

**PLANNING AND DEVELOPMENT SERVICES DIRECTOR'S  
FINDING OF FACT, CONCLUSIONS AND DECISION, File #Z19-071CUP2**

Spokane International Airport: Request for a conditional use permit to remove 7,418 square feet of existing onsite wetlands. Compensatory mitigation is proposed to be achieved through purchase of wetland credits from the Meadowcroft Wetland Bank located in Stevens County, Washington, in accordance with the submitted Wetland Mitigation Bank Use Plan.

The site is located at the northeast corner of Airport Drive and Tower Road on the following described property:

*NE ¼ NE¼ OF SECTION 31, TOWNSHIP 25N, RANGE 42E, SPOKANE COUNTY, WA.*

**FINDINGS OF FACT**

1. The subject property is located in the LI (Light Industrial) Zone. Commercial Parking is allowed in the LI zone.
2. The area in which the site is located is designated Light Industrial according to the City of Spokane's Comprehensive Plan Land Use Plan Map adopted by City Council on May 21, 2001.
3. On February 26, 2019, a request for comments was sent by the Development Services to agencies with interest in the proposed project.
4. Comments regarding the application were received from Randy Abrahamson of the Spokane Tribe, State of Washington Department of Ecology and City of Spokane Department of Engineering Services.
5. Notice of the Conditional Use Permit application was posted on the site, local and downtown library and City Hall on April 26, 2019. Notices were also mailed to surrounding property owners, taxpayers and residents within 400 feet of the subject property, as specified on the Notification District Map, on April 25, 2019. There was one written comment received from the public expressing support of the proposal.

**CONCLUSIONS AND DECISION CRITERIA – CONDITIONAL USE PERMIT**

**SMC Chapter 17G.060.170**

The intent of the conditional use permit criteria 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 conditional use 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: SMC Chapter 17E.070 Spokane Wetlands Protection Code provides standards for preserving, protecting and restoring wetlands through the regulation of

development and other activities within wetlands and their buffers. The code is established to meet the required goal of no net loss of wetland areas, functions and values.

Under subsection 17E.070.160 Administration, the Planning Director is given the duty to administer and interpret the wetlands code and to review and analyze all applications for wetland permits. Section 17E.070.040 Regulated Activities requires a conditional use permit for activities which occur in a wetland or its buffer. Conditional use permits that are subject to review and approval by the Planning Director are Type II permits that are subject to the administrative procedures set forth in Chapter 17G.010 SMC.

Regulated activities listed under SMC 17E.070.040.A. include: Removal, excavation, grading or dredging of soil, sand, gravel; draining or flooding, or disturbing of the water level or water table; removal, cutting, clearing, harvesting, shading or intentional burning of any vegetation, including removal of snags or dead or downed woody material, or planting of non-native vegetation that would degrade the wetland, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules; and, activities that restrict, increase or otherwise measurably alter the hydrology, water quality or limnology of the wetland.

The applicant has submitted an application in accordance with SMC 17E.070.080 including a wetlands report, a topographic survey, additional site plan information and a proposed wetland mitigation plan.

The existing wetlands are classified as a Category IV wetland according to SMC 17E.070.100.C. Category IV wetlands are described as "...wetlands have the lowest levels of function (less than sixteen points) and are often heavily disturbed. These are wetlands that may be replaced and in some cases improved. These wetlands may provide some important function, and also need to be protected. Category IV wetlands are comprised of one vegetative class other than the forested wetland class."

SMC 17E.070.130 provides standards for wetland mitigation in order to offset the impacts resulting from proposed activities such as those involved in this application. According to this section of the SMC, wetland mitigation "means the use of any or all of the following action listed in descending order of preference (mitigation sequencing):

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; or
6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation may include a combination of the above measures."

This conditional use permit involves a request to remove 7,418 square feet of existing onsite wetlands. Compensatory mitigation is proposed to be achieved through purchase of wetland credits from the Meadowcroft Wetland Bank located in Stevens County, Washington, in accordance with the submitted Wetland Mitigation Bank Use Plan. The wetland report and mitigation plan submitted with the conditional use permit application are consistent with the requirements of SMC Chapter 17E.070 Wetlands Protection, and were reviewed and approved by Jacob McCann, Department of Ecology, on August 8, 2018. Subject to the conditions contained in this decision, the application is allowed under the provisions of the land use codes.

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

Relevant Facts: SMC Chapter 17E.070 Wetlands Protection is based on and implements the City of Spokane Comprehensive Plan. The purpose of the standards is to protect the public health, safety and welfare by preserving, protecting and restoring wetlands through the regulation of development and other activities within wetlands and their buffers.

The property is designated Light Industrial on the Comprehensive Plan Land Use Plan Map. The site will be developed as additional parking for the Airport.

Subject to the conditions contained in this decision and development of the site in compliance with the requirements of the Spokane Municipal Code, the proposal is consistent with the Comprehensive Plan.

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

Relevant Facts: There is no concurrency requirements associated with this application. However, concurrency will be addressed at the time of building permit application for new development on the site.

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 the proposed use. Please see the Applicant's narrative for more information.

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: The subject proposal was reviewed under the requirements of the State Environmental Policy Act and SMC Chapter 17E.050. A Determination of Nonsignificance was issued on January 23, 2019.

## **DECISION**

TO APPROVE the conditional use permit, subject to conditions, to remove 7,418 square feet of existing onsite wetlands located on the northeast corner of Airport Drive and Tower Road, substantially in conformance with the plans and application on file in the Development Services Center, and the following conditions of approval:

1. 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.
2. If drywells are utilized, they will need to be tested to insure design infiltration rates are met. In accordance with State Law, existing and proposed Underground Injection Control (UIC) structures need to be registered with the Washington State Department of Ecology. Proof of registration must be provided.
3. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards, and, per the Project Engineer's recommendations.
4. Construction plans for stormwater improvements must be designed by a Professional Engineer, licensed in the State of Washington.
5. All parking areas and driveways shall be hard surfaced.
6. Department of Ecology Water Quality Program:
  - a. You should add the parking lot addition to the Stormwater Pollution Prevention Plan. Ecology's Water Quality program is in the process of issuing a new stormwater permit for the site. If the parking lot addition adds discharge into the stormwater collection and management system, the revised permit (in progress) should cover it.
  - b. For more information, please contact Diana Washington in the Water Quality Program at (509) 329-3519 or via email at [Diana.Washington@ecy.wa.gov](mailto:Diana.Washington@ecy.wa.gov)
7. The Spokane Tribe of Indians has recommended an Inadvertent Discover Plan. If any artifacts or human remains are found upon excavation activity the Tribal Historic Preservation Officer is to be notified and the excavation is to immediately cease. Should additional information become available our assessment may be revised. If there are questions, please contact Randy Abrahamson at (509) 258-4222.

Prior to the issuance of building permits for the construction contemplated in this conditional use permit application, the applicant shall submit evidence to this file that the property owner has signed and caused the "Conditional Use Permit Agreement" to be recorded with the Spokane County Auditor's Office.

## **NOTICE OF RIGHT TO APPEAL**

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any party of record may file an appeal of this decision. Decisions of the Planning Director regarding administrative conditional use permits 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 16th day of May, 2019.

**The date of the last day to appeal is the 30th day of May, 2019 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 16<sup>th</sup> day of May, 2019.



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Office of Neighborhood and Planning Services

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