



**DEVELOPMENT SERVICES CENTER**  
808 W. SPOKANE FALLS BLVD.  
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MY.SPOKANECITY.ORG

August 22, 2022

Bouten Construction  
c/o Jake Closson  
627 N Napa Street  
Spokane, WA 99202

Re: Kendall Yards Premera

Planning Application File Number Z22-242SSDP

Dear Mr. Closson,

In accordance with the provisions of the City of Spokane Shoreline Master Program as codified in the Spokane Municipal Code 17E.060, the Kendall Yards Premera Project is hereby granted an administrative Shoreline Substantial Development Permit, subject to conditions, for foundation excavation, landscaping and hardscaping work for the development of a new office building, 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 **September 5, 2022**, 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 Tami Palmquist at (509) 625-6157 or [tpalmquist@spokanecity.org](mailto:tpalmquist@spokanecity.org) if you have any further questions related to this matter.

Tami Palmquist, Principal Planner  
Development Services Center

**Shoreline Substantial Development Permit  
City of Spokane Planning File Number Z22-242SSDP**

**PLANNING DIRECTOR’S FINDING OF FACT, CONCLUSIONS AND DECISION**

**Date:** August 22, 2022  
**Owner:** Greenstone Land Development, LLC, c/o Jim Frank  
**Applicant:** Premera, c/o Ben McGrann  
**Agent:** Bouten Construction, c/o Jake Closson

**Summary of Proposed Action:**

This is a Request for a Shoreline Substantial Development Permit for foundation excavation, landscaping and hardscaping work for the development of a new office building located outside of the Shoreline Jurisdiction. A portion of the excavation and grading is determined to be within the Shoreline Jurisdiction of the Spokane River.

**Location/Context:**

The south side of Summit Parkway, just west of the Monroe Street Bridge; on the north side of the Spokane River. Addressed as 1061 W Summit Parkway.



**Legal Description:**

The site is located on parcel 35183.0803. The property is located in Section 18 Township 25 Range 43E. A full legal description of the subject property is available in the Planning and Development Services Department, located on the 3<sup>rd</sup> Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329.

**Existing Conditions:**

The project site currently is a vacant non-vegetated area that slopes down toward the Spokane River. The Centennial Trail is located to the south of the site, separating the property from the Spokane River.

**FINDINGS OF FACT**

1. Bouten Construction applied for an Administrative Shoreline Substantial Development Permit, Z22-242SSDP for the Kendall Yards Premera Project on June 22, 2022.
2. The subject property is located at 1061 W Summit Parkway, parcel 35183.0803. The proposed office building will be located outside of the Shoreline Jurisdiction; however site excavation

and grading will encroach into the Shoreline Jurisdiction. 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 area as within the Shoreline Urban Conservancy Environment and in the Great Gorge Park District with a 200-foot buffer from the Spokane River.

3. The subject area is located in the Land Use Category of Residential 15-30 according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended.
4. The subject property is zoned Community Business (CB-150). Table 17C.120-1 *Commercial Zone Primary Uses*, permits 'Office' in the Community Business zone, along with their accessory uses which includes parking.
5. The subject property is located in the Shoreline Urban Conservancy Environment. In the Urban Conservancy Environment, non-water oriented commercial development is Limited but allowed through a shoreline substantial development permit, per Table 17E.060-04, *Shoreline Primary Uses*. Non-water oriented commercial uses shall not be allowed unless the site is physically separated from the shoreline by another property or public right-of-way. The City of Spokane owns a parcel that separates the subject parcel from the Spokane River.
6. The application materials pertaining to the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on June 23, 2022. These comments are on record with the Development Services Center.
7. This application was deemed technically complete on July 11, 2022. The Notice of Application was provided to the applicant by email.
8. Notice of the Shoreline Substantial Development Permit application was posted on July 15, 2022. 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 on July 14, 2022.
9. The public comment period for this shoreline substantial development permit was from July 15, 2022, through August 15, 2022. No written public comments were received on this proposal.

## **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

The subject site is zoned CB-150. Office is a permitted use in the Community Business Zone.

The subject site is located in the Shoreline Urban Conservancy Environment. In the Urban Conservancy Environment, non-water oriented commercial development is Limited but allowed through a shoreline substantial development permit, per Table 17E.060-04, Shoreline Primary Uses. Non-water oriented commercial uses shall not be allowed unless the site is physically separated from the shoreline by another property or public right-of-way. The City of Spokane owns a parcel that separates the subject parcel from the Spokane River. The proposed office building will be located outside of the Shoreline Jurisdiction; however site excavation and grading will encroach into the Shoreline Jurisdiction.

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

Relevant Facts:

Specific Comprehensive Plan Policy applicable and supportive of this application:

*LU 5.5 Compatible Development states: 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 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 10.3 Landscaping with Native Plants - Encourage the use of native plant communities for landscaping within the Shoreline Jurisdiction.*

*NE 15.5 Nature Themes – Identify and use nature themes in large scale public and private landscape projects that reflect the natural character of the Spokane region.*

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

Relevant Facts:

The application was circulated on July 15, 2022, amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved.

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:

The site is suitable for development per the site plans submitted with this application. City departments and other agencies reviewed this site plan for physical characteristics of the property. The new office building will be required to meet development standards found in Section 17E.060.500 Commercial Development, 17E.060.840 Design

Standards Specific to the Great Gorge District, 17C.120 Commercial Zones as well as the Kendall Yards Design Guidelines.

The Spokane Tribe reviewed the application and concurred with the recommendations of the cultural survey report in 2005 by Kathy Arneson principal investigator. Ms. Arneson recommended that further subsurface archaeological testing and data recovery is warranted for this location prior to any ground disturbing activities, survey and test excavations as part of the Centennial Trail project (Draper and Andrefsky 1991) resulted in the identification of 37 cultural sites.

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:

A Supplemental EIS was completed for Kendall Yards in March 2006, this supplement was to the Final EIS for Summit Properties dated July 21, 1993. No further environmental studies were required as part of this specific proposed development.

As mentioned above, this proposal was routed for review by applicable departments and agencies. Their findings and recommendations are incorporated into the conditions of approval for this proposal. There will be short term impacts on the site during construction.

Temporary environmental impacts during construction includes noise, dust, and traffic from construction vehicles.

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 Shoreline Urban Conservancy Environment with a 200-foot buffer from the Spokane River.

The purpose of 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.

The City of Spokane owns a parcel that separates the subject parcel from the Spokane River. The Centennial Trail falls within the City owned parcel and runs along the south boundary of the subject parcel. The proposed office building will be located outside of the Shoreline Jurisdiction; however site excavation and grading will encroach into the Shoreline Jurisdiction.

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 and will not impact the natural character of 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 foundation excavation, landscaping and hardscaping work for the development of a new office building located outside of the Shoreline Jurisdiction, 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, setbacks 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 Shoreline Master Program, SMC 17E.060 and SMC 17E.020 require no net loss of shoreline ecological functions that could result from the proposal. A vegetation replacement plan will be required if any native vegetation is removed.
4. The Spokane Tribe recommended that further subsurface archaeological testing and data recovery is warranted for this location prior to any ground disturbing activities. The applicant shall work with the Spokane Tribe to satisfy their concerns specific to the project area.
5. If any artifacts or human remains are found upon excavation, The Spokane Tribe of Indians and the City of Spokane shall 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.
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. All Stormwater and surface drainage generated from re-development shall be disposed of onsite in accordance with recommendations of SMC 17D.060 Stormwater Facilities, the Spokane Regional Stormwater Manual, the City Design Standards, and the Project Engineer's recommendations for the re-development.
8. 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;
9. This Shoreline Substantial Development Permit is not transferable to any other property;
10. 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); and

11. 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 22<sup>nd</sup> day of August 2022. In the case of Shoreline Substantial Development Permits, an additional 21 day 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 5th day of September 2022 at 5:00 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 22<sup>nd</sup> day of August 2022.



Spencer Gardner  
Director of Planning Services

By Tami Palmquist, Principal Planner