

**Shoreline Substantial Development Permit  
City of Spokane Planning File Number Z17-356 SSDP**

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

**Date:** August 8, 2017

**Applicant:** Avista & City of Spokane, Parks & Recreation

**Summary of Proposed Action:**

Request for a Shoreline Substantial Development Permit to restore the South Hill Bluff from damages sustained from an unplanned 1.5 mile road cut into the hillside, located within High Drive Park; substantially in conformance with the plans and application on file in the Planning & Development Services Department. The agencies agreed that immediate action to restore the road needed to be completed in May to prevent further damage. The plan was to restore the area to prior contours including the slope, trail network, and cover with native plants. Erosion control measures, site surveys, cultural survey, draft restoration plan was initiated, and a community meeting was held.

**Location:**

The location of this site is within High Drive Park on the east side of Latah Creek, west of High Drive, south of Inland Empire Way, and north of Qualchan Golf Course. The restoration area is approximately 1.5 miles long, 20 feet wide and spans multiple parcels, including one privately owned parcel.

Parcel Numbers: 35312.0002; 35313.0003; 35313.0002; 35313.0016; 35314.0005; 35314.0007; 34061.0002; 34061.0067; and 35313.0007.

*A Portion of the SW Section 31, Township 25N, Range 43 E.W.M in the City and County of Spokane.*

**Existing Conditions:**

The current use of the site is a combination of City of Spokane Conservation Lands, private lands, a two track dirt path, and an easement area for Avista's transmission line. Mountain bikers, hikers, trail runners, dog walkers and other recreationists use the area. Adjacent properties include High Drive and a residential neighborhood area.

**Zoning/Overlays/Environmental Designations:**

- The site is zoned RSF (Residential Single Family).
- The land use designation is Conservation Open Space & Potential Open Space.
- This site is adjacent to Latah Creek; which is designated as a shoreline of statewide significance; a portion of the project area lies within Shoreline Jurisdiction under the Shoreline Master Program.
  - The Shoreline Environmental designation is the Natural Environment
  - The Shoreline Buffer is 200 feet
- This site lies within Critical Areas: Fish and Wildlife Habitat Area 6

## **FINDINGS OF FACT**

1. Avista and The City of Spokane, Parks & Recreation Department requested an Emergency Shoreline Exemption on April 24, 2017, to immediately implement the restoration process for an unpermitted road constructed through High Drive Park on April 10 & 11, 2017.
2. Avista held a Core Team stakeholder, planning and update meeting on April 26, 2017, to discuss the current status of erosion control measures, surveying, restoration planning and anticipated follow up work.
3. Avista and Parks held a stakeholder and interested parties meeting on May 8, 2017, to discuss the restoration efforts and go over the draft plan.
4. Restoration field work began on May 15, 2017, and was completed on June 9, 2017.
5. As required by an emergency exemption, Avista then applied for an Administrative Shoreline Substantial Development Permit, Z17-356 SSDP to restore the bluff on May 26, 2017.
6. The project area is located east of Latah Creek; which 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 Natural Environment.
7. The subject property is located in the RSF (Residential Single Family) Zone. Parks and Open Areas are allowed outright in the RSF zone under Spokane Municipal Code (SMC) Table 17C.110-1, Residential Zone Primary Uses.
8. The subject property is located in the designated Conservation Open Space and Potential Open Space land use according to the City of Spokane's Comprehensive Plan, adopted by City Council on May 21, 2001.
9. The subject property is located within the Riparian Habitat Zone 6 as designated in Spokane Municipal Code Chapter 17E.020, Fish and Wildlife Conservation Areas. The subject property is located within a designated Riparian Habitat Area (250-feet from OHWM). A City of Spokane, Critical Area's Checklist was completed by the applicant on May 26, 2017.
10. The application materials pertaining to the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on June 2, 2017. These comments are on record with the Planning & Development Services Department.
11. This application was deemed technically complete on June 19, 2017. Notice of Application was provided to the applicant on June 19, 2017.
12. Notices of the Shoreline Substantial Development Permit application were posted on the site, at High Drive and 37<sup>th</sup> Avenue, at the Downtown and South Hill libraries and City Hall on June 28, 2017. 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 June 27, 2017. The Latah/Hangman, Cliff Cannon, Manito/Cannon and Comstock Neighborhood Councils were also notified.
13. A few letters of public comment were received on this project. Avista and the Parks Department maintained a website for constant notification and updates throughout

the process. Comments were received via the website as well. They are all on file with Planning & Development Services.

14. A SEPA Determination of Non-Significance (DNS) was issued by City of Spokane Planning and Development Services on August 8, 2017.

## **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 RSF zone under Spokane Municipal Code (SMC) Table 17C.110-1 Residential Zone Primary Uses.

The City of Spokane Shoreline Master Program designates this area as Natural Environment. SMC Table 17E.060-3 permits Shoreline Habitat and Natural Systems Enhancement Project activity within all environmental designation, with a shoreline substantial development permit or exemption from such a permit. Due to the scope of this project, it is found not exempt from a Shoreline Substantial Development Permit and requiring 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.

This site is designated on the Land Use Map as Conservation Open Space and Potential 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.*

Comprehensive Plan Policy **PRS 2.3 Urban Open Space Amenities** reads:

*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, view points and interpretive signage, and provide benefits to both residents and visitors.

The proposal meets the intent of the Spokane Shoreline Master Program (SMP) and is consistent with the policies of the Shoreline Management Act (SMA). The SMA and SMP promote the restoration of shorelines to the natural environment to further increase and protect the ecological functions of the area.

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

Relevant Facts: This application is exempt from concurrency requirements under SMC Section 17D.010.030 (E) (6).

*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: Once it was discovered that the road was constructed the City and Avista organized multiple site visits with Parks, Planning and local and state agencies with jurisdiction. The site was walked multiple times to identify strategies for restoration. Avista established a Core Team made up of city departments, state agencies, Friends of the Bluff representatives, private land owner representatives, and interested neighbors. This Core Team met on April 26<sup>th</sup> to discuss the status and restoration planning. A draft plan was sent out on May 5<sup>th</sup> for comments. Avista held a stakeholder and interested parties meeting on May 8<sup>th</sup> to receive feedback in order to finalize the restoration plan. The final plan was distributed May 12<sup>th</sup> and plan implementation began May 15<sup>th</sup>.

The Restoration Plan dated May 12, 2017, was submitted as a component of the application for this Shoreline Substantial Development Permit. It includes a description of restoration work and vegetation to be replaced. The site is located on the bluff adjacent to Latah Creek. The site is also located within High Drive Park so the restoration of passive recreation at this site is a suitable use. No additional agency comments or conditions were received for this project.

*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 DNS was issued on August 8, 2017.

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

**Relevant Facts:**

This site is located in the area designated Natural Environment in the Shoreline Master Program. Under SMC Table 17E.060-3, Shoreline Habitat and Natural Systems Enhancement Project activity is permitted in this area. This proposal is consistent with the map, goals and policies of the Shoreline Master Program.

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 restoring the natural character of the shoreline, restoring public access both visual and physical to a publicly owned area of the shoreline, and preserves passive recreational opportunities for the public in the shoreline. The procedures of Chapter 173-27 of the WAC have been followed.

**DECISION**

TO APPROVE the Shoreline Substantial Development Permit, subject to conditions, for the natural restoration of a 1.5 mile long unplanned road; substantially in conformance with the plans and application on file in the Planning & Development Services 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;
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. In compliance with SMC 17E.060.260, a Restoration Plan for the purposes of Vegetation Replacement, dated May 12, 2017, was prepared for this proposal. The Restoration Plan has been reviewed by City Departments and outside agencies with jurisdiction, including the Washington State Department of Ecology, the Washington State Department of Fish & Wildlife, and the Spokane Tribe of Indians. The Restoration Plan includes a plan for maintenance and monitoring for a period of five years, with a 7<sup>th</sup> year follow up inspection.

**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 6th of June, 2011. 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 22nd day of August, 2017 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 8th day of August, 2017.



Lisa D. Key, Planning Director  
Planning and Development

By Tami Palmquist, Associate Planner  
Planning Services Department