

**Shoreline Substantial Development Permit
City of Spokane Planning File Number Z19-536SSDP**

PLANNING DIRECTOR'S FINDING OF FACT, CONCLUSIONS AND DECISION

Date: March 20, 2020

Applicant: City of Spokane

Summary of Proposed Action:

The application for a Shoreline Substantial Development Permit involves improving an existing nonconforming gravel parking lot that is located at the junction of the South Gorge Trail and the Sandifur pedestrian bridge. The gravel parking lot is routinely filled to capacity and this work will pave and stripe the parking lot, provide native landscaping and necessary stormwater treatment, bringing it into compliance with current development regulations. In addition, the portion of the project closest to the river will include a trail segment connecting that portion of the South Gorge trail constructed in 2019 to the existing Sandifur pedestrian bridge. Finally, an informal river access trail just north of the parking lot and east of Sandifur bridge will be formalized by way of a concrete path from the proposed trail northward, terminating just above the ordinary high water mark.

Location/Context:

The project is located at the junction of the South Gorge Trail and the Sandifur pedestrian bridge. The site addresses are 2790 W Riverside Ave and 114 S A St northeast of the Upriver Dr and North Center St intersection. The existing site is roughly 1 acre and consists of a gravel parking lot. Existing surrounding land uses include vacant land owned by the City of Spokane to the west, the Spokane River to the north, and residential uses up the hill to the east. The proposed improvements will enhance the pedestrian access to and around the site through the trail connections and will bring an existing nonconforming parking lot into conformance with current development standards through paving, plantings and stormwater treatment.

Legal Description:

The site is located on parcels 25242.1201, 25231.1101, and 25231.1102. The property is located in Section 23 Township 25 Range 42E and Section 24 Township 25 and Range 42E. 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 Sandifur Bridge and the Centennial Trail to the North and the Peaceful Valley Trail to the West. Recreational uses along the shoreline in this area include walking and biking and the existing gravel parking lot is a trail head for much of that activity. This site is in the Peaceful Valley Neighborhood.



Figure 1: 2018 Aerial View. Green overlay indicates Shoreline Buffer, Purple is Shoreline Jurisdiction.

FINDINGS OF FACT

1. The City of Spokane Engineering Department applied for an Administrative Shoreline Substantial Development Permit, Z19-536SSDP for the South Gorge Parking Lot Project on December 12, 2019.
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 an Urban Conservancy Environment with a 200-foot buffer from the Spokane River. The site is in the Great Gorge Park Shoreline District.
3. The subject property is located in the Land Use Category of *Conservation Open Space* according to the City of Spokane's Comprehensive Plan, which was last amended in April of 2018.
4. The subject property is located in the base zone RSF (Residential Single Family). This development requires a Shoreline Substantial Development Permit per Table 17E.060-04 which indicates that parking, accessory to a permitted use is allowed. The permitted use is the adjacent, previously permitted Peaceful Valley Trail and other adjacent recreational uses.
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 portion of the proposal may be located within the 100 Year FEMA Flood Zone.

7. A Determination of Non-Significance (DNS) was issued on April 5, 2017; Lead Agency, City of Spokane Engineering, Kyle Twohig, Engineering Operations Manager, Responsible Official. This was one of multiple projects included in the environmental review.
8. The application materials pertaining to the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on January 24, 2020. These comments are on record with the Planning & Development Department.
9. This application was deemed technically complete on January 24, 2020. Notice of Application was provided to the applicant by email.
10. Notice of the Shoreline Substantial Development Permit application was posted on Riverside Ave, at the downtown library, and in City Hall on January 30, 2020. 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 West Central, Peaceful Valley, West Hills, Latah/Hangman, and Browne's Addition Neighborhood Councils were also notified.
11. The public comment period for this shoreline substantial development permit ran from January 31, 2020 to March 2, 2020. One comment was received in support of the project, another comment was received thanking the City for the improvement and requesting security cameras be installed in the area.

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 an improved parking lot has been identified as Parking Accessory to a Permitted Use, i.e., the adjacent trail, which is classified as Parks and Open Space. Parks and Open Space are permitted outright in the Residential Zones under Spokane Municipal Code (SMC) Table 17C.110-1

The City of Spokane Shoreline Master Program designates this area as Urban Conservancy Environment. SMC Table 17E.060-4 permits Parking accessory to a Permitted Use within all environmental designations with a shoreline substantial development permit or exemption from such a permit. Due to the scope of this project, it is found not to be exempt from a Shoreline Substantial Development Permit and requires this Administrative Shoreline Substantial Development Permit

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

Relevant Facts:

This proposal is consistent with the intent of several Comprehensive Plan Policies. The proposal is to bring an existing gravel parking into conformance with current development standards by paving and providing landscaping and necessary stormwater treatment. The project scope also includes a trail segment connecting that portion of the South Gorge trail constructed in 2019 to the existing Sandifur pedestrian bridge. Finally, an informal river access trail just north of the parking lot will be formalized through a concrete path, terminating just above the ordinary high water mark.

This site is designated on the Land Use Map as Conservation Open Space. The Comprehensive plan policy **LU 6.2 Open Space** includes discussion of Open Space:

Open Space: *Open Space 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.*

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 December 19, 2019, 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:

Due to the river access portion of the proposal likely causing disturbance along the Ordinary High Water Mark and the stair installation below the 100 year flood elevation, Department of Fish and Wildlife requested a Hydraulic Project Approval permit.

The Department of Ecology requested native dryland grass hydro seed be utilized along the shoulders of the Sandifur River Access, as it is located in the Shoreline Buffer.

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, as it's been utilized as a gravel parking lot. The addition of native landscaping including trees and plants will increase the site's stormwater function and contribution to the shoreline.

The project is required to meet the standards outlined in SMC Section 17E.060.600 General Requirements for Shoreline Use and Modifications: Part V. Requirements for Specific Shoreline Uses: Transportation Facilities 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 was issued on April 5, 2017.

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

The "Urban Conservancy" environment is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological function of the area and that are generally not suitable for water-dependent uses.

The project proposal involves improving an existing nonconforming parking lot to meet development standards. This will include proper stormwater treatment and native landscaping. No aspects of the proposal are water dependent, therefore the proposal furthers the goals and purpose of the environmental designation. The site has been substantially disturbed due to cars parking on an unimproved lot, so the addition of natural vegetation will bring the site closer into compliance with shoreline goals and policies, while also increasing the ecological function to the site.

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 improvement of an existing gravel parking lot in the shoreline buffer, a trail connection between the existing trail and the Sandifur pedestrian bridge, and the formalization of a river access trail terminating just above the Ordinary High Water Mark; 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. A Hydraulic Project Approval permit is required from Department of Fish and Wildlife;
4. Per Department of Ecology, ensure native dryland grass hydro seed is utilized along the shoulders of the Sandifur River Access, as it's in the Shoreline Buffer;
5. Per the Fire Department, emergency access to the trail will only allow brush rigs and (possibly) ambulances to enter the trail due to its width;
6. 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;
7. A Floodplain Permit may be required for this proposal. If it is required, an application is 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 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 March 20, 2020. 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 3rd day of April 2020 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 20th day of March 2020

DocuSigned by:

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Louis Meuler, Interim Planner Director
Planning and Development

By Ali Brast, Assistant Planner