

**Shoreline Substantial Development Permit  
City of Spokane Planning & Development  
File Number Z1400017-SSDP**

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

**Date:** June 9, 2014

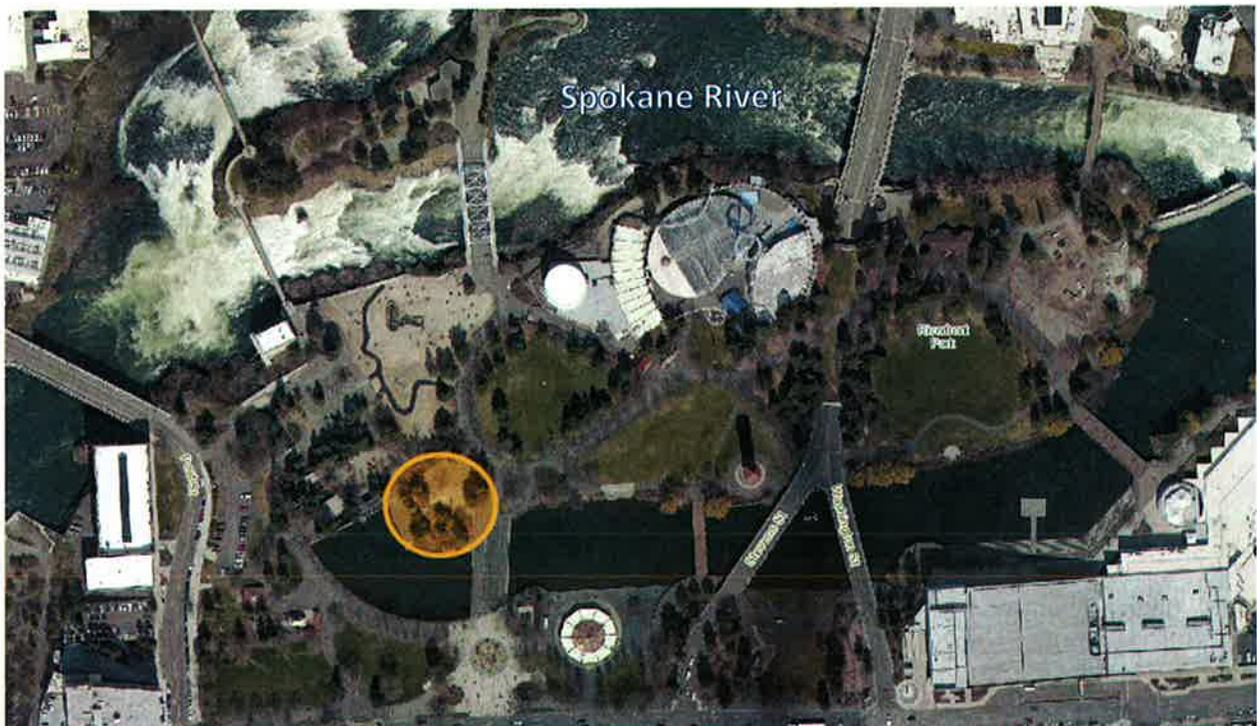
**Applicant:** Sister Cities Association of Spokane

**Summary of Proposed Action:**

This is a Request for a Shoreline Substantial Development Permit for improvements to Riverfront Park. The Sister Cities Association, together with the City of Spokane Parks & Recreation Department, plans to make improvements to what was once the Expo '74 Japanese Pavilion Site. This project consists of refurbishing and re-landscaping of portion of Riverfront Park north and west of Howard Street Bridge. The project will have signage, sculptures, and landscaping to educate the public about Spokane's Sister Cities relationship. Eventually, the Sister Cities hopes to add sculptures representing each of its Sister Cities. Construction activities will include removal of old concrete and water feature; grading of the site; addition of new concrete walkways, trees, shrubs, signage and seating. This permit is for plans substantially in conformance with the plans dated 12/19/13 and application on file in Planning and Development.

**Location/Context:**

The project is located north of Spokane Falls Boulevard, across the south channel of the Spokane River and west of the old Howard Street Bridge. The site address of the entire parcel is 610 W. Spokane Falls Boulevard, Spokane, WA 99201, or 510 N. Howard Street for the existing garden area. The existing land use consists of Riverfront Park.



**Figure 1: 2012 Aerial View. Yellow outline indicates location of proposed project boundaries.**

**Legal Description:**

The site is on a small portion of a larger parcel, number 35185.0041. The property is located in Section 18 Township 25 Range 43E. A full legal description of the subject property is available in Planning and Development, located on the 3rd Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329.

**Existing Conditions:**

The site is located in Riverfront Park along the north side of the south channel of the Spokane River, west of the Howard Street Bridge. Recreational uses along the shoreline in this area include walking and biking. The site was once the Expo '74 Japanese Pavilion site, but has not been actively programmed to its highest potential for some time.

**FINDINGS OF FACT**

1. Sister Cities Association of Spokane applied for an Administrative Shoreline Substantial Development Permit, Z1400017-SSDP for the Sister Cities Garden Project on March 31, 2014.
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 area as Urban Intensive Environment with a 50-foot buffer from the Spokane River.
3. The subject property is located in the Land Use Category of *Open Space* 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 located in the base zone DTG-150 (Downtown General with a 150-foot height limitation) Zone. Parks and Open Space uses are allowed outright in the Downtown zones under Spokane Municipal Code (SMC) Table 17C.124-1, Downtown Zone Primary Uses.
5. This site is located within the SMP Downtown Design District and subject to the design standards as described in SMC Section 17E.060.810 Standards and Guidelines Specific to the Downtown, Campus, and Great Gorge Districts and SMC Section 17E.060.820 Standards and Guidelines Specific to the Downtown District.
6. 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. The subject property is also located within a designated Riparian Habitat Area (250 feet from OHWM). The applicant completed a City of Spokane Critical Area's Checklist on March 27, 2014.
7. A portion of the project is located within the 100-Year FEMA Flood Zone and a majority of the project is within the 500-Year FEMA Flood Zone.
8. All public projects are subject to review and comment by City of Spokane Design Review Board. However, City Parks that propose construction or development that does not increase the size of the park, or substantially change the physical or visual aspect of the park are exempt for the review process. The project was reviewed and approved by the Spokane Arts Commission on January 24, 2012, and the Spokane Parks Board on April 14, 2011.
9. This project was found to be categorically exempt from SEPA when it was submitted for review.

10. The application materials pertaining to the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on April 7, 2014. These comments are on record with Planning and Development.
11. This application was deemed technically complete on April 25, 2014. Notice of Application was provided to the applicant by email on April 25, 2014.
12. Notice of the Shoreline Substantial Development Permit application was posted in Riverfront Park at the subject site, at the downtown library and City Hall on May 2, 2014. 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 May 1, 2014. The Riverside Neighborhood Council was also notified.
13. The public comment period for this shoreline substantial development permit was from May 2, 2014 to June 2, 2014. There were no public comments 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: Parks and Open Areas are permitted outright in the Downtown zones under Spokane Municipal Code (SMC) Table 17C.124-1, Downtown Zone Primary Uses. This project proposes to enhance the shoreline environment with native vegetation, pedestrian linkages to existing trail systems through Riverfront Park, improved public access to the river and removal of impervious materials from within the shoreline buffer.

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 *Open Space* according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended. This proposal is consistent with the intent of several Comprehensive Plan Policies.

**Open Space:** *This designation includes major publicly or privately owned open space areas, such as golf courses, major parks and open space areas, and cemeteries. These areas usually have facilities for active and passive recreation and include paved and unpaved roads, parking lots, hard surface trails, and buildings and facilities that support activities occurring in the open space area.*

**LU 2.1 Public Realm Features** - *Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.*

**LU 5.4 Natural Features and Habitat Protection** - *Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.*

**PRS 2.3 Urban Open Space Amenities** - Continue to develop urban open space amenities that enhance the local economy. Discussion: Urban open space amenities include trails, interpretive areas, plant materials, public squares, viewpoints and interpretive signage, and provide benefits to both residents and visitors.

**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 7.5 Interpretive Signage** - Encourage installation of new markers and/or interpretive signage reflecting the history and culture of the shorelines, as well as continued maintenance of existing historical and cultural markers throughout the shoreline area.

**SMP 8.2 Access and Shoreline Ecological Functions** - Assure that public access improvements result in no net loss of shoreline ecological functions.

**SMP 8.3 Access in the Central Business District** - Enhance public access to the river in the Central Business District shoreline area in the form of plazas, vistas, pedestrian ways, and promenades, or other means.

**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 10.7 Ecological Connectivity** - Require ecological viability and connectivity through habitat islands and corridors in restoration efforts that encompass fish and wildlife areas.

**SMP 11.28 Use of Natural Materials** - Encourage the use of natural materials rather than artificial materials in the construction of erosion controls.

**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 April 7, 2014, 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: Comment was offered on this project by the Tribal Historic Preservation Officer of the Spokane Tribe of Indians on April 21, 2014. 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 project is required to meet the standards outlined in SMC Section 17E.060.810 Standards and Guidelines Specific to the Downtown, Campus, and Great Gorge Districts and SMC Section 17E.060.820 Standards and Guidelines Specific to the Downtown District, specifically as these relate to stormwater management, LID, and the requirement for the use of impervious surfaces.

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 was found to be exempt from SEPA upon review.

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. This site is located in the area designated by the Shoreline Master Program as Urban Intensive Environment and the Downtown Design District. The "intensive urban" environment is assigned to shoreline areas at the heart of the city that are appropriate and planned for a multiplicity of high-intensity water-oriented urban, residential, commercial, office, and industrial land uses. The density and intensity of uses within this environment are balanced with a mix of open space and recreational and cultural facilities.

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, increases public access both visual and physical to the shoreline, and increases passive recreational opportunities for the public in 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 creation of the Sister Cities Garden in Riverfront Park; substantially in conformance with the plans and application on file in Planning and Development, 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, building height, bulk, 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 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. An inadvertent discovery plan implemented into the scope of work plan;
5. Erosion – monitoring plan implemented after the work is completed;
6. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and Planning and Development 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:**

7. A Floodplain Permit will be required to be submitted with the Building Permit Application for any work proposed within the 100-Year FEMA Flood Zone;
8. This Shoreline Substantial Development Permit is not transferable to any other property;
9. 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);
10. 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 and Development 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 and Development 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 9th of June, 2014. 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 23rd day of June 2014 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 Planning and Development.

Dated this 9th day of June, 2014.



Scott Chesney, AICP  
Director of Planning and Development

By Tami Palmquist, AICP, Associate Planner

CITY OF SPOKANE