to the shoreline environment.

The project is required to meet the standards outlined in SMC Section 17E.060.490 General Requirements for Shoreline Use and Modifications: Part V. Requirements for Specific Shoreline Uses: Capital Facilities and Utilities and, specifically as these relate to stormwater management. Stormwater facilities shall be built to the standards in chapter 17D.060 SMC and other applicable city standards.

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 effects or interference with the use of the neighboring property or the surrounding area, considering the design and intensity of the proposed use;*

Relevant Facts:

This project has undergone review through the SEPA process. A Determination of Non-Significance is being issued with this decision on November 17th, 2015.

6. *The proposal is consistent with the map, goals and policies of the Shoreline Master Program;*

Relevant Facts:

This proposal is consistent with the map, goals and policies of the Shoreline Master Program. The Shoreline Master Program designates this site as Limited Urban Environment with a 75-foot shoreline buffer from the Spokane River.

The "limited urban" environment is assigned to shoreline areas which seek to accommodate a range and mixture of water-oriented residential, commercial and institutional uses at moderate intensity and density levels, while protecting existing ecological function and restoring ecological functions in areas that have been previously degraded.

The applicant notes that the designation does not accurately reflect the actual conditions of the site, as the site has been planted in irrigation turf to the top of the Spokane Riverbank. Upriver Drive, Mission Avenue and the Centennial Trail have all been constructed within the shoreline area. The existing natural area will remain undisturbed, which the new swale will be revegetated with native and adaptive trees, shrubs, and grasses, bringing the property closer to conformance with its urban conservancy designation.

7. *The proposal is consistent with chapter 90.58 RCW (Shoreline Management Act) and Chapter 173-27 WAC (permits for development on shorelines of the state);*

Relevant Facts: 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 recognizes the interest of the public while enhancing the natural character of the shoreline, results in long term benefit, and increased visual public access to the shoreline. The procedures of Chapter 173-27 of the WAC have been followed.

DECISION – Conditions of Approval

TO APPROVE the Shoreline Substantial Development Permit, subject to conditions, for the construction of a grassy swale; substantially in conformance with the plans and application on file in the Planning & Development Department, and the following conditions of approval:

1. This Shoreline Substantial Development Permit is subject to the compliance of this proposal with all applicable codes and requirements including shoreline regulations, public access, and site coverage;
2. The site shall be developed in compliance with the plans on record and comments received on the project from City Departments and outside agencies with jurisdiction;
3. The contractor is required to have a Construction Stormwater Pollution Prevention Plan (SWPPP) in place prior to and during construction in order to prevent sediment laden stormwater run-off or other pollutants from entering the Spokane River;

Spokane Tribe Conditions:

4. Coordination with the Spokane Tribe of Indians for monitoring on ground of any disturbing activity is required.
5. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning 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;

Additional Conditions:

6. A professional archeological survey is required for this project, per the Department of Historic Preservation.
7. This Shoreline Substantial Development Permit is not transferable to any other property;
8. Construction pursuant to this permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b);
9. Prior to the issuance of building or grading permits for the construction contemplated in this shoreline substantial development permit application, the applicant shall submit evidence to this file that the property owner has signed and caused the "Shoreline Substantial Development Permit Agreement" to be recorded with the Spokane County Auditor's Office.

Expiration:

In compliance with WAC 173-27-090, construction activities shall commence within two years of the effective date of this permit unless an extension has been granted; authorization to conduct development activities shall terminate five years after the effective date of filing.

NOTICE OF RIGHT TO APPEAL

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any aggrieved party may file an appeal of this decision. Decisions of the Planning Director regarding administrative permits (Type II) are final. They may be appealed to the City of Spokane Hearing Examiner within fourteen (14) calendar days of the date of this decision. The date of this decision is the 17th day of November, 2015. In the case of Shoreline Substantial Development Permits, an additional appeal period occurs following filing of the Shoreline Substantial Development Permit with the Department of Ecology. Such appeals may be made to the Shorelines Hearings Board.

The date of the last day to appeal to the City of Spokane Hearing Examiner is the 30th day of November 2015 at 4:00 P.M.

The appeal fee (\$250.00) must be paid in full at the time the appeal is made. The form for filing an appeal is available from the Planning Services Department.

Dated this 17th day of November, 2015

Jamara Palungist for Louis Meuler

Louis Meuler, Interim Planner Director
Planning and Development

By Ali Brast, Assistant Planner