

**Chapter 17E.060 Spokane Municipal Code
Shoreline Regulations**

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Article I. General Provisions

17E.060.010 Authority

Authority for enactment and administration of the City of Spokane Shoreline Master Program (SMP) is the Washington State Shoreline Management Act (SMA) of 1971, Chapter 90.58, Revised Code of Washington (RCW), also referred to herein as "the Act" or SMA; the Shoreline Master Program Planning Guidelines, WAC 173-26; and Shoreline Management Permit and Enforcement Procedures, WAC 173-27.

17E.060.020 Title

These regulations and amendments thereto shall be known and may be cited as Chapter 17E.060 of the Spokane Municipal Code and referred to as the "Shoreline Regulations," or "SMP Regulations."

17E.060.030 Purpose

The purpose of these Shoreline Regulations is to:

- A. Provide for the management of the City of Spokane shorelines by planning for and fostering all reasonable and appropriate uses of the shorelines.
- B. Ensure the development of the shorelines in a manner which, while allowing for the limited reduction of the rights of the public in shoreline areas, will promote and enhance the public interests.
- C. Provide protection against adverse effects to the public health and welfare while protecting, generally, public rights of navigation.
- D. Preserve, to the greatest extent feasible, consistent with the overall best interest of the state and its people, the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the state.
- E. Preserve and protect the ecological functions of the shoreline to assure maintenance of water quality, fish and wildlife habitat.
- F. Maintain and enhance the aesthetic characteristics and values of the shoreline.
- G. Recognize and protect property rights consistent with the public interest.
- H. Implement the following laws or the applicable elements of the following:
 - 1. Shoreline Management Act, RCW 90.58;
 - 2. Growth Management Act, RCW 36.70A;

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3. Shoreline Guidelines, WAC 173-26;
 4. Shoreline Management Permit and Enforcement procedures, WAC 173-27; and
 5. City of Spokane Comprehensive Plan.
- I. To administer protection of critical areas within Shoreline Jurisdiction that is equal to or more protective than the City of Spokane Critical Areas Ordinances.

17E.060.040 Liberal Construction

As provided for in RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction. The Act, the entire Shoreline Master Program, and these Shoreline Regulations shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act, the SMP and these Shoreline Regulations were enacted and adopted, respectively.

17E.060.050 Shoreline Jurisdiction

- A. The “Shoreline Jurisdiction” shall refer to the shoreline areas of the Spokane River and Latah Creek within the Spokane City limits where the Shoreline Regulations shall apply, the general boundaries of which are illustrated on the Shoreline Jurisdiction Map, SMC 17E.060.060. In the event that any of the boundaries on the Shoreline Jurisdiction Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control.
- B. The Shoreline Jurisdiction Map generally depicts the extent of the Shoreline Jurisdiction, but the extent of Shoreline Jurisdiction on an individual lot, parcel or tract is to be determined by field investigations and a survey and is the sole responsibility of the project applicant/owner. Said investigation/survey shall be included in shoreline permit application submittals to determine the extent of Shoreline Jurisdiction.
- C. The Shoreline Jurisdiction shall include:
1. All water bodies and land underlying these water bodies within the City of Spokane qualifying as “shorelines of the state,” pursuant to the SMA, RCW 90.58.030(2)(c). In the City of Spokane, shorelines of the state are the Spokane River and Latah Creek within the Spokane City limits;
 2. All upland areas, also referred to as “shorelands,” that extend 200 feet landward in all directions on a horizontal plane from the edge of the ordinary-high-water mark of the Spokane River and Latah Creek within the Spokane City limits; and

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3. Any associated wetlands, floodways, and some or all of the 100-year floodplain, including all wetlands within the 100-year floodplain of the Spokane River and Latah Creek within the Spokane City limits.
- D. All property located within the Shoreline Jurisdiction shall be subject to both the requirements of the applicable zone classification and to the requirements imposed by these Shoreline Regulations.
- E. The provisions of the City of Spokane Critical Areas Ordinances do not extend Shoreline Jurisdiction beyond the limits specified in the SMP.
- F. When a critical area, other than an associated wetland, overlaps into the Shoreline Jurisdiction or is partly within and partly outside of the Shoreline Jurisdiction, the buffer and/or setback from the portion of the critical area that is outside of the Shoreline Jurisdiction is subject to the Critical Areas Ordinances, but not these Shoreline Regulations.
- G. If a project includes land within the Shoreline Jurisdiction as well as adjacent lands, only the portion of the project within the Shoreline Jurisdiction must meet the SMA and SMP regulations and standards (e.g. height limit, lot coverage, etc). However, projects that include land in the Shoreline Jurisdiction as well as adjacent areas shall include consideration of the environmental impacts of the entire project.

17E.060.060 Shoreline Maps

- A. The shoreline maps are the graphic representation of the City's shorelines that are regulated by these Shoreline Regulations. Boundaries depicted on these maps are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on these maps.

The shoreline maps include, but are not limited to:

1. Shoreline Jurisdiction;
 2. Shoreline Environment Designations;
 3. Shoreline Buffers; and
 4. Shoreline Districts.
- B. The shoreline maps are a regulatory overlay to the underlying zoning and provide a framework for allowing certain uses and implementing shoreline policies and regulations.
 - C. In cases where development on a shoreline crosses or overlaps two different shoreline regulatory overlays, the more protective requirements shall apply. If

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disagreement develops as to the exact location of a shoreline designation boundary line, the following rules shall apply:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed;
 2. Boundaries indicated as approximately following streets or railways shall be respectively construed to follow their centerlines;
 3. Boundaries indicated as approximately parallel to or extensions of features indicated in 1. or 2. above shall be so construed; and
 4. Boundaries indicated as approximately occurring at definite changes in topography, geology, soils, or vegetative cover shall be so construed.
- D. Whenever existing physical features are inconsistent with boundaries on the Shoreline Maps, the City shall interpret the boundaries. Appeals may be made from such interpretations pursuant to SMC 17G.060.210.

17E.060.070 Goal, Policy, and Criteria Guidance for Permit Decisions

Shoreline Goals and Policies, Environment Management Policies, and the purpose and location criteria for each shoreline environment designation are contained in Chapter 14, Shorelines, of the City of Spokane Comprehensive Plan and shall be considered in making all discretionary decisions in the Shoreline Jurisdiction and adjacent lands. They shall also be considered in the promulgation of rules and interpretation of decisions. If there should be any inconsistency between the Shoreline Goals and Policies in Chapter 14 and other Comprehensive Plan goals and policies, the Shoreline Goals and Policies shall apply. The Shoreline Goals and Policies do not constitute regulations and shall not be the basis for enforcement actions.

Article II. Administration

Part I. Regulatory Applicability

17E.060.080 Applicability

- A. All proposed use, modifications, and development occurring within the Shoreline Jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this SMP, whether or not a permit is required, pursuant to WAC 173-26-191(2)(a)(iii)(A).
- B. As recognized by RCW 90.58.350, the provisions of these Shoreline Regulations shall not apply to shorelands (uplands within Shoreline Jurisdiction) held in trust by the United States or by Indian Nations/Tribes.

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17E.060.090 Shoreline Overlay and Relationship to Other Regulations

- A. Any use, modification, and development in the Shoreline Jurisdiction shall meet the use and development requirements of the shoreline environment and district in which it is located, the underlying zone, and any other zoning overlay in which it is located. In the case of irreconcilable conflicts between the regulations of the Shoreline Jurisdiction and the underlying zone classification, the most restrictive regulation shall apply.
- B. In addition to these regulations, other Washington State statutes that may be applicable to shoreline development or use include, but are not limited to:
1. Camping Resorts Act, RCW 19.105;
 2. Fish and Wildlife, RCW 77;
 3. Flood Control Zone Act, RCW 86.16;
 4. Forest Practices Act, RCW 76.09;
 5. Growth Management Act, RCW 36.70A;
 6. Land Subdivision Act, RCW 58.17;
 7. Pesticide Act, RCW 15.157
 8. Pesticide Application Act, RCW 17.21
 9. ((7.)) State Environmental Policy Act (SEPA), RCW 43.21C;
 10. ((8.)) State Hydraulic Code, RCW 77.55;
 11. ((9.)) Surface Mining Act, RCW 78.44;
 12. ((10.)) Washington Clean Air Act, RCW 70.94;
 13. ((11.)) Water Pollution Control Act, RCW 90.48;
 14. ((12.)) Water Resources Act of 1971, RCW 90.54.
- C. Federal statutes that may be applicable to shoreline development or use include, but are not limited to:
1. Clean Air Act, as amended;

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2. Coastal Zone Management Act of 1972, as amended;
 3. Endangered Species Act (ESA);
 4. Federal Water Pollution Control Act, as amended;
 5. Fish and Wildlife Coordination Act of 1958;
 6. Flood Insurance Act of 1968, as amended;
 7. National Environmental Policy Act of 1969, (NEPA);
 8. Rivers and Harbors Act of 1899.
- D. Compliance with the provisions of these Shoreline Regulations does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The applicant is responsible for complying with these requirements, apart from the process established in these Shoreline Regulations.
- E. Critical Areas Ordinances.
- If there are any conflicts between these Shoreline Regulations and the Critical Areas Ordinances, the most restrictive regulations shall apply. The critical areas regulations include:
1. Chapter 17E.010 SMC, Aquifer Protection;
 2. Chapter 17E.020 SMC, Fish and Wildlife Conservation Areas;
 3. Chapter 17E.030 SMC, Floodplain Management;
 4. Chapter 17E.040 SMC, Geologically Hazardous Areas; and
 5. Chapter 17E.070 SMC, Wetlands Protection.

Part II. Administrative Authority and Legal Provisions

17E.060.100 Administrative Authority

- A. The planning services department director, referred to herein as the “director,” or his designated representative shall administer these Shoreline Regulations in accordance with the permit procedures specified in chapter 17G.060 of the Spokane Municipal Code (SMC); RCW 90.58.140, 90.58.143, 90.58.210 and 90.58.220; and WAC 173-27.
- B. The director shall have the following authority and responsibility in administering these Shoreline Regulations:

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1. Overall administrative responsibility for the Shoreline Regulations;
 2. Authority to determine submittal requirements in accordance with chapter 17G.060 SMC;
 3. Authority to determine if an application is complete or incomplete;
 4. Authority to grant or deny a letter of exemption; and
 5. Authority to grant or deny shoreline permits not requiring a hearing.
- C. Roles and responsibilities of the hearing examiner shall be in accordance with chapter 17G.050 SMC Hearing Examiner and chapter 17G.060 SMC Land Use Application Procedures.

17E.060.110 Shoreline Master Program Amendments

- A. The City may initiate an amendment to these Shoreline Regulations according to the procedures prescribed in WAC 173-26-090 to 173-26-160.
- B. The City shall conduct a public hearing in accordance with chapter 17G.020 SMC on any amendment proposed.
- C. Any person or agency may conduct an amendment to the SMP consistent with both chapter 17G.020 SMC and WAC 173-26.

17E.060.120 Penalties and Violations

- A. Pursuant to RCW 90.58.210(2) and WAC 173-27-280, any person who fails to conform to the terms of a shoreline substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a use, modification, or development on shorelines of the state within the City without first obtaining appropriate authorization, or who fails to comply with a cease and desist order shall be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of violation shall constitute a separate violation. The penalty shall be imposed pursuant to the procedure set forth in chapter 01.05 SMC, Civil Infraction System, and WAC 173-27-280 and become due and recovered as set forth in WAC 173-27-290(3) and (4). Persons incurring a penalty may appeal the same pursuant to WAC 173-27-290(1) and (2) to the hearing examiner.
- B. In addition to incurring civil liability under (A) above, pursuant to RCW 90.58.220, any person found to have willfully engaged in activities on shorelines of the state within the City in violation of the provisions of the Act or of these Shoreline Regulations or other regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not

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more than ninety days, or by both such fine and imprisonment. The fine for the third and all subsequent violations in any five-year period shall be not less than five hundred or more than ten thousand dollars. Any person found to have willfully violated any court order or a cease and desist order issued pursuant to these Shoreline Regulations shall be subject to a fine of not more than five thousand dollars, imprisonment in the county jail for not more than ninety days, or both.

- C. Pursuant to RCW 90.58.210(1), the City, where authorized, shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state within the City in conflict with the provisions of this Program, the Act, or other regulations adopted pursuant thereto, and to otherwise enforce the provisions of this SMP.
- D. Pursuant to RCW 90.58.230, any person subject to the regulatory provisions of this SMP or the Act who violates any provision thereof, or permit or permit condition issued pursuant thereto, shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its conditions prior to violation. The city attorney shall bring suit for damages under this section on behalf of the City. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.
- E. Pursuant to WAC 173-27-270, the director shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state within the City is in violation of the Act or SMP, or of any permit issued pursuant thereto. The director shall follow the procedure set forth in WAC 173-27-270 in issuing a cease and desist order.
- F. Enforcement actions pursuant to this section do not preclude the Department of Ecology (Ecology) from engaging in any enforcement actions pursuant to the provisions in WAC 173-27-260 to 173-27-300. Furthermore, Ecology may join and assist the City in its enforcement actions.

17E.060.130 Severability

The Act and Shoreline Regulations adopted pursuant thereto comprise the basic state and City law regulating use of shorelines in the City. In the event provisions of these Shoreline Regulations conflict with other applicable City policies or regulations, the more restrictive shall prevail. As provided for in RCW 90.58.911, should any section or provision of these Shoreline Regulations be declared invalid, such decision shall not affect the validity of these Shoreline Regulations as a whole.

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17E.060.140 Property Rights

- A. Decisions on shoreline substantial development permits and/or approvals shall recognize all relevant constitutional and other legal limitations on the regulation of private property. Findings shall assure that conditions imposed relate to the governmental authority and responsibility to protect the public health, safety, and welfare, are consistent with the purposes of the Act, and are roughly proportional to the expected impact.
- B. These Shoreline Regulations do not alter existing law on access to or trespass on private property and do not give the general public any right to enter private property without the owner's permission.
- C. City of Spokane staff shall observe all applicable federal and state laws regarding entry onto privately owned property.

17E.060.150 Reference to Plans, Regulations or Information Sources

Where the Shoreline Regulations reference any RCW, WAC, or other local, state, or federal law or regulation, or any source of information, the most recent amendment or current edition shall apply.

Article III. General Provisions

Part I. General Development Requirements

17E.060.160 Archaeological and Historic Resources

- A. Archaeological sites located within the Shoreline Jurisdiction are subject to chapter 27.44 RCW (Indian Graves and Records) and chapter 27.53 RCW (Archaeological Sites and Records).
- B. Any use, modification, or development that may impact archaeological sites shall comply with WAC 25-48, Archeological Excavation and Removal Permit, and the requirements within these Shoreline Regulations, where applicable.
- C. Developers and property owners shall immediately stop work and notify the City and City-County Spokane Historic Preservation Office and affected Indian tribes if archaeological resources are uncovered during excavation.
- D. Any use, modification, or development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes. The evaluation shall be submitted to the planning services department prior to the issuance of any shoreline permit required for the development.

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- E. Site development plans shall incorporate provisions for historic, scientific, educational, and archaeological site preservation, restoration, and education with open space or recreation areas whenever compatible and possible.

17E.060.170 Critical Areas

- A. The City of Spokane Critical Areas Ordinances in title 17E SMC and referenced in SMC 17E.060.090(E), effective January 6, 2008 as now constituted or hereafter amended, are herein incorporated into the Shoreline Master Program except as noted below:
1. If provisions of the Critical Areas Ordinances and other parts of the SMP conflict, the provisions most protective of the ecological resources shall apply, as determined by the City;
 2. Provisions of the Critical Areas Ordinances that are not consistent with the Act, chapter 90.58 RCW, and supporting WAC chapters shall not apply in Shoreline Jurisdiction; and
 3. The provisions of the City of Spokane Critical Areas Ordinances do not extend Shoreline Jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffer areas that are outside Shoreline Jurisdiction, see the City of Spokane Critical Areas Ordinances.
- B. The provisions of the City of Spokane Critical Areas Ordinances, title 17E SMC, shall apply to any use, modification or development within the Shoreline Jurisdiction whether or not a shoreline permit or letter of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the Critical Areas Ordinances and the entire SMP.
- C. For development within critical areas within Shoreline Jurisdiction, the following shall apply:
1. Any use, modification, or development within critical areas shall result in a no net loss of ecological functions;
 2. Project proposals shall adhere to the applicable submittal requirements as specified in the Critical Areas Ordinances and the Shoreline Regulations;
 3. Any use, modification, or development shall include the requirements for mitigation sequencing as specified in SMC 17E.060.220.
 4. Where mitigation is required, a mitigation plan shall be submitted pursuant to the submittal requirements described within Critical Areas Ordinances; and

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5. Any use, modification, or development within two or more critical area types shall be required to adhere to the standards that are the most protective of the ecological function of the subject shoreline or critical area.
- D. Any use, modification, or development within geologically hazardous areas shall comply with the requirements in Critical Areas Ordinances and the following:
1. New development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development shall not be allowed;
 2. New development or the creation of new lots that would require structural shoreline stabilization over the life of the development shall not be allowed. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and when no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231; and
 3. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

17E.060.180 Critical Freshwater Habitat

Definition: Critical freshwater habitat includes those portions of streams, rivers, wetlands, lakes, their associated migration zones, and floodplains.

- A. A new use, modification, or development within stream channels, channel migration zones, wetlands, floodplains, and hyporheic zones shall not cause a net loss of ecological functions.

17E.060.190 Flood Hazard Reduction and Channel Migration Zone

- A. When permitted, a use, modification, or development within flood hazard (frequently flooded) areas shall achieve a no net loss of shoreline ecological functions.
- B. A use, modification, or development within flood hazard (frequently flooded) areas shall not be allowed when it will require flood hazard reduction measures within the channel migration zone or floodway and shall comply with the applicable requirements in chapter 17E.030 SMC, Floodplain Management.

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- C. A use, modification, or development specified within shoreline buffers shall be allowed within the channel migration zone or floodway provided they are:
1. Actions and/or development that protect or restore the ecosystem wide processes or ecological functions;
 2. Forest practices in compliance with the Washington State Forest Practices Act, chapter 76.09 RCW, and its implementing rules;
 3. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur;
 4. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell;
 5. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses;
 6. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions;
 7. Developed where existing structures already prevent active channel movement and flooding; and
 8. Measures to reduce shoreline erosion when it can be demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, and that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
- D. New structural flood hazard reduction measures shall be allowed in the Shoreline Jurisdiction only when:
1. It can be demonstrated by an application for Floodplain Development Permit, pursuant to SMC 17E.030.060(C) that it is necessary to protect existing development;
 2. It can be demonstrated that nonstructural measures are not feasible;
 3. It can be demonstrated that there will be no net loss of shoreline ecological functions including any mitigation required; and

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4. Appropriate vegetation conservation actions are undertaken consistent with SMC 17E.060.230, Vegetation Conservation.
- E. New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration.
- F. Flood hazard reduction measures may be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to structural improvements, shall be documented through an application for Floodplain Development Permit, pursuant to SMC 17E.030.060(C).
- G. New structural public flood hazard reduction measures shall be subject to the mitigation sequencing specified in SMC 17E.060.220.
- H. New structural public flood hazard reduction measures shall include the ability for the general public to access the shoreline pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- I. Removal of gravel for flood management purposes shall only be allowed if all the following conditions can be met:
 1. The project is consistent with an adopted flood hazard reduction plan and these Shoreline Regulations;
 2. The project does not result in a net loss of ecological functions; and
 3. An application for Floodplain Development Permit, pursuant to SMC 17E.030.060(C), demonstrates that extraction has a long-term benefit to flood hazard reduction.

17E.060.200 Water Quality and Stormwater

- A. 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.
- B. Low Impact Development (LID) techniques, as defined in chapter 17A.020 SMC, shall be considered and implemented to the greatest extent practicable throughout the various stages of development including site assessment, planning and design, vegetation conservation, site preparation, retrofitting and management techniques.
- C. Stormwater facilities shall be built to the standards in chapter 17D.060 SMC and other applicable city standards.

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Part II. No Net Loss of Shoreline Ecological Functions and Mitigation

17E.060.210 No Net Loss

A. Purpose.

As established in WAC 173-26-186(8), the City shall ensure, at a minimum, “no net loss” of shoreline ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. Therefore, pursuant to WAC 173-26-186(8), the Shoreline Regulations apply to all shoreline areas, not just those that remain relatively unaltered.

B. To ensure that a project applicant achieves the no net loss of ecological functions standard, these Shoreline Regulations contain several development requirements designed to meet the no net loss requirement:

1. Shoreline environments are designated with appropriate use and development standards (See Article VI);
2. Critical areas are protected within the shorelines (See SMC 17E.060.170);
3. Shoreline buffers and structure setbacks are delineated to keep development away from the shoreline areas that contain the most sensitive ecology (See SMC 17E.060.720 and SMC 17E.060.730);
4. Mitigation sequencing requires shoreline project applicants to prioritize mitigation measures for their project (See SMC 17E.060.220); and
5. As a final requirement to achieve no net loss, the steps in Article III, Part III, SMC 17E.060.230 through SMC 17E.060.270, address the mitigation measures required of applicants to address the impacts of specific common shoreline uses, modifications, and development activities, including construction activities and removal and replacement of vegetation.

C. In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts shall be considered.

D. During permit review, the director shall consider the expected impacts when assessing compliance with the no net loss requirement.

17E.060.220 Mitigation Sequencing

A. Purpose.

To achieve no net loss of shoreline ecological functions, applicants for a proposed use, modification, or development within the Shoreline Jurisdiction shall analyze the impacts of the proposal on the shoreline ecological functions

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and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the Shoreline Regulations or other applicable regulations, including the Washington State Environmental Policy Act (SEPA).

- B. Mitigation shall occur in the following prioritized order:
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 restoring, rehabilitating, or enhancing substitute shoreline environments; or
 6. Monitoring the impact and the compensation project and taking appropriate corrective measures.
- C. Mitigation may include a combination of the measures in (B)(1) to (B)(6) above.
- D. As a condition of any permit or approval allowing alteration of shoreline ecological functions, the applicant shall engage in the restoration, rehabilitation, or enhancement of the shoreline environment in order to offset the impacts resulting from the applicant's actions.

Part III. Vegetation Conservation and Replacement

17E.060.230 Vegetation Conservation

- A. Purpose.
To achieve a no net loss of shoreline ecological functions by protecting and restoring the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation also increases the stability of riverbanks, reduces the need for shoreline stabilization measures, improves the visual and aesthetic qualities of the shoreline, protects plant and animal species and their habitats, and enhances shoreline uses.
- B. There shall be no net loss of vegetative cover within the Shoreline Jurisdiction.

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- C. Removal of or alteration to any vegetation within the Shoreline Jurisdiction shall not be allowed unless such activity is approved by the director as part of a vegetation replacement plan.
- D. Proposed removal of vegetation for a permitted use shall be reviewed pursuant to the mitigation sequencing specified in SMC 17E.060.220. Avoidance of any impact to shoreline vegetative cover is the preferred method of mitigation.
- E. Vegetation conservation provisions also apply to those shoreline uses, modifications, and developments that are exempt from the requirement to obtain a shoreline substantial development permit.
- F. A tree or shrub may be removed if deemed hazardous by a certified arborist.
- G. Normal maintenance or repair of existing utilities and facilities within an existing degraded shoreline area shall be allowed if the activity does not further alter or degrade shoreline ecological functions or vegetative cover, and there is no increased risk to life or property as a result of the proposed operation, maintenance or repair.
- H. Vegetation management shall be in accordance with best management practices that are part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of a regular ongoing maintenance. These ongoing activities shall not be subject to new or additional mitigation when they do not expand further into the critical area, are not the result of an expansion of the structure or utility, or do not directly impact endangered species or result in no net loss of shoreline ecological functions. Whenever possible, maintenance activities shall be confined to late summer and fall.
- I. When an applicant is required to submit a Habitat Management Plan pursuant to SMC 17E.020.090 or other state and federal regulatory requirements, the requirements in SMC 17E.060.230 through SMC 17E.060.270 may be waived by the director or submitted as a component of the Habitat Management Plan.

17E.060.240 Shoreline Vegetation Inventory

- A. Purpose.
To achieve no net loss of shoreline vegetation, applicants will be required to identify existing vegetation on the project site to determine the type and amount of vegetation that may be impacted by the proposed development.
- B. A shoreline/critical areas checklist shall be required at the time of land use application for all regulated activities proposed within the Shoreline Jurisdiction.
- C. The shoreline/critical areas checklist shall include a vegetation inventory including the location, type, size, and condition of existing vegetation on the proposed project site.

17E.060.250 Shoreline Construction Site Plan

- A. Purpose.
The shoreline construction site plan includes a description and/or drawings that explain and illustrate the measures to be taken on the project construction site to control loss and/or damage to shoreline vegetation.
- B. When a shoreline use, modification, or development is proposed on a site determined to contain critical shoreline vegetation, the applicant for a shoreline permit shall be required to submit a shoreline construction site plan.
- C. The shoreline construction site plan shall be reviewed and approved by the director prior to any activity being permitted on site.
- D. The following information shall be described and/or illustrated in the shoreline construction site plan:
 - 1. Property boundaries and lot lines;
 - 2. Proposed construction activity showing the location, width, depth, and length of all existing and proposed structures, roads, utilities, and equipment;
 - 3. Provisions to prevent disturbance or damage to vegetation, including trees, shrubs, grasses, and other plants, that will not be removed for development;
 - 4. Proposed areas of clearing and clearing limits to minimize the total amount of bare soil exposed to erosive forces by:
 - a. Controlling the amount of ground that is cleared and grubbed at one time in preparation for construction; and
 - b. Limiting the amount of time that bare ground may remain exposed before slope protection or stabilization measures are put into place.
 - 5. Location of silt fencing to serve as a temporary sediment barrier of permeable fabric designed to intercept and slow the flow of sediment-laden sheet flow runoff; and
 - 6. Other appropriate City or State Best Management Practices as determined by the director and/or director of engineering services.
- E. The director shall have the discretion to waive one or more of the requirements of subsection (D) above based on the following factors:
 - 1. The project is subject to other regulatory procedures that fulfill the requirements of the shoreline construction site plan; or

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2. The project is not subject to a building permit application.
- F. If the project will require the removal of native vegetation within the Shoreline Jurisdiction, a vegetation replacement plan shall be required, pursuant to SMC 17E.060.260.

17E.060.260 Vegetation Replacement Plan

- A. Purpose.
To ensure the replacement of damaged or degraded shoreline vegetation in order to achieve no net loss of shoreline ecological functions. Any person who degrades or removes shoreline vegetation must replace equivalent areas or greater areas than those altered in order to compensate for the loss.
- B. For a permitted use, modification, or development within the Shoreline Jurisdiction, a vegetation replacement plan shall be prepared when the director concludes from the shoreline/critical areas checklist that the project will damage or degrade shoreline vegetation.
- C. Shoreline vegetation replacement shall follow a vegetation replacement plan prepared by a qualified professional and contain the following components:
 1. Inventory of existing vegetation on the proposed project site as documented in the shoreline/critical areas checklist and pursuant to SMC 17E.060.240;
 2. Overview of how mitigation sequencing was conducted and the justification for proposed mitigation activities;
 3. Detailed planting plan showing the location, type and size of all proposed replacement vegetation, pursuant to SMC 17E.060.260(E)(2);
 4. Methodology for removal of any noxious or nonnative vegetation, as necessary, to facilitate establishment of a stable community of native plants; and
 5. Proof of completion and performance bonding requirements, pursuant to SMC 17C.200.090, Completion and Bonding.
- D. The applicant shall receive written approval of the plan prior to commencement of any activity on site.
- E. The following standards shall apply for the replacement of removed native vegetation within the Shoreline Jurisdiction:

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1. At least twenty-five percent of existing healthy trees over six-inch caliper as identified in the vegetation replacement plan shall be retained when a site is developed.
2. Removed shoreline vegetation shall be replaced at the following ratios:

TABLE 17E.060-1 Shoreline Vegetation Replacement Ratios*	
<i>Vegetation Removed</i>	<i>Replacement Ratios</i>
Native Deciduous Trees Less than 6" caliper	1:1 replacement ratio; Replacement tree(s) must be a minimum 2.5" caliper
Native Deciduous Trees Over 6" caliper	2:1 replacement ratio; Replacement tree(s) must be at a minimum 2.5" caliper
Native Evergreen Trees Less than 6" caliper	1:1 replacement ratio; Replacement tree(s) must be a minimum 4" caliper
Native Evergreen Trees Over 6" caliper	2:1 replacement ratio; Replacement tree(s) must be a minimum 4" caliper
Native Shrubs	1:1 replacement ratio; Replacement shrub(s) must be at a minimum 12" - 18" in diameter (at head)
Native Groundcover	1:1 replacement ratio; Replacement groundcover(s) must be at a minimum 4" in diameter (at pot)
* For example, when a 10" caliper native deciduous tree is removed, the applicant may propose to replace with two (2) 5" caliper native deciduous trees or four (4) 2.5" caliper native deciduous trees. A qualified professional will determine the appropriate vegetation replacement size(s) for the project site.	

3. New plantings shall be native plant species or other approved species similar in diversity, type, density, wildlife habitat value, water quality characteristics and slope stabilizing qualities to the original vegetation.
- F. The Director shall have the discretion to waive one or more of the requirements of subsection (C) above when the project is subject to other regulatory procedures that fulfill the requirements of the Vegetation Replacement Plan.
 - G. Vegetation replacement shall be timed to reduce impacts to existing wildlife and flora, consistent with chapter 17E.020 SMC, Fish and Wildlife Conservation Areas.
 - H. Applicants shall consult with federal, state, and local agencies having expertise or interest in a shoreline vegetation replacement proposal.
 - I. Vegetation replacement shall equal or exceed the anticipated loss of vegetation resulting from the applicant's proposal. If a qualified professional determines that shoreline vegetation replacement is not feasible on the site, the applicant may be

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allowed to mitigate for impacts to shoreline vegetation in the form of a contribution to the City of Spokane Shoreline Restoration Fund, pursuant to SMC 17E.060.270.

17E.060.270 Shoreline Restoration Fund

- A. Subject to approval from the director, project applicants may satisfy vegetation replacement requirements by contribution to the City of Spokane Shoreline Restoration Fund, if the following conditions apply:
 - 1. An analysis by a qualified professional determines that on-site shoreline vegetation replacement is not feasible and that contribution to the restoration fund is a more effective strategy.
 - 2. The City of Spokane has adopted a shoreline restoration program identifying and prioritizing the restoration of certain degraded shorelines.
- B. The required amount of contribution to the restoration fund shall be equal to the cost of on-site shoreline vegetation replacement, based on a cost estimate prepared by a qualified professional.

Part IV. Public Access

17E.060.280 Physical and Visual Public Access

- A. The provisions of this section recognize that there are two types of public access to the shoreline: physical public access and visual public access. Visual access is an important shoreline management objective. Consideration must be given to protecting the shoreline's visual quality to and from waterways and their adjacent shoreland features.
 - 1. With respect to development on private property, the physical access requirements of this chapter are not intended to require property owners to increase the public's physical access to the shorelines. With respect to future development on private property, the fundamental principle underlying this chapter's access provisions is that development on private property should not result in a net loss of the public's currently existing rights to visual and physical access to the shorelines.
 - 2. With respect to public property, the physical access provisions are intended to promote an increase in the public's visual and physical access to the shoreline in a balanced manner, through mechanisms such as the further improvement of existing public property and potential future acquisition of additional public property.
- B. When required under this chapter, public access shall be a physical improvement in the form of one or combination of the following: pathway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, or

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other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining the history and features of the Spokane River or Latah Creek.

- C. When public access is provided, it shall not result in a net loss of existing shoreline ecological functions.
- D. When public access is provided it shall be located outside of the shoreline buffer, with the exception of SMC 17E.060.720(F).
- E. Except as provided in SMC 17E.060.280(V) and (W), and subject to the limitations set forth in SMC 17E.060.280(A), public access shall be provided for any new development activity that requires a shoreline substantial development permit, conditional use permit, and/or variance permit where any of the following conditions are present:
 - 1. Where a new development activity will create increased demand for public access to the shoreline, the development shall provide public access proportional to the degree of impact as mitigation;
 - 2. Where a new development will interfere with an existing public access way, the development shall provide public access to mitigate this impact. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby accesses; or
 - 3. Where a new development will interfere with a public use of lands or waters waterward of the ordinary-high-water-mark, the development shall provide public access.
- F. When provisions for public access are required as a condition of project approval, public access provisions shall be consistent with all relevant constitutional and other limitations on private property. The provisions of these Shoreline Regulations shall not be construed so as to deprive a property owner of economically viable use of private property.
- G. Submerged public rights-of-way shall not be diminished. Public access provided by existing shoreline street ends and public rights-of-way shall be preserved, maintained and enhanced consistent with RCW 35.79.035. Vacation of shoreline street ends shall comply with the statutory provisions therein.
- H. Public access shall be fully developed and open to the public no later than the time of the director's final inspection of the proposed development.
- I. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of the plat or short plat as a condition running with the authorized land use. Such easement, plat, or other legal instrument evidencing

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the public access conditions shall be recorded with the Spokane County Auditor's Office.

- J. Maintenance of the public access shall be the responsibility of the owner or developer over the life of the use or development unless otherwise accepted by public or private agency through a formal agreement recorded with the County Auditor's Office. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- K. Minimum width of public access easements shall be ten feet, consistent with the dimensional standards for public access stated in Table 17E.060-5, unless the director determines that undue hardship will result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
- L. Shoreline public access shall:
 - 1. Be located adjacent to other planned or existing public areas, public and private accesses and trails, and connected to the nearest public street or public walkway;
 - 2. Consist of an area on the property from which the water and water activities can be observed and there shall be no significant obstruction of the view from this viewpoint; and
 - 3. Include provisions for handicapped and physically impaired persons where feasible.
- M. Where public access is required, a public pedestrian access pathway parallel to the ordinary high-water mark shall be preferred.
- N. If a parcel exceeds three hundred feet of shoreline frontage and a continuous public access pathway parallel to the river is not feasible, shoreline access points shall be provided at an average of every three hundred feet.
- O. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor. The visual and pedestrian penetration shall not be less than thirty feet wide.
- P. Pursuant to SMC 17E.060.720, public access may be provided within a required buffer area when said access demonstrates compliance with the Critical Areas Ordinances and mitigation sequencing in SMC 17E.060.220 and shall be reviewed and approved on a case by case basis.
- Q. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent

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properties, the water-dependent uses and physical public access shall have priority.

- R. Public access may be limited as to hours of availability and types of activities permitted. However, twenty-four hour availability shall be preferred and the access shall be available to the public on a regularly scheduled basis.
- S. Approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner.
- T. Access required for public projects shall include directional signage to points of interest and interpretive signage that describes shoreline features such as shoreline ecology, cultural history, and other site-specific information.
- U. Public access within the Shoreline Jurisdiction may be denied to any person who creates a nuisance or engages in illegal conduct on the property. The director may authorize public access to be temporarily or permanently closed if it is found that offensive conduct cannot otherwise be reasonably controlled.
- V. Physical and visual public access shall be provided for all new development activity in the Shoreline Jurisdiction, except for the following developments and uses:
 - 1. Residential single-family;
 - 2. Residential two-family;
 - 3. Residential three-family;
 - 4. Residential subdivision of land into four (4) or fewer parcels;
 - 5. Agriculture;
 - 6. Dredging;
 - 7. Forest Practices;
 - 8. Landfill and excavation;
 - 9. Mining;
 - 10. Private docks serving four or fewer dwelling units;
 - 11. In-stream structures;
 - 12. Shoreline stabilization; and

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13. Ecological restoration or enhancement activities not associated with development when the purpose of the project would be undermined.
- W. Public access shall not be required where one or more of the following conditions apply:
1. The City has adopted a public access plan that designates another preferred location in proximity to the project site;
 2. Environmental harm will result from the public access that cannot be mitigated;
 3. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means; or
 4. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
- X. In granting an exception to required public access, the director shall review all reasonable alternatives for public access. The alternatives shall include a:
1. Provision for access which is physically separated from a potential hazard or interference through barriers such as fencing and landscaping; and/or
 2. Provision of access at a site geographically separated from the development site but under the control of the applicant.
- Y. Except as provided in SMC 17E.060.280(V) and (W), applicants shall demonstrate that the proposed project will not decrease the existing level of physical and visual access to the shoreline. An increase in physical and visual public access is encouraged.
- Z. No permit shall be issued for any new or expanded building or structure more than thirty-five feet above average grade level within the Shoreline Jurisdiction that will obstruct the view of a substantial number of residences on or adjoining such shorelines except where the SMP or underlying zoning does not prohibit such development and only when overriding considerations of the public interest will be served. The applicant shall be responsible for providing sufficient information to the director to determine that such development will not obstruct the view of a substantial number of residences on or adjoining such shorelines.

Article IV. Shoreline Permits and Exemptions

17E.060.290 Shoreline Substantial Development Permit

- A. Purpose.
To ensure that substantial development within the shoreline area is accomplished in a manner that protects the shoreline ecology consistent with the

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Comprehensive Plan and the Shoreline Management Act. This section establishes criteria for determining the process and conditions under which a shoreline substantial development permit may be acted upon by the director.

- B. A shoreline substantial development permit is subject to the specific review procedure established in chapter 17G.060 SMC, Land Use Application Procedures, and the conditions which may be imposed to assure compliance with all applicable regulations. A request for a shoreline substantial development permit use may be disapproved if the director finds the shoreline development is inconsistent with these Shoreline Regulations, the Comprehensive Plan or the Shoreline Management Act.
- C. No use, modification, or development, except for those listed in SMC 17E.060.300, Use, Modifications, and Developments Exempt from Shoreline Substantial Development Permit Requirement, shall be undertaken in the Shoreline Jurisdiction without first obtaining a shoreline substantial development permit from the Director. Substantial developments include any development with which the total cost or fair market value, whichever is higher, does exceed five thousand seven hundred and eighteen dollars (5,718) or the adjusted amount per WAC 173-27- 040, or if such development does materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For the purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of use, modification, or development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
- D. Where a substantial development is proposed which would be partly within and partly outside of the Shoreline Jurisdiction, a shoreline substantial development permit shall be required for the entire development.
- E. An application for a shoreline substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of these Shoreline Regulations and shall follow the time period for public comment in SMC 17G.060.130, Public Comment Period. For purposes of this section, a limited utility extension means the extension of a utility service that:
 - 1. Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

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2. Will serve an existing use in compliance with these Shoreline Regulations; and
3. Will not extend more than two thousand five hundred linear feet within the Shoreline Jurisdiction.

17E.060.300 Uses, Modifications, and Developments Exempt from Shoreline Substantial Development Permit Requirement

A, Application and Interpretation of Exemptions

1. Exemptions shall be construed narrowly. Only those uses, modifications, or developments that meet the precise terms of one or more of the listed exemptions may be exempt from the shoreline substantial development permit process.
2. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of these Shoreline Regulations, or from any other regulatory requirements. To be authorized, all uses, modifications, and developments must be consistent with the policies and regulations of the entire SMP and the Act.
3. Pursuant to WAC 173-27-160, a use, modification, or development that is listed as a shoreline conditional use pursuant to these Shoreline Regulations or is an unlisted use, must obtain a shoreline conditional use permit even though the use, modification, or development does not require a shoreline substantial development permit.
4. When a use, modification, or development is proposed that does not comply with the bulk, dimensional and performance standards of these Shoreline Regulations, such use, modification, or development can only be authorized by approval of a shoreline variance, pursuant to SMC 17E.060.320, Shoreline Variance Permit, and SMC 17E.060.330, Procedures.
5. The burden of proof that a development or use is exempt from the permit process is on the applicant.
6. If any part of a proposed use, modification, or development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed project.
7. All permits or statements of exemption issued for a use, modification, or development within the Shoreline Jurisdiction shall include written findings approved by the director, including compliance with bulk and dimensional standards and policies and regulations of the entire SMP. The director may attach conditions to the approval of exempt uses, modifications, or

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developments as necessary to assure consistency of the project with the Act and these Shoreline Regulations.

8. The Department of Ecology must approve all exemptions requiring permits from the U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act; and any project involving a Section 404 permit under the Clean Water Act.
9. Use, modifications, and developments proposed within the Shoreline Jurisdiction may require permits from other governmental agencies other than the Department of Ecology.

B. Exemptions

The following shall not be considered substantial development and are exempt from obtaining a shoreline substantial development permit from the director:

1. Any use, modification, or development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars or the adjusted amount per WAC 173-27-040, if such use, modification, or development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the use, modification, or development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within twelve months after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;
3. Construction of the normal protective bulkhead common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high-water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical wall is being constructed

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or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high-water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high-water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife;

4. Emergency construction necessary to protect property from damage by the elements. An emergency means an unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow full compliance with these Shoreline Regulations. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW or these Shoreline Regulations shall be obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the entire SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
5. Construction and practices normal or necessary to maintain existing farming and irrigation activities, including agricultural service roads and utilities in the Latah Creek Shoreline Jurisdiction presently zoned for agricultural use.
6. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency having jurisdiction thereof or the City of Spokane, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are normal appurtenance. An "appurtenance" is necessarily connected to

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the use and enjoyment of a single-family residence and is located landward of the ordinary high-water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high-water mark. Construction authorized under this exemption shall be located landward of the ordinary high-water mark;

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances. The fair market value of the dock shall not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of these Shoreline Regulations;
9. Operation, maintenance or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
11. Operation and maintenance of any system of dikes, ditches, drains, or other public facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
12. Any project with a certification from the governor pursuant to chapter 80.50 RCW;
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under these Shoreline Regulations, if:
 - a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

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- c. The activity does not involve the installation of any structure, and upon the completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to The City of Spokane to ensure that the site will be restored to preexisting conditions; and
 - e. The activity is not subject to the permit requirements of RCW 90.58.550.
- 14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW;
- 15. Watershed restoration projects as defined in chapter 17A.020 SMC and RCW 89.08.460. The City of Spokane shall review the projects for consistency with these Shoreline Regulations pursuant to procedures in chapter 17G.060 SMC. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
- 16. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
 - a. The project has been approved in writing by the Department of Fish and Wildlife;
 - b. The project has received Hydraulic Project Approval (HPA) by the Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and
 - c. The City of Spokane has determined that the project is substantially consistent with these Shoreline Regulations. The City shall make such determination and provide it by letter to the project proponent.
- 17. All other uses, modifications, and developments exempted by WAC 173-27-040.

17E.060.310 Shoreline Conditional Use Permit

- A. Purpose.
To allow greater flexibility in administering the use and modification regulations of these Shoreline Regulations in a manner consistent with the policy of RCW 90.58.020. In authorizing a shoreline conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to control any undesirable effects of the proposed use.
- B. Uses or modifications not listed in Table 17E.060-3, Shoreline Modifications, Table 17E.060-4, Shoreline Primary Uses, and title 17C SMC may only be authorized as a shoreline conditional use.
- C. Uses which are identified in these Shoreline Regulations as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline Jurisdiction, may be approved, approved with conditions or denied by the hearing examiner in specific cases based on the criteria in SMC 17G.060.170, Decision Criteria, as now constituted or hereafter amended, and any additional criteria given in these Shoreline Regulations. Upon transmittal of the hearing examiner's decision to the Department of Ecology (Ecology), the permit may be approved, approved with conditions, or denied by Ecology.

17E.060.320 Shoreline Variance Permit

- A. Purpose.
To grant relief to specific bulk or dimensional requirements set forth in these Shoreline Regulations and any associated standards appended to these Shoreline Regulations such as critical areas or buffer requirements where there are extraordinary or unique circumstances relating to the property such that the strict implementation of these Shoreline Regulations would impose unnecessary hardships on the applicant/proponent or thwart the policy set forth in RCW 90.58.020. Use restrictions may not be varied.

17E.060.330 Procedures

Procedures for obtaining a shoreline substantial development permit, exemption from a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, permit and application revisions, and other procedures pertaining to shorelines are contained in chapter 17G.060 SMC.

17E.060.340 Shoreline Design Review

- A. Design Review Board (~~((Committee))~~) Process
The following are subject to the Design Review Board (~~((Committee))~~) Process. Shoreline design review is subject to the procedures established in chapter 17G.030 SMC, chapter 17G.040 SMC and SMC 17G.060.060.

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1. Shoreline development by a public agency;
 2. Shoreline development on public property;
 3. Shoreline development requiring a shoreline conditional use permit;
 4. Other types of shoreline permits may also require review by the Design Review Board ~~((Committee))~~ at the request of the Director.
- B. Administrative Design Review
Projects not included in subsection (A) above shall follow procedures for design standards administration in SMC 17E.060.800.

Article V. General Requirements for Shoreline Use and Modifications

Part I. General Requirements for Shoreline Use

17E.060.350 General Provisions

- A. All shoreline use and development in the Shoreline Jurisdiction shall be subject to the following general standards applicable to all environments, shall also meet the use standards for the specific environment in which the use is located (see Table 17E.060-4), and shall be subject to the standards of the underlying zone.
- B. All shoreline use and development shall be located, designed, constructed and managed to achieve no net loss of ecological functions.
- C. All shoreline use and development shall be subject to mitigation sequencing pursuant to SMC 17E.060.220.
- D. Within the Shoreline Jurisdiction, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.
- E. All shoreline use and development shall also be subject to the Shoreline District Standards identified in Article VII.

Part II. Primary and Accessory Uses

17E.060.360 Primary Permitted Uses

- A. To be permitted in the Shoreline Jurisdiction, a use must be allowed in both the shoreline environment and the underlying zone in which it is located and shall be subject to all applicable development standards.
- B. For purposes of these Shoreline Regulations, standards established in the use sections of each environment are not subject to variance.

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- C. Preference for shoreline permitted uses shall first be given to water-dependent uses, then to water-related and water-enjoyment uses.
- D. Definitions for water-dependent, water-related, water-enjoyment, and non-water oriented are:
 - 1. Water-Dependent Use.
 - a. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.
 - b. Examples of water-dependent uses may include, but are not limited to, boat ramps for rescue watercraft, seaplane docks, hydroelectric generating plants, and sewage treatment outfalls.
 - 2. Water-Related Use.
 - a. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
 - b. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
 - c. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.
 - d. Examples of water-related uses may include, but should not be limited to, warehousing, storage, or processing, where the goods are delivered to or shipped from the site by water.
 - 3. Water-Enjoyment Use.
 - a. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

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- b. Examples of water-enjoyment uses may include, but are not limited to, river and stream swimming beaches, fishing areas, boat ramps for recreation, parks, piers, view towers, restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, public markets, interpretive centers, and other improvements facilitating public access to shorelines of the state, provided that such uses conform to the above water-enjoyment specifications and the provisions of the entire SMP.

4. Non-Water Oriented Use.

A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as non-water oriented.

- E. A determination of whether proposed uses not specifically listed above are water-dependent, water-related or water-enjoyment shall be made by the director, who shall follow the intent of the SMP.
- F. Primary uses which are water-dependent shall only be allowed over water if the over-water location is necessary for the operation of the water-dependent use. Primary uses which are not water-dependent shall not be permitted over water unless specifically stated otherwise in the regulations for the applicable shoreline environment. For purposes of these Shoreline Regulations, this regulation shall be considered a use standard not subject to variance.
- G. Shoreline modifications, including dredging, fill, landfill, and shoreline stabilization measures, shall be considered to be uses not subject to variance.

17E.060.370 Accessory Uses

- A. Accessory uses shall be permitted based on the primary use permitting process. For example, if the primary use requires a shoreline conditional use permit, then the accessory use shall also require a shoreline conditional use permit.
- B. Accessory uses shall be allowed only if clearly incidental and necessary for the operation of a permitted primary use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking (subject to parking standards in SMC 17E.060.590, Parking Facilities), caretaker's quarters, residential garages, sheds, and gazebos.
- C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are not water-dependent and not water-related, even if accessory to water-dependent or water-related uses, shall be

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permitted over water only if the over-water location is necessary for the operation of the water-dependent or water-related use.

Part III. Nonconforming Shoreline Situations

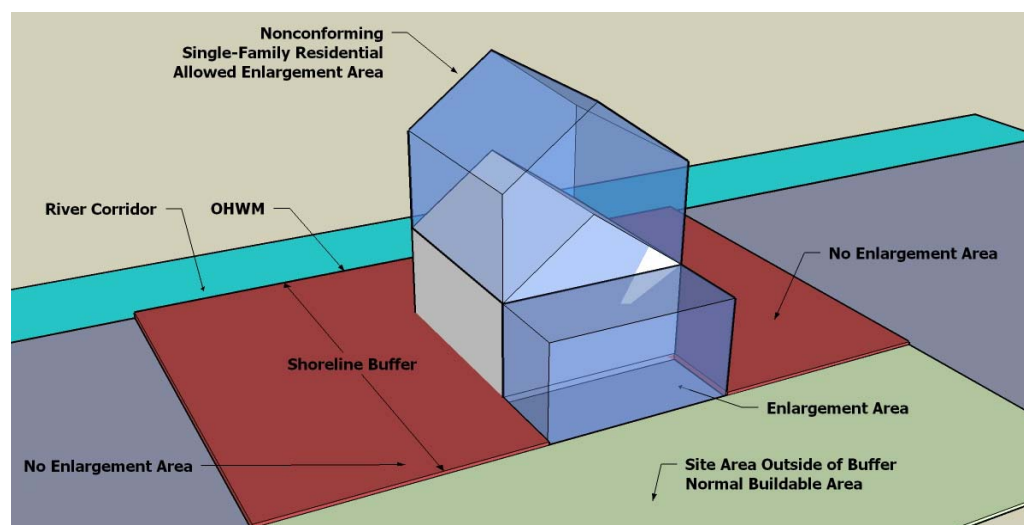
17E.060.380 Nonconforming Uses and Structures

Definition: Nonconforming development is a shoreline use or structure that was lawfully constructed or established prior to the effective date of the Act, the SMP, or these Shoreline Regulations, or amendments thereto, but which does not conform to present regulations or standards of these Shoreline Regulations or the policies of the Act

- A. In accordance with the requirements of this section, structures ~~((Structures))~~ that were legally established prior to the SMP or these Shoreline Regulations, or amendments thereto, and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
- B. A nonconforming structure which is moved any distance must be brought into conformance with the applicable Shoreline Regulations and the Act.
- C. If a nonconforming structure is damaged to an extent not exceeding 75 percent of the replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within six months of the date the damage occurred, all permits are obtained, and the restoration is completed within two years of permit issuance, except that nonconforming single-family residences, manufactured homes, and mobile homes may be reconstructed regardless of the extent of damage so long as application is made within the times required by this subsection.
- D. The replacement, expansion, or enlargement of nonconforming residential buildings (including single-family residences, manufactured homes, and mobile homes) shall achieve no net loss of shoreline ecological functions pursuant to SMC 17E.060.210 and adhere to the Mitigation Sequencing Requirements in SMC 17E.060.220.
- E. Existing nonconforming residential buildings may be replaced within the existing footprint upon approval of a shoreline substantial development permit,
- . ~~((Uses and developments that were legally established and are nonconforming with regard to the use regulations of these Shoreline Regulations may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that:))~~

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- F. For the replacement of manufactured homes and mobile homes, a greater building footprint than existed prior to replacement may be allowed in order to accommodate the conversion of single-wide manufactured homes to double-wide manufactured homes, upon approval of a shoreline conditional use permit.
- G. ((4. Upon approval of a shoreline conditional use permit, existing)) Existing nonconforming single family residences ((, manufactured homes, and mobile homes)) may be enlarged((,)) or expanded((, or replaced)) in conformance with applicable bulk and dimensional standards upon approval of a shoreline conditional use permit and by conformance with the following requirements:
- ((a. The expansion, enlargement, or replacement shall achieve no net loss of shoreline ecological functions pursuant to SMC 17E.060.210, No Net Loss.
 - b. The expansion, enlargement, or replacement shall adhere to the Mitigation Sequencing Requirements in SMC 17E.060.220.))
1. ((c.)) An expansion or enlargement to the main structure or the addition of a normal appurtenance as defined in WAC 173-27-040(2)(g) and chapter 17A.020 SMC, Definitions, to the main structure shall only be accomplished by:
- a. ((i.)) Addition of space above the main structure's building footprint; and/or
 - b. ((ii.)) Addition of space onto or behind that side of the main structure which is the farthest away from the ordinary high-water mark.



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2. ~~((Single-family residences shall be replaced within the same building footprint that existed prior to replacement. If an applicant requests an expansion or enlargement of the building footprint, the requirements in SMC 17E.060.380(D)(1)(c)(i) and (ii) shall apply.))~~

If the requirements in SMC 17E.060.380(F)(3)(a) and (b) cannot be accomplished without causing significant harm to shoreline vegetation or other shoreline ecological functions, the director may require additional site analysis to determine if an alternative location for the expansion or enlargement of the structure is feasible.

- ~~((3. For the replacement of manufactured homes and mobile homes, a greater building footprint than existed prior to replacement may be allowed in order to accommodate the conversion of single-wide manufactured homes to double-wide manufactured homes.~~

4. ~~If the requirements in SMC 17E.060.380(D)(1)(c)(i) and (ii) cannot be accomplished without causing significant harm to shoreline vegetation or other shoreline ecological functions, the director may require additional site analysis to determine if an alternative location for the expansion, enlargement, or replacement of the structure is feasible.))~~

- H. ~~((E. An existing))~~ Existing residential buildings have a change in use to another legal, conforming use shall conform to the buffer and structure setback requirements and all other requirements of the entire SMP and title 17C SMC, Land Use Standards.

- I. ~~((F.))~~ A use which is listed as a conditional use but which existed prior to adoption of these Shoreline Regulations or any amendment thereto, and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

- J. ~~((G.))~~ A structure for which a variance has been issued shall be considered a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.

- K. ~~((H.))~~ A structure which is being or has been used for a nonconforming use shall not be used for a different nonconforming use, except as provided below, and only upon the approval of a shoreline conditional use permit:

1. No reasonable alternative conforming use is practical;
2. The proposed use will be is as consistent with the policies and provisions of the Act and these Shoreline Regulations and as compatible with the uses in the area as the preexisting use; and

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3. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of these Shoreline Regulations and the policies in the Act and to assure that the use will not become a nuisance or a hazard.
- L. ~~((I-))~~ If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming.
- M. ~~((J-))~~ An undeveloped lot, tract, parcel, site, or division of land which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or the applicable Shoreline Regulations but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the City so long as such development conforms to all other requirements of the applicable Shoreline Regulations and the Act.

Part IV. General Requirements for Shoreline Modifications

17E.060.390 General Provisions

- A. All shoreline modifications in the Shoreline Jurisdiction shall be subject to the following general standards applicable to all environments, shall also meet the modification standards for the specific environment in which the modification is located (see Table 17E.060-3), and shall be subject to the standards of the underlying zone.
- B. Structural shoreline modifications shall be allowed only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- C. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions and shall avoid and reduce significant ecological impacts, pursuant to SMC 17E.060.220, Mitigation Sequencing.
- D. Where an engineering/geotechnical analysis report is required, it shall be prepared by a qualified professional.
- E. Shoreline modifications, including dredging, fill, landfill, and shoreline stabilization measures, shall be considered to be uses not subject to variance.

17E.060.400 Shoreline Stabilization

Definition: Structural or non-structural modifications to the existing shoreline which are intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark.

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- A. New uses or development shall be located and designed to avoid the need for future shoreline stabilization to the greatest extent feasible, including the following instances:
1. Subdivision of land shall not be allowed where lots are created that will require shoreline stabilization in order for reasonable development to occur. An engineering/ geotechnical analysis of the site and shoreline characteristics shall be required that provides evidence that shoreline stabilization measures will not be needed for the subdivision;
 2. New use or development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis; and
 3. New use or development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas, as demonstrated by an engineering/geotechnical analysis, shall not be allowed.
- B. New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
1. Protection of existing primary structures:
 - a. New or enlarged structural stabilization shall not be allowed unless the applicant provides conclusive evidence, documented by an engineering/geotechnical analysis that the structure is in danger from shoreline erosion. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without the analysis, is not demonstration of need. The engineering/geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization; and
 - b. The erosion control structure shall not result in a net loss of shoreline ecological functions.
 2. In support of water-dependent development when all of the conditions below apply:
 - a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 - b. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;

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- c. The need to protect primary structures from damage due to erosion is demonstrated through an engineering/geotechnical report; and
 - d. The erosion control structure shall not result in a net loss of shoreline ecological functions.
 - 3. In support of new non water-dependent development, including single-family residences, when all of the conditions below apply:
 - a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
 - b. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;
 - c. The need to protect primary structures from damage due to erosion is demonstrated through an engineering/geotechnical report. The damage must be caused by natural processes, such as currents and waves; and
 - d. The erosion control structure shall not result in a net loss of shoreline ecological functions.
 - 4. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105 RCW, Hazardous Waste Cleanup-Model Toxics Control Act, when all of the conditions below apply:
 - a. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient; and
 - b. The erosion control structure shall not result in a net loss of shoreline ecological functions.
- C. When structural shoreline stabilization measures are demonstrated to be necessary, they shall meet the following requirements:
 - 1. Stabilization measures shall be limited to the minimum size necessary.
 - 2. Measures shall be designed to assure no net loss of shoreline ecological functions.
 - 3. Soft structural stabilization measures shall be preferred over hard structural measures as prioritized in WAC 173-26-231.
 - 4. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline, except where such

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access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions under SMC 17E.060.280. Where feasible, ecological restoration and public access improvements shall be incorporated into the project.

5. New erosion control measures, including replacement structures, shall ~~((minimize))~~ not result in adverse impacts to natural stream and river processes including sediment ~~((conveyance systems))~~ transport.
- D. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal structures from erosion caused by currents or waves.
1. Replacement of an existing stabilization structure shall be based on need, demonstrated by an engineering/geotechnical analysis report.
 2. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
 3. The replacement structures shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
 4. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 5. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
- E. An engineering/geotechnical report shall be required for all shoreline stabilization measures and shall:
1. Document the need to prevent potential damage to a primary structure; and
 2. Address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation, as determined by:
 - a. When a report confirms that there is a significant possibility that a stabilization structure will be damaged within three years as a result of shoreline erosion, hard armoring solutions may be authorized. The report must document that in the absence of such hard armoring measures, or where waiting until the need is immediate,

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the opportunity to use measures that avoid impacts on ecological functions would be lost; and

- b. When a report confirms that the need to prevent potential damage to a primary structure will occur beyond three years, erosion protection using soft armoring may be authorized.

F. For erosion or mass wasting due to upland conditions, the following shall apply to designated geologically hazardous areas pursuant to WAC 173-26-221(2)(c)(ii):

1. New developments shall conform to the minimum guidelines for geologically hazardous areas, WAC 365-190-080(4);
2. New development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development shall not be allowed;
3. New development that would require structural shoreline stabilization over the life of the development shall not be allowed. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231; and
4. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

17E.060.410 Fill

Definition: Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

A. Fill waterward of the ordinary high-water mark shall:

1. Provide for no net loss of ecological functions;
2. Be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration; and
3. Be allowed only when necessary to support:
 - a. Water-dependent use;

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- b. Public access;
 - c. Cleanup and disposal of contaminated sediments as part of an agency approved environmental clean-up plan;
 - d. Disposal of dredged material considered suitable under, and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources;
 - e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible;
 - f. Mitigation action;
 - g. Environmental restoration; ~~((and))~~
 - h. Shoreline nourishment or enhancement; and
 - i. Shoreline Stabilization, pursuant to SMC 17E.060, 400.
- B. Fill landward of the ordinary high-water mark shall adhere to the following:
- 1. Ensure no net loss of ecological functions;
 - 2. Solid waste, refuse, and debris shall not be placed in the shoreline; and
 - 3. Stockpile of fill shall be allowed on-site only during the construction phase of the project.

17E.060.420 Dredging and Dredge Material Disposal

Definition: The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged or bedrock material from the bottom of water bodies. Maintenance dredging and other support activities are included in this definition.

- A. Dredging and dredge material disposal shall achieve no net loss of shoreline ecological functions.
- B. Dredging and dredge material disposal shall be conducted consistent with mitigation sequencing requirements in SMC 17E.060.220.
- C. New use or development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

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- D. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high-water mark. The project must be either associated with the Washington State Model Toxics Control Act (MTCA) or Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
- E. Periodic dredging shall be allowed for existing hydroelectric facilities where dredging is an essential activity for operation and maintenance of the facility or where dredging is used to help maintain or provide important ecological functions or to facilitate sediment transport.
- F. Disposal of dredge material within a channel migration zone shall not be allowed. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.
- ~~((G. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.~~
- ~~H. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.))~~

17E.060.430 Piers and Docks

Definition: A pier or dock is a structure built over or floating on the water used as a landing place for water transport or recreational purposes.

- A. New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.
- B. New piers and docks shall be allowed only in reservoir areas (as defined in SMC 17A.020.180) behind dams where flow conditions least resemble the natural free-flowing river, except as necessary for dam maintenance.
 - 1. The reservoir areas within the Shoreline Jurisdiction where piers and docks shall be allowed are:
 - a. Division Street east to the Kardong Bridge; and

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- b. Upriver Dam east to the Spokane City Limits;
- 2. A new pier or dock shall be engineered and constructed to withstand the seasonal high-water flows within the reservoir in which it is located.
- C. New piers and docks shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions and critical areas resources such as fish habitat and processes such as currents and river flow.
- D. Piers and docks shall be required to adhere to the mitigation sequencing in SMC 17E.060.220.
- E. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
- F. New pier or dock construction, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.
- G. New residential development of two or more dwellings shall provide joint use or community dock facilities, when feasible.
- H. New pier or dock construction requires state and federal agency permits.

17E.060.440 Jetties, Groins and Weirs

Definitions: Jetties are elongated artificial obstructions projecting into a stream from the bank to control shoaling or scour by deflection of current. Groins are bank of shore-protection structures in the form of a barrier oblique to primary motion of water, designed to control movement of bed material. Weirs are structures in a stream or river for measuring or regulating stream flow.

- A. Jetties, groins, and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or publicly owned and/or maintained projects which do not degrade natural channel morphology or river processes, or cause adverse impacts to aquatic and terrestrial wildlife ~~((other specific public purpose))~~.
- B. Jetties, groins, weirs and similar structures are allowed by a shoreline conditional use permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.
- C. Jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in SMC 17E.060.220.

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17E.060.450 Shoreline Habitat and Natural Systems Enhancement Projects

Definition: Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing wildlife and fisheries habitat in shorelines. Projects may include shoreline modifications such as re-vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

- A. The applicant shall provide documentation that the project addresses legitimate restoration needs and priorities and facilitates implementation of the City of Spokane Shoreline Restoration Plan.

Part V. Requirements for Specific Shoreline Uses

17E.060.460 Agriculture

Definition: Low-intensity agricultural use is defined as passive grazing and plant cultivation. High-intensity agricultural use includes such activities as feed lots, feed mills, packing plants, agricultural processing plants or warehouses for the purpose of processing, packing, and storage of agricultural products.

- A. Agricultural uses and development activities shall be located and designed to achieve no net loss of shoreline ecological functions.
- B. Agricultural uses and activities shall be limited to lands designated for agricultural use in the Comprehensive Plan.
- C. Conversion of agricultural land to non-agricultural uses shall achieve no net loss of shoreline ecological functions.
- D. Farm management techniques, operation, and control methods should be utilized in accordance with the guidelines and standards of the Soil Conservation Service.
- E. Agricultural use currently within the Shoreline Jurisdiction shall not extend farther waterward of existing activities.
- F. This section shall not be construed or applied in a manner that requires modification of and/or limits agricultural activities on land designated as agriculture in the Comprehensive Plan as of the date of the adoption of this SMP.
- G. New agricultural activities on land designated as agriculture in the Comprehensive Plan but not presently used for agricultural purposes, conversion of agricultural lands to other uses, and development not meeting the definition of agricultural activities shall comply with the entire SMP.

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- ~~((D. Pesticide application, aerial spraying, manure spreading within the Shoreline Jurisdiction shall not be allowed.~~
- ~~E. The disposal of inorganic farm wastes, chemicals, fertilizers, and associated containers and equipment shall not be allowed within the Shoreline Jurisdiction, except organic wastes may be used for fertilization or soil improvement.~~
- ~~F. The disposal of solid waste, including junk vehicles and equipment, debris, and brush, shall not be allowed within the Shoreline Jurisdiction.))~~
- ~~G. In grazed areas, fencing to protect shoreline buffers shall be required.))~~

17E.060.470 Aquaculture

Aquaculture activities are presently not in use, nor are they an anticipated activity within the Shoreline Jurisdiction. Therefore, these activities are not applicable to the City of Spokane. If the City should determine in the future that aquaculture will be allowed in the Shoreline Jurisdiction, regulations will be established by amendment to the SMP and to all other applicable City of Spokane development regulations.

17E.060.480 Boating Facilities

Definition: Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high water mark.

- A. Boating facilities shall meet the requirement for no net loss of shoreline ecological functions.
- B. Boating facilities shall not conflict with existing or planned public access opportunities.
- C. Boating facilities shall be located only on sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.
- D. Preference shall be given to existing boat launch facilities that can be modified to accommodate multiple types of permitted non-motorized water craft uses.
- E. Location and design of boating facilities shall not obstruct use of the water.
- F. Launch ramps and accessory uses shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities from floods and destructive storms.
- G. Launch ramps and accessory uses shall be located where water depths are adequate to avoid the need for dredging.

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- H. Boating facilities shall be limited to the minimum size necessary to meet the needs of the use.
- I. Accessory parking facilities shall be located outside the Shoreline Jurisdiction.
- J. Live-aboard vessels shall not be allowed.

17E.060.490 Capital Facilities and Utilities

Definition: Utilities are services and facilities that produce, convey, store, or process such things as power, gas, sewage, communications, oil, and waste. Capital Facilities include wastewater treatment plants, bridges, water reservoirs, electrical substations, gas regulating stations and power generating facilities. On-site utility features serving a primary use such as a water, sewer, or gas line to a residence are “accessory utilities” and shall be considered a part of the primary use.

- A. New utilities and capital facilities shall be located, designed, and maintained in such a way that there is no net loss of shoreline ecological functions.
- B. New utilities shall be located in existing rights-of-way and corridors whenever feasible and not harmful to existing utilities.
- C. All new utility production and processing facilities such as power plants, or parts of those facilities that are non-water oriented, shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible alternative is available.
- D. Transmission facilities for the conveyance of services such as power lines, cables, and pipelines shall be located outside of the Shoreline Jurisdiction where feasible.
- E. Over-water utility crossings shall be allowed only when no feasible alternative exists.
- F. New utilities or the substantial expansion of existing utilities shall:
 - 1. Be located underground or under water, if feasible (feasible as defined by chapter 17A.020 SMC and WAC 173-26-020(13));
 - 2. Utilize low impact, low profile, design and construction methods; and
 - 3. Be consistent with all applicable federal, state, and local regulations.
- G. Maintenance and replacement of existing utilities shall be exempt from subsections (F)(1) and (F)(2) above.
- H. The construction of bridges solely for pipelines shall not be allowed.

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- I. Facilities which constitute the final termination or destination of a transmission line shall not be allowed in the Shoreline Jurisdiction.
- J. New utilities and facilities shall be located to eliminate the need for extensive shoreline stabilization measures.
- K. Upon completion of installation and/or maintenance projects, shorelines shall be re-vegetated pursuant to SMC 17E.060.260, Vegetation Replacement Plan.
- L. New wastewater treatment plant facilities and accessory uses, including pumping stations, shall be located outside of the Shoreline Jurisdiction, with the exception of outfall infrastructure, unless no other feasible alternative exists.
- M. Expansions or upgrades of existing wastewater treatment plant facilities shall be allowed in the Shoreline Jurisdiction.
- N. New wastewater treatment plant outfalls shall be located so they will not be visible at mean low water.
- O. New wastewater treatment plant outfalls shall be designed and constructed to prevent the entry of fish.
- P. Wastewater treatment plant facilities shall be required to mitigate the aesthetic impacts to the surrounding environment through Low Impact Development.
- Q. Wastewater treatment plant improvements shall incorporate mitigation measures for odor reduction.

17E.060.500 Commercial Development

Definition: Commercial developments are those uses which involve wholesale and retail trade or business activity that meet the definition in SMC 17E.060.360, Primary Permitted Uses, for water-dependent, water-related, water-enjoyment, and non-water oriented uses.

- A. The location, design and construction of commercial uses and redevelopment shall achieve no net loss of shoreline ecological functions.
- B. Preference shall be given first to water-dependent commercial uses, then to water-related and water-enjoyment uses.
- C. All commercial uses shall provide public access pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- D. 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 or the following criteria are met:

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1. The use is part of a mixed-use project (a combination of non-water oriented uses with any of the following: water-dependent, water-related, or water- enjoyment uses); and
 2. Provides public access and ecological restoration to achieve no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.
- E. Non-water-dependent commercial uses over water shall be prohibited except in existing structures and where necessary to support water-dependent uses.

17E.060.510 Forest Practices

Forest practices are those activities not covered by the Forest Practices Act involving conversion to non-forest use. Forest practices are not presently conducted within the shorelines, nor are they an anticipated activity within the Shoreline Jurisdiction. Therefore, these activities are not applicable to the City of Spokane. If the City of Spokane determines in the future that forest practices should be allowed in the Shoreline Jurisdiction, regulations will be established by amendment to this SMP and to all other applicable City of Spokane development regulations.

17E.060.520 Industrial Development

Definition: Industrial uses pertain to the manufacture or processing of goods or products that meet the definition in SMC 17E.060.360, Primary Permitted Uses, for water-dependent, water-related, water-enjoyment, and non-water oriented uses. Waste water treatment plant facilities for the purposes of these Shoreline Regulations are defined as utilities. Waste water treatment plant uses are listed in Table 17E.060-4 under Waste Water Treatment Plant Environment (WTPE).

- A. The location, design and construction of industrial uses and redevelopment shall achieve no net loss of shoreline ecological functions.
- B. Preference shall be given first to water-dependent industrial uses, then to water-related and water-enjoyment uses.
- C. All industrial uses shall provide public access pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- D. Non-water oriented industrial uses shall not be allowed unless the site is physically separated from the shoreline by another property or public right-of-way or the following criteria are met:
 1. The use is part of a mixed-use project (a combination of non-water oriented uses with any of the following: water-dependent, water-related, or water- enjoyment uses); and

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2. The use provides public access and ecological restoration to achieve no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.
- E. The preferred location of industrial uses and redevelopment shall be where environmental clean-up and restoration can be accomplished.

17E.060.530 Institutional Development

Definition: Institutions are primarily large, educational establishments of higher learning, technical trade schools, research centers, art galleries, museums, churches, scientific, historic, and cultural facilities, and related establishments that meet the definition in SMC 17E.060.360, Primary Permitted Uses, for water-dependent, water-related, water-enjoyment, and non-water oriented uses. It is intended that the natural features and setting of the shoreline will not be substantially altered by such institutional expansion or development, but rather enhanced and protected.

- A. The location, design and construction of institutional uses shall achieve no net loss of shoreline ecological functions.
- B. If the institutional use is categorized as a basic utility under SMC 17C.190.400, then the development shall also comply with SMC 17E.060.490, Capital Facilities and Utilities, and Table 17E.060-4, Shoreline Primary Uses.

17E.060.540 In-Stream Structures

Definition: In-stream structures are placed within a stream or river waterward of the ordinary high-water mark that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

- A. All in-stream structures and associated facilities shall achieve no net loss of shoreline ecological functions.
- B. ((A.)) Uses that adversely impact the ecological functions of freshwater habitats shall not be allowed except where necessary to achieve the prioritized objectives of RCW 90.58.020, and then only when their impacts are mitigated to achieve no net loss of ecological functions, pursuant to SMC 17E.060.220, Mitigation Sequencing.
- C. ((B.)) Proposed in-stream structures and associated facilities shall be ~~((analyzed for their ability to))~~ evaluated to assure that they protect and preserve ecosystem-wide processes, and shoreline ecological functions, including but not limited to:
1. Aquatic life ((Fish)) and fish passage;

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2. Wildlife ~~((and water resources))~~;
 3. Shorelands and natural vegetation;
 4. ~~((3.))~~ Critical Areas;
 5. Cultural Resources;
 6. Normal and existing public uses, public access, and recreational uses;
 7. ~~((4.))~~ Natural channel hydrogeological and fluvial processes including flows, channel morphology and sediment transport ~~((Hydrogeological processes))~~; and
 8. ~~((5.))~~ Natural character and scenic vistas.
- D. ~~((C.))~~ Proposed in-stream projects shall be assessed ~~((analyzed))~~ for impacts to:
1. Watershed functions and processes;
 2. Ecological functions in the shoreline, including aquatic and shoreland vegetation, wildlife, and their aquatic life; and
 3. ~~((2.))~~ Priority habitats and species.
- E. ~~((D.))~~ All in-stream structures shall be located, ~~and~~ designed, and constructed to protect:
1. ~~((Minimize interference with surface))~~ Surface navigation and the public's use of surface water or shoreline areas;
 2. ~~((Consider impacts to))~~ Public views;
 3. Aquatic life and wildlife;
 4. ~~((Allow for the))~~ The safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration; and
 5. The natural channel morphology and river processes, including sediment transport and flows.
- F. ~~((E.))~~ New over-water structures shall be allowed only for public access, ecological restoration, or water-dependent uses when the over-water location is necessary for the operation of the water-dependent use.
- G. ~~((F.))~~ New over-water structures shall be limited to the minimum size necessary to support the structure's intended use.

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- H. ((G.)) Multiple uses of over-water facilities shall be considered in order to reduce the impacts of development and increase effective use of water resources, provided that use conflicts can be avoided.

17E.060.550 Mining

Mining practices are not allowed within the Shoreline Jurisdiction. If the City of Spokane determines in the future that mining should be allowed in the Shoreline Jurisdiction, regulations will be established by amendment to the SMP and to all other applicable City of Spokane development regulations.

17E.060.560 Recreational Development

Definition: Shoreline recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-enjoyment recreational uses include river or stream swimming areas, whitewater structures, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.

Recreational uses such as parks, golf courses, public squares, plazas, recreational trails, botanical gardens, and nature preserves are designated in chapter 17C.190 SMC as institutional uses and shall be categorized the same for these Shoreline Regulations.

- A. Recreation facilities shall be located and designed so that there is no net loss of shoreline ecological functions.
- B. Shoreline recreational development shall be given priority for shoreline location and shall be primarily related to access, enjoyment, and use of the water and shorelines.
- C. Commercial recreational development and public recreational development shall be oriented towards the shoreline and shall be subject to the requirements in SMC 17E.060.280, Physical and Visual Public Access.
- D. Shoreline recreational facilities shall be linked to other adjacent recreational attractions by pedestrian and/or bicycle trails wherever possible.
- E. Recreational facilities shall be located and designed in a manner consistent with the purpose of the environment designation in which they are located.
- F. Recreational development shall include interpretive displays describing cultural, historical and scientific information, where applicable.
- G. Non-water oriented recreational development uses shall not be located within the Shoreline Jurisdiction.

17E.060.570 Residential Development

Purpose: Single-family residences are the most common form of shoreline development and are identified by the SMA as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, introduction of pollutants, and vegetation modification and removal. Residential development also includes two-family, three-family, and multi-family development and the creation of new residential lots through land division.

- A. Residential development shall be located and designed such that there is no net loss of shoreline ecological functions.
- B. Residential development within the Shoreline Jurisdiction shall be set back from steep slopes and eroding shoreline areas so that the shoreline is not further eroded and structural improvements are not required to protect property.
- C. New single-family, two-family and three-family residential development shall not be required to provide public access.
- D. New multi-family residential development shall provide public access, pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- E. Over-water residences shall be prohibited.

17E.060.580 Shoreline Jurisdiction Residential Subdivision Requirements

- A. New subdivided lots shall be designed, configured and developed to:
 - 1. Prevent the loss of ecological functions at full build-out of all lots;
 - 2. Prevent the need for new shoreline stabilization or flood hazard reduction measures.
- B. The subdivision of land into more than four parcels shall provide public access, pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- C. The subdivision of land shall not be allowed where lots are created that will require shoreline stabilization in order for reasonable development to occur. An engineering/ geotechnical analysis of the site and shoreline characteristics shall be required that provides evidence that shoreline stabilization measures will not be needed for the subdivision, pursuant to SMC 17E.060.400, Shoreline Stabilization.
- D. All residential development shall meet the development standards of the underlying zone. In the case of a conflict between the requirements of the SMP and the underlying zone, the most restrictive shall apply.

17E.060.590 Parking Facilities

Definition: Parking facilities include private and public accessory lots, structures, and loading and unloading areas.

- A. Parking facilities as a primary use or stand-alone use shall not be allowed within the Shoreline Jurisdiction.
- B. Parking facilities that are accessory to a permitted use shall be located and designed so that there is no net loss of shoreline ecological functions.
- C. Parking facilities that are accessory to a permitted use within the Shoreline Jurisdiction shall not be allowed between the development and the adjacent shoreline.
- D. Parking facilities that are accessory to a permitted use shall not extend beyond the building footprint on the shoreline side or one hundred feet from the ordinary high-water mark, whichever is greater.
- E. Surface and structural parking facilities accessory to a permitted use within the Shoreline Jurisdiction shall include:
 - 1. A pedestrian entry point to an established or proposed shoreline trail, pathway or viewing area for physical and visual access to the shoreline, pursuant to SMC 17E.060.280, Physical and Visual Public Access;
 - 2. Landscape screening around the perimeter of the parking facility, pursuant to chapter 17C.200 SMC, Landscaping.
- F. Refer to Table 17C.230-1, chapter 17C.230 SMC, Minimum Required and Maximum Allowed Parking Spaces by Zone, for parking requirements.

17E.060.600 Transportation Facilities

Definition: Roads, streets, highways, bridges, bicycle and pedestrian facilities and other related transportation infrastructure.

- A. Transportation facilities shall be planned, designed, and located so that there is no net loss of shoreline ecological functions and so that there is not an adverse affect to unique or fragile shoreline features.
- B. Transportation facilities shall not adversely impact existing or planned water-dependent uses.
- C. Non-motorized transportation facilities shall be incorporated within planned transportation improvements.

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- D. New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network shall not be allowed within the Shoreline Jurisdiction unless no other options are available and feasible.
- E. New local access streets or street expansions serving permitted shoreline uses shall be allowed within the Shoreline Jurisdiction and located on the landward side of such permitted uses.
- F. Pedestrian and bicycle linkages to existing or planned transportation networks shall be allowed in the Shoreline Jurisdiction and shall incorporate scenic views, viewpoints, and the preservation of significant natural features in their design, if feasible.
- G. Maintenance roads shall be allowed within the Shoreline Jurisdiction. When feasible, maintenance roads shall be pervious and also serve as public access to the shoreline.
- H. Street or alley vacation shall not be allowed within the Shoreline Jurisdiction except in compliance with RCW 35.79.035.
- I. Transportation corridors crossing the shoreline environment shall be consolidated in order to minimize the number of crossings.

17E.060.610 Rail Lines and Rail Corridors

Definition: A rail line is a linear passageway consisting of railroad track, roadbed, and accessory structures.

- A. New rail lines or the expansion of existing rail lines shall be planned, located and designed so that there is no net loss of shoreline ecological functions.
- B. New rail lines shall not be allowed in the Shoreline Jurisdiction unless necessary to connect to existing rail lines or existing rights-of-way or it can be demonstrated that no other feasible alternative exists.
- C. New rail lines in the Shoreline Jurisdiction shall use existing rail corridors where feasible.
- D. Existing rail lines may be expanded within existing rail corridors.
- E. All rail lines shall provide means for the public to overcome the physical barrier created by the line and gain access to the shoreline, where feasible.

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17E.060.620 Natural Land Forms

A. Islands.

1. Use or development shall not be allowed on undeveloped islands in the Spokane River and Latah Creek.
2. Islands shall not be damaged or degraded and shall be preserved for wildlife habitat and scenic and aesthetic qualities.

B. Shoreline Basalt Cliffs and Banks.

1. No development or use shall be allowed which:
 - a. Destroys or degrades the natural character of the shoreline basalt cliffs and banks.
 - b. Removes vegetation from the shoreline basalt cliffs and banks, unless the removal is to improve public safety.
 - c. Accumulates excessive amounts of water in any way at the top of a bank or cliff.
 - d. Increases the hazard of or causes cave-ins, landslides, and/or erosion.
 - e. Involves the use of explosives or mining.

C. Spokane River Falls and Rapids.

Any development or use that will destroy or degrade the falls and rapids area shall not be allowed.

17E.060.630 Sign Standards

Shoreline signs are regulated pursuant to chapter 17C.240 SMC.

**Article VI. Environment Designations and
Requirements for Modifications and Uses in Specific Environments**

Part I. Environmental Designations Established

17E.060.640 Environmental Designations Established

- A. Purpose: The Environment Designations are a regulatory overlay to the underlying zoning and provide a framework for allowing certain uses.

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- B. The shoreline environments and the general boundaries of these environments are represented on the Shoreline Environment Designations Maps as authorized in chapter 17E.060 SMC and as adopted in chapter 14, Shorelines, in the Comprehensive Plan.
- C. A development in the Shoreline Jurisdiction shall meet the use and modification standards of the shoreline environment, the general use and modification provisions in Articles IV and V, any zoning overlay in which it is located, and those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline environment and the underlying zone, the most restrictive regulation shall apply.
- D. If a shoreline lot is split by a shoreline environment boundary line, each portion of the lot shall be regulated by the shoreline environment covering that portion.
- E. Shorelines that are undesignated shall automatically be assigned an Urban Conservancy Environment, pursuant to WAC 173-26-211(2)(e).

17E.060.650 Shoreline Environment Designations

- A. The six Shoreline Environments are listed below:

Table 17E.060-2 Shoreline Environment Designations	
Natural	NE
Urban Conservancy	UCE
Shoreline Residential	SRE
Limited Urban	LUE
Intensive Urban	IUE
Wastewater Treatment Plant	WTPE

- B. The management policies are located in Chapter 14 of the City of Spokane Comprehensive Plan.
- C. The purpose and designation criteria for each shoreline environment designation are described below.
 - 1. Natural Environment (NE)
 - a. Purpose.
The purpose of the "natural" environment is to protect shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. This environment allows only very low intensity uses in order to maintain the ecological functions and ecosystem-wide processes.

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b. Designation Criteria.

The "natural" environment designation is assigned to shoreline areas with any of the following characteristics:

- i. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
- ii. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
- iii. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

The Natural Environment designation delineates those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments that are sensitive to human development. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, unstable bluffs, spits, and ecologically intact shoreline habitats.

Ecologically intact shorelines can include both large (covering multiple properties) and small (within one property) areas which retain the majority of their natural shoreline functions. Generally, these are free of structural shoreline modification, structures, and intensive uses, and can include forested areas which have native vegetation, diverse plant communities and large woody debris.

Location: Refer to Shoreline Environment Designations Maps for general locations of the Natural Environment.

2. Urban Conservancy Environment (UCE)

a. Purpose.

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.

b. Designation Criteria.

The "urban conservancy" environment designation is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of

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the area and that are not generally suitable for water-dependent uses if any of the following characteristics apply:

- i. They are suitable for water-related or water-enjoyment uses;
 - ii. They are open space, floodplain or other sensitive areas that should not be more intensively developed;
 - iii. They have potential for ecological restoration;
 - iv. They retain important ecological functions, even though partially developed; or
 - v. They have the potential for development that is compatible with ecological restoration.
- c. Location: Refer to Shoreline Environment Designations Maps for general locations of the Urban Conservancy Environment.

3. Shoreline Residential Environment (SRE)

- a. Purpose.
The "shoreline residential" environment is designed to accommodate existing, small-lot residential development and accessory structures. The shoreline residential environment may also provide appropriate public access and recreational uses.
- b. Designation Criteria.
The "shoreline residential" environment designation is assigned to shoreline areas if they are predominantly small-lot single-family or multi-family residential development or are planned and platted for such residential development.
- c. Location.
Refer to Shoreline Environment Designations Maps for general locations of the Shoreline Residential Environment.

4. Limited Urban Environment (LUE)

- a. Purpose.
The purpose of the "limited urban" environment is to accommodate a range and mixture of water-oriented residential, commercial, and institutional uses at moderate intensity and density levels, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Water-dependent utilities and industrial uses are also accommodated. In addition, this designation provides for appropriate physical and visual public access and recreation uses. This environment is

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suitable for residential development, while allowing for non-residential uses with height limitations and at a significantly lower scale of intensity than is found in the Intensive Urban Environment. This environment is intended for development that creates a unique urban waterfront environment, enhances aesthetic appeal, provides public access, and allows compatible uses.

- b. Designation Criteria.
The “limited urban” environment is assigned to shoreline areas that are intended to accommodate further urban growth and infill development and that are appropriate for a mix of water-oriented residential, institutional, and limited commercial uses. Water-dependent utility and industrial uses may be accommodated. This environment may include a range and mix of uses similar to those found in the Intensive Urban Environment, but at a significantly lower scale of intensity. This environmental designation may serve as a transition between higher intensity and lower intensity environmental designations.
- c. Location.
Refer to Shoreline Environment Designations Maps for general locations of the Limited Urban Environment.

5. ~~((4))~~ Intensive Urban Environment (IUE)

- a. Purpose.
The purpose of the “intensive urban” environment is to ensure optimum, intensive public utilization of shorelines by providing high-intensity public use and managing development so that it enhances and maintains the shorelines for a variety of urban uses. Existing ecological functions within the shoreline area must be protected, and areas that have been previously degraded must be restored. Urban use of shorelines in this environment should be limited to water-oriented uses in developed areas with adequate building setbacks from the top of the riverbanks. Priority will be given to public access, both visual and physical. Pedestrian paths and cycle paths should connect to access points. Public ownership of land should be maintained and expanded along both riverbanks.
- b. Designation Criteria.
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.

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- c. Location.
Refer to Shoreline Environment Designations Maps for general locations of the Intensive Urban Environment.

6. ((5)) Wastewater Treatment Plant Environment (WTPE)

- a. Purpose.
The purpose of the “wastewater treatment plant” environment is to create a unique designation that specifically corresponds with and addresses wastewater treatment plants. This designation focuses on providing this essential public facility while at the same time addressing the concerns of mitigation measures, aesthetic enhancements, location, and restoration opportunities.
- b. Designation Criteria.
This designation is assigned to Wastewater Treatment Plant properties within the Shoreline Jurisdiction.
- c. Location.
Refer to Shoreline Environment Designations Maps for general locations of the Wastewater Treatment Plant Environment.

Part II. Modifications and Uses in Specific Environments

17E.060.660 Shoreline Modifications and Uses Specific to Shoreline Environment Designations

Definition: The Shoreline Management Act makes a distinction between a shoreline use and shoreline modifications. A shoreline use is an activity that is allowed within the Shoreline Jurisdiction. In some cases, the shoreline must be modified in order to allow for the proposed use. Shoreline modifications include such activities as dredging, fill, or construction of a stabilization structure, jetty, groin, or weir.

- A. Shoreline modifications and uses are regulated according to specific Environment Designations, pursuant to Tables 17E.060-3 and 17E.060-4, as well as the general use and modification provisions of Article IV and V.
- B. Table 17E.060-3, Shoreline Modifications, and Table 17E.060-4, Shoreline Primary Uses, display modifications and uses in each environment that are:
 - 1. Permitted outright with a shoreline substantial development permit or exemption;
 - 2. Permitted as a shoreline conditional use; or
 - 3. Permitted with specific limitations.

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- C. Shoreline uses and modifications not specifically identified in Tables 17E.060-3 and 17E.060-4 shall be:
 - 1. Evaluated as a shoreline conditional use;
 - 2. Required to meet the intent of the entire SMP; and
 - 3. Consistent with the management policies and character of the shoreline environment in which they are proposed to be located.
- D. Use and modification regulations shall achieve no net loss of shoreline ecological functions.
- E. All proposed shoreline uses and modifications occurring within the Shoreline Jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and the entire City of Spokane Shoreline Master Program.

17E.060.670 Shoreline Modifications

- A. In addition to this section, shoreline modifications are subject to the regulations in Article V, Part IV, General Requirements for Shoreline Modifications.
- B. Refer to SMC 17E.060.300 for modifications that are exempt from obtaining a shoreline substantial development permit. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of these Shoreline Regulations, or from any other regulatory requirements. To be authorized, all modifications must be consistent with the policies and regulations of the entire SMP and the Act.
- C. Legend for Table 17E.060-3:
 - 1. Permitted Modifications – “P”

Modifications permitted are listed in Table 17E.060-3 with a “P”. These modifications are allowed if they comply with the development standards of these Shoreline Regulations and Title 17C. A shoreline substantial development permit or an exemption from such permit is required, pursuant to SMC 17E.060.290 and SMC 17E.060.300.
 - 2. Limited – “L”

Modifications allowed that are subject to limitations are listed in Table 17E.060-3 with an “L”. These modifications are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards of these Shoreline Regulations and Title 17C. A shoreline substantial development permit or an exemption from such permit is required.

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3. Conditional Uses – “CU”

Modifications that are allowed if approved through the shoreline conditional use review process are listed in Table 17E.060-3 with a “CU.” These modifications are allowed provided they comply with the conditional use approval criteria, the development standards of these Shoreline Regulations and Title 17C. Modifications listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote.

4. Modifications Not Permitted – “N”

Modifications listed in Table 17E.060-3 with an “N” are not permitted.

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Table 17E.060-3. Shoreline Modifications						
Modification is: P: Permitted (with shoreline substantial development permit or exemption) N: Not permitted L: Allowed, but special limitations CU: Conditional use review required	Shoreline Environments					
	<i>NE</i>	<i>UCE</i>	<i>SRE</i>	<i>LUE</i>	<i>IUE</i>	<i>WTPE</i>
Shoreline Stabilization						
New or enlarged structure for new development or for land subdivision	N	N	N	N	N	N
New or enlarged structure for protection of existing structures	CU	CU	CU	CU	CU	CU
New or enlarged structure for support of new non-water-dependent development, including single-family residence	CU	CU	CU	CU	CU	CU
New or enlarged structure in support of water-dependent development	CU	CU	CU	CU	CU	CU
New or enlarged structure to protect projects for the restoration of ecological functions or hazardous substance remediation projects	CU	CU	CU	CU	CU	CU
Replace existing shoreline stabilization structure	CU	CU	CU	CU	CU	CU
Piers and Docks						
Single family residential pier or dock	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	N	N
A new pier or dock essential to the successful operation of a permitted water-dependent use	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU
A new pier or dock for public access	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU	L ^[1] /CU
Fill						
Waterward of the ordinary high-water mark	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU
Waterward of the ordinary high-water mark for ecological restoration	L ^[3]	L ^[3]	L ^[3]	L ^[3]	L ^[3]	L ^[3]
Landward of the ordinary high-water mark	L ^[4] /CU	L ^[4] /CU	L ^[4] /CU	L ^[4] /CU	L ^[4] /CU	L ^[4] /CU
Jetties, Groins and Weirs						
Waterward of the ordinary high-water mark	N (L ^[5] /CU)	L ^[5] /CU	L ^[5] /CU	L ^[5] /CU	L ^[5] /CU	L ^[5] /CU
Waterward of the ordinary high-water mark for ecological restoration	L ^[6]	L ^[6]	L ^[6]	L ^[6]	L ^[6]	L ^[6]
Dredging and Dredge Material Disposal						
Waterward of the ordinary high-water mark for the primary purpose of obtaining fill material	CU	CU	CU	CU	CU	CU
Periodic dredging for existing hydroelectric facilities	CU	CU	CU	CU	CU	CU
Disposal of dredge material within a channel migration zone	N	N	N	N	N	N
Shoreline Habitat and Natural Systems Enhancement Projects						
	P	P	P	P	P	P

17E.060.680 Shoreline Modifications Limited Use Standards

A. The paragraphs listed below contain the limitations on shoreline modifications and correspond with the bracketed [] footnote numbers from Table 17E.060-3.

1. Piers and Docks.

This regulation applies to all parts of Table 17E.060-3 that have a note [1]. Piers and Docks shall be allowed only in areas described in SMC 17E.060.430.

2. Fill waterward of the ordinary high-water mark.

This regulation applies to all parts of Table 17E.060-3 that have a note [2]. Fill waterward of the ordinary high-water mark shall be allowed only when consistent with SMC 17E.060.410(A), Fill. ~~((where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose. If this can be demonstrated, a shoreline conditional use permit is required.))~~

3. Fill waterward of the ordinary high-water mark for ecological restoration.

This regulation applies to all parts of Table 17E.060-3 that have a note [3]. Fill waterward of the ordinary high-water mark for ecological restoration shall only be allowed when the applicant provides documentation that the project addresses legitimate restoration needs and priorities and facilitates implementation of the City of Spokane Shoreline Restoration Plan.

4. Fill landward of the ordinary high-water mark.

This regulation applies to all parts of Table 17E.060-3 that have a note [4]. Fill landward of the ordinary high-water mark shall only be allowed for a permitted and approved use. If this can be demonstrated, a shoreline conditional use permit is required.

5. Jetties, groins and weirs waterward of the ordinary-high-water-mark.

This regulation applies to all parts of Table 17E.060-3 that have a note [5]. Jetties, groins and weirs waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or publicly owned and/or maintained projects ~~((other specific public purpose))~~. If this can be demonstrated, a shoreline conditional use permit is required.

6. Jetties, groins and weirs waterward of the ordinary high-water mark for ecological restoration.

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This regulation applies to all parts of Table 17E.060-3 that have a note [6]. Jetties, groins and weirs waterward of the ordinary high-water mark for ecological restoration shall only be allowed when the applicant provides documentation that the project addresses legitimate restoration needs and priorities and facilitates implementation of the City of Spokane Shoreline Restoration Plan.

17E.060.690 Shoreline Primary Use

- A. In addition to this section, shoreline uses are subject to the regulations in Article V, Part I, General Requirements for Shoreline Use.
- B. Refer to SMC 17E.060.300 for uses and activities that are exempt from obtaining a shoreline substantial development permit. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of these Shoreline Regulations, or from any other regulatory requirements. To be authorized, all uses and activities must be consistent with the policies and regulations of the entire SMP and the Act.
- C. To be permitted in the Shoreline Jurisdiction, a use must be permitted in both the shoreline environment and the underlying zone in which it is located.
- D. Uses not listed in Table 17E.060-4 or Title 17C may only be authorized as a conditional use.
- E. Legend for Table 17E.060-4:
 - 1. Permitted Uses – “P”

Uses permitted are listed in Table 17E.060-4 with a “P”. These uses are allowed if they comply with the development standards of these Shoreline Regulations and Title 17C. A shoreline substantial development permit or an exemption from such permit is required, pursuant to SMC 17E.060.290 and SMC 17E.060.300.
 - 2. Limited Uses – “L”

Uses allowed that are subject to limitations are listed in Table 17E.060-4 with an “L”. These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards of these Shoreline Regulations and title 17C SMC. A shoreline substantial development permit or an exemption from such permit is required.
 - 3. Conditional Uses – “CU”

Uses that are allowed if approved through the shoreline conditional use review process are listed in Table 17E.06-4 with a “CU.” These uses are

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allowed provided they comply with the conditional use approval criteria for that use, the development standards of these Shoreline Regulations and Title 17C. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote.

4. Uses Not Permitted – “N”

Uses listed in Table 17E.060-4 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards in Chapter 17C.210 SMC, Land Use Standards Non Conforming Situations, and SMC 17E.060.380, Nonconforming Structures and Uses.

Table 17E.060-4 Shoreline Primary Uses						
Use is: P: Permitted (with shoreline substantial development permit or exemption) N: Not permitted L: Allowed, but special limitations CU: Conditional use review required	Shoreline Environments					
	<i>NE</i>	<i>UCE</i>	<i>SRE</i>	<i>LUE</i>	<i>IUE</i>	<i>WTPE</i>
Agriculture						
Low intensity agriculture	N	L ^[1] /CU	N	N	N	N
High intensity agriculture	N	N	N	N	N	N
Aquaculture						
Aquaculture	N	N	N	N	N	N
Boating Facilities						
Marinas	N	N	N	N	N	N
Launch ramps for small non-motorized watercraft	CU	CU	CU	CU	N	CU
Capital Facilities and Utilities						
Maintenance of existing utilities or facilities	P	P	P	P	P	P
New construction or expansion of existing utilities or facilities	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU	L ^[2] /CU
Over-water or underwater utility crossings	CU	CU	CU	CU	CU	CU
New bridges solely for pipelines	N	N	N	N	N	N
Facilities which constitute the final termination or destination of a transmission line	N	N	N	N	N	N
Expansions or upgrades of existing wastewater treatment plant facilities and accessory uses	N	N	N	N	N	CU
New wastewater treatment plant facilities and pumping stations	N	N	N	N	N	L ^[2] /CU
New wastewater treatment outfall infrastructure	CU	CU	CU	CU	CU	P
New Wireless Communication Support Tower	N	N	N	N	N	N
Commercial Development						
Water-dependent commercial uses	N	P	N	P	P	N
Water-related commercial uses	N	P	N	P	P	N
Water-enjoyment commercial uses	N	P	N	P	P	N
Non-water oriented commercial uses	N	L ^[3]	N	L ^[3]	L ^[3]	N
Forest Practices						
Forest Practices	N	N	N	N	N	N

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Industrial Development						
Water-dependent industrial uses	N	CU	N	CU	CU	N
Water-related industrial uses	N	CU	N	CU	CU	N
Non-water oriented industrial uses	N	L ^[4] /CU	N	L ^[4] /CU	L ^[4] /CU	N
High impact industrial uses	N	N	N	N	N	N
Institutional						
Water-dependent institutional	CU	CU	CU	CU	CU	N
Water-related institutional	CU	CU	CU	CU	CU	N
Water-enjoyment institutional	CU	CU	CU	CU	CU	CU
Non-water oriented institutional	L ^[5] /CU	L ^[5] /CU	L ^[5] /CU	L ^[5] /CU	L ^[5] /CU	N
In-Stream Structures						
In-Stream Structures	L ^[6] /CU	CU	CU	CU	CU	CU
Mining						
Mining	N	N	N	N	N	N
Recreational Development						
Water-dependent recreation	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	N
Water-enjoyment recreation	L ^[7] /CU	CU	CU	CU	CU	N
Non-water oriented recreation	N	CU	CU	CU	CU	N
Residential Development						
Single-family residences	CU	P	P	P	P	N
Two-family residences	N	P	P	P	P	N
Three-family residences	N	P	P	P	P	N
Multi-family residences (4 or more dwelling units)	N	CU	CU	CU	CU	N
Accessory dwelling unit (ADU)	CU	P	P	P	P	N
Detached accessory structures	CU	P	P	P	P	N
Group living	N	CU	CU	CU	CU	N
Subdivision						
All subdivisions (including Binding Site Plans)	L ^[8] /CU	CU	CU	CU	CU	N
Parking						
Commercial parking or parking facility as primary use	N	N	N	N	N	N
Parking, accessory to a permitted use	P	P	P	P	P	P
Transportation						
New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network	L ^[9] /CU	L ^[9] /CU	L ^[9] /CU	L ^[9] /CU	L ^[9] /CU	L ^[9] /CU
New local access streets or street expansions serving permitted shoreline uses	L ^[10] /CU	L ^[10]	L ^[10]	L ^[10]	L ^[10]	L ^[10]
Pedestrian and bicycle linkages to existing or planned transportation networks	L ^[11] /CU	P	P	P	P	P
Maintenance roads, accessory to a permitted use	P	P	P	P	P	P
Railroads and Rail Corridors						
New rail lines	L ^[12] /CU	L ^[12] /CU	L ^[12] /CU	L ^[12] /CU	L ^[12] /CU	L ^[12] /CU
Expansion of existing rail lines	P	P	P	P	P	P

17E.060.700 Shoreline Limited Use Standards

A. The paragraphs listed below contain the limitations on shoreline use that correspond with the bracketed [] footnote numbers from Table 17E.060-4.

1. Low intensity agriculture.

This regulation applies to all parts of Table 17E.060-4 that have a note [1]. Low intensity agriculture uses and activities are limited to lands designated for agriculture use in the Comprehensive Plan.

2. New construction or expansion of existing utilities or facilities or any parts of those facilities that are non-water oriented.

This regulation applies to all parts of Table 17E.060-4 that have a note [2]. New construction or expansion of existing utilities or facilities or any parts of those facilities that are non-water oriented shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible alternative is available. If this can be demonstrated, a shoreline conditional use permit is required.

3. Non-water oriented commercial uses.

This regulation applies to all parts of Table 17E.060-4 that have a note [3]. Non-water oriented commercial uses shall not be allowed unless:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or
- b. The use is part of a mixed use project (a combination of the non-water oriented commercial use and any of the following: water-dependent, water-related and/or water-enjoyment uses);
- c. The use provides public access; and
- d. The use achieves no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.

4. Non-water oriented industrial uses.

This regulation applies to all parts of Table 17E.060-4 that have a note [4]. Non-water oriented industrial uses shall not be allowed unless:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or

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- b. The use is part of a mixed use project (a combination of the non-water oriented industrial use and any of the following: water-dependent, water-related and/or water-enjoyment uses);
 - c. The use provides public access; and
 - d. The use achieves no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.
5. Non-water oriented institutional uses.

This regulation applies to all parts of Table 17E.060-4 that have a note [5]. Non-water oriented institutional uses shall not be allowed unless:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or
 - b. The use provides public access.
6. In-Stream Structures.
This regulation applies to all parts of Table 17E.060-4 that have a note [6]. In-Stream Structures shall be allowed only when associated with highways, bridges, bicycle and pedestrian facilities, and other related transportation infrastructure.
7. Recreational Development.
This regulation applies to all parts of Table 17E.060-4 that have a note [7]. Whitewater structures shall not be located in the Natural Environment (NE).
8. ((6-)) All subdivisions, including Binding Site Plans, in the Natural Environment.

This regulation applies to all parts of Table 17E.060-4 that have a note [8] (([6])). All subdivision of property, including Binding Site Plans, in a configuration that, to achieve its intended purpose, requires significant vegetation removal or shoreline modification that adversely impacts ecological functions shall not be allowed, pursuant to WAC 173-26-211(5)(a)(ii)(G).

9. ((7-)) New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network.

This regulation applies to all parts of Table 17E.060-4 that have a note [9] (([7])). New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible

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alternative is available. If this can be demonstrated, a shoreline conditional use permit is required.

10. ~~((8.))~~ New local access streets or street expansions.

This regulation applies to all parts of Table 17E.060-4 that have a note [10] ~~(([8]))~~. New local access streets or street expansions serving permitted shoreline uses shall be located on the landward side of such permitted uses.

11. Pedestrian and bicycle linkages to existing or planned transportation networks.

This regulation applies to all parts of Table 17E.060-4 that have a note [11]. Pedestrian and bicycle linkages to existing or planned transportation networks in the Natural Environment (NE) shall be allowed only when consistent with SMC 17E.060.720 (F) (6).

12. ~~((9.))~~ New rail lines.

This regulation applies to all parts of Table 17E.060-4 that have a note [12] ~~(([9]))~~. New rail lines shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible alternative is available. If this can be demonstrated, a shoreline conditional use permit is required.

Article VII. Shoreline Development Standards by District

Part I. Shoreline Districts

17E.060.710 Shoreline Districts Established

- A. Purpose.
To regulate structure height, design, setbacks, width, and lot coverage within the Shoreline Jurisdiction.
- B. The following districts are subject to the development standards in Table 17E.060-5:
 - 1. Downtown;
 - 2. Campus;
 - 3. Great Gorge;
 - 4. Downriver;
 - 5. Latah Creek; and

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- 6. Upriver.
- C. The shoreline districts are a regulatory overlay to the underlying zoning and regulate development and design standards.
- D. The shoreline districts and the general boundaries of these districts are represented on the Shoreline Districts Map.
- E. Any development in the shoreline district shall meet the development standards of the shoreline district, any other zoning overlay in which it is located, and those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline district and the underlying zoning, the most restrictive regulation shall apply.
- F. If a shoreline lot is split by a shoreline district boundary line, each portion of the lot shall be regulated by the shoreline district covering that portion.

Part II. Shoreline Development Standards

17E.060.720 Shoreline Buffers

- A. Purpose.
Shoreline buffers serve several purposes, including filtering pollutants and sediment from runoff, preventing shoreline erosion, preserving fish and wildlife habitat, screening noise, preserving aesthetic values, and helping to achieve no net loss of shoreline ecological functions.
- B. Standards for shoreline buffers shall ensure no net loss of shoreline ecological functions and shall preserve the existing character of the shoreline, consistent with the entire SMP.
- C. The buffer requirements for any shoreline use, modification, or development shall be in accordance with the Shoreline Buffer Maps and official City GIS data.
- D. If there is a conflict between shoreline buffers and critical areas buffers, the most restrictive shall apply.
- E. Development may be allowed in a shoreline buffer if the proposed development is on the landward side of an existing and dedicated public street, not including alleys, running parallel to the Spokane River or Latah Creek. New streets shall not be approved to create developable lots in the shoreline buffer. Any use or development allowed in the shoreline buffer shall be consistent with these Shoreline Regulations.
- F. The following development activities shall not be subject to shoreline buffer requirements provided that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions and comply with these Shoreline Regulations and all the applicable regulations for critical areas.

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1. Those portions of approved water-dependent development that require a location waterward of the ordinary high-water mark, associated wetlands and/or within their associated buffers;
2. Underground utilities;
3. Modifications to an existing facility that are necessary to comply with environmental requirements of any agency, when otherwise consistent with the SMP, provided that the director determines that the:
 - a. Facility cannot meet the dimensional standards and accomplish the purpose for which it is intended and the facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible; and
 - b. Modification is in conformance with the provisions of SMC 17E.060.380, Nonconforming Uses and Structures.
4. Streets and railways necessary to access approved water-dependent development and emergency services.
5. ~~((Public access stairs))~~ Stairs, pathways, or trails, for the purposes of required public access, which generally run perpendicular to and intersect the shoreline not exceeding a width of ten feet.
6. Pathways and trails shall only be allowed in the shoreline buffer to connect to and from an existing regional multi-use non-motorized trail and only when:
 - a. Parallel pathways and trails are located as close to the landward edge of the Shoreline Jurisdiction as possible or will make use of an existing constructed grade such as those formed by an abandoned rail grade, abandoned road or utility;
 - b. Perpendicular pathways and trails, and river crossings, are sited in a location that has the least impact to shoreline ecological functions, consistent with SMC 17E.060.220, Mitigation Sequencing. Previously altered or disturbed locations shall be preferred.
 - c. Located, constructed and maintained so as avoid, to the maximum extent possible, removal and other impacts to perennial native vegetation, including trees, standing snags, forbs, grasses and shrubs.
 - d. Alternatives to impervious paving are used;
 - e. Width does not exceed ten feet;

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- f. Gravel or bare earth shoulders are not allowed; and
 - g. Accompanied by a Habitat Management Plan as outlined in SMC 17E.020.090.
- ~~((6. Pervious and/or elevated pathways and trails not exceeding a width of ten feet which generally run parallel to the shoreline when no feasible alternative exists outside of the shoreline buffer, and only when accompanied by a Habitat Management Plan as outline in SMC 17E.020.090.))~~
- 7. An essential public facility or public utility, when the Director determines that:
 - a. No feasible alternative location will accommodate the facility;
 - b. The facility cannot meet the dimensional standards and accomplish the purpose for which it is intended; and
 - c. The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible.
- 8. New or expanded public flood protection measures, subject to the requirements in chapter 17E.030 SMC, Floodplain Management, and the approval of a federal biological assessment by the federal agency responsible for reviewing actions related to a federally listed species. The protection measures shall comply with the applicable regulations in these Shoreline Regulations, including the requirements in SMC 17E.060.190, Flood Hazard Reduction;
- 9. In-stream structures, as defined in chapter 17A.020 SMC, if part of an approved stream or shoreline restoration project approved by the City or as permitted in Table 17E.060-4, Shoreline Primary Uses. The in-stream structures or features shall be designed to avoid modifying flows and water quality in ways that may adversely affect critical areas and habitat conservation areas, or degrading or eliminating habitat for aquatic life, including but not limited to: aquatic macro invertebrates, fish, amphibians and reptiles, and terrestrial wildlife for which streams and rivers are critical habitats;
- 10. New or expanded wastewater treatment plant outfalls;
- 11. Restoration and enhancement activities, as approved by the City; and
- 12. The following accessory structures to park use, if no other feasible location exists outside of the shoreline buffer:
 - a. Restrooms;

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- b. Benches; and
- c. Directional and interpretive signs.

17E.060.730 Structure Setbacks

- A. Purpose.
Structure setbacks provide space between the shoreline buffer and structures in order to minimize stress to the shoreline buffer from development and to protect the buffer during construction activities.
- B. Buildings and other accessory structures shall be set back in accordance with Table 17E.060-5, Development Standards.
- C. The following minor features shall be allowed in the structure setback:
 - 1. Landscaping;
 - 2. Ground surfaces, such as sidewalks and patios;
 - 3. Uncovered stairways and steps;
 - 4. Flagpoles; and
 - 5. Uncovered decks, roof eaves and overhangs, chimneys, and fire escapes may project a maximum of 20 percent of the depth of the required setback.

17E.060.740 Structure Height and Bulk

- A. Purpose.
Height limits help to control the overall scale and bulk of structures and buildings and are tailored to the intensity desired within the shoreline districts.
- B. Structure Height and Bulk Standards.
 - 1. The height standards for all structures within the Shoreline Jurisdiction are the most restrictive standards found in either the underlying zoning category or the standards found in Table 17E.060-5.
 - 2. There shall be no exceptions to the maximum height and bulk standards allowed in the Shoreline Jurisdiction.
 - 3. Height increases shall not be allowed within the Shoreline Jurisdiction through any other City regulation that may allow for an increase to the allowed structure height.

17E.060.750 Shoreline Tall Building Standards

A. Purpose.

To ensure that tall buildings and structures within the Shoreline Jurisdiction contribute to a visually interesting skyline and an enhanced pedestrian experience from the ground level, streets, and other public spaces.

B. The following standards shall apply to buildings and structures over fifty five feet tall.

1. Upper Story Setback.

All floors above fifty five feet shall be set back from all street lot lines and property lines a minimum of twenty feet.

2. Maximum Floor Area per Floor.

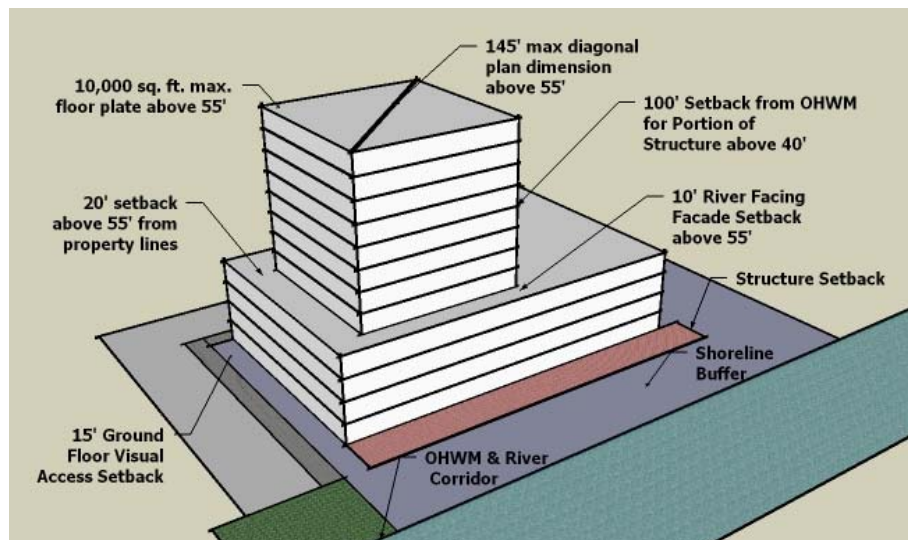
All floors above fifty five feet shall have a maximum floor area of ten thousand square feet. The floor area shall be measured from the inside face of the outside wall.

3. Setback for Upper Floors from River Facing Lower Story Facades.

River facing facades of all floors above fifty five feet shall be set back a minimum of 10 feet from all floors below fifty five feet.

4. Maximum Tower Dimension and Tower Orientation for Floors Above Fifty-Five Feet.

All floors above fifty five feet shall have a maximum diagonal plan dimension of one hundred forty five feet.



17E.060.760 Site Coverage for Views and Ground Level Public Access

- A. Purpose.
Views of the Spokane River shall be widely shared and not limited to adjacent properties. The intent of these standards is to ensure that new buildings and other constructed objects do not create barriers that wall off the river. The more restrictive standards of the underlying zone or this section shall apply.
- B. Maximum Lot Coverage and Structure Width:
 - 1. The maximum lot coverage of all structures shall be seventy percent.
 - 2. On sites with a width greater than one hundred twenty feet that is generally parallel to the river corridor, structures shall not be allowed to exceed seventy percent of the width of the site.
- C. Maximum Structure Width for Narrow Sites.
 - 1. On sites with an eighty to one hundred twenty-foot width that is generally parallel to the river, structures shall not be allowed to exceed eighty feet or seventy percent of the width of the site, whichever is greater.
 - 2. On sites with a width of less than eighty feet that generally runs parallel to the river, structures shall not be required to comply with subsections (B)(1) and (C)(1).

17E.060.770 Visual Access Setback

- A. Purpose.
To preserve views of the river corridor and the scenic environment along the river from the public street system.
- B. Visual access shall be achieved by setting buildings back a minimum of fifteen feet from property lines adjacent to public rights-of-way that intersect the Shoreline Jurisdiction.
- C. The following shall apply in the visual access setback:
 - 1. No structures shall be allowed over a height of thirty six inches; and
 - 2. Vegetative landscaping shall be allowed.

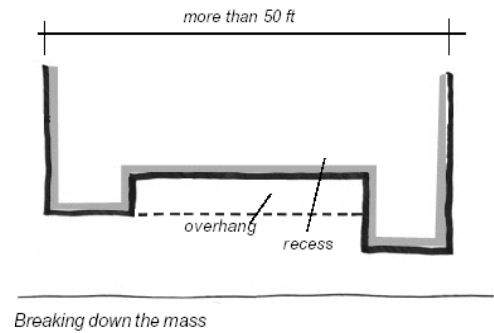
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Table 17E.060-5 Development Standards ^[1]					
	Shoreline District Dimensional Standards				
	Downtown	Campus	Upriver	Great Gorge/ Downriver	Latah Creek
Shoreline Buffer	See Shoreline Buffers Map and SMC 17E.060.720				
Structure Setback from Shoreline Buffer ^[2]	25 ft. ^[2]	15 ft. ^[2]			
Visual Access Setback ^[5]	15 ft. ^[3]				
Maximum width of all structures parallel to OHWM	70% of the width of the site generally running parallel to the OHWM ^{[4][5]}				
Maximum Lot Coverage	70% ^[4]				
Tall Building Design Guidelines	Buildings over 55 ft. in height also follow SMC 17C.250.030 and 17C.250.040				
Maximum Structure Height by Shoreline District ^{[6] [7]}					
Distance from OHWM					
0' – 75'	30 ft.				
> 75' – 100'	40 ft.	40 ft.	35 ft.		
> 100' – 200'	55 ft. base structure Total building height not to exceed 150 ft. For structures over 55ft, see SMC 17E.060.750, Shoreline Tall Building Standards				
Public Access Pathway Width					
Public Access Pathway Width	Minimum of 10 ft. ^[8]				
Notes:					
[1] Within the shoreline districts, the most restrictive development standards of both the underlying zone and the shoreline district apply.					
[2] See the Shoreline Buffers Map to determine the buffer width within the Shoreline Jurisdiction.					
[3] Buildings shall be set back at least 15 feet from property lines adjacent to public rights-of-way that intersect the shoreline district. This does not apply to structures below grade.					
[4] See SMC 17E.060.760 for exceptions.					
[5] See SMC 17E.060.790 for Pedestrian Views and Access for Large Buildings over 300 feet.					
[6] No structures are allowed within the shoreline buffer and structure setback, except as allowed in SMC 17E.060.720(F) and 17E.060.730(C).					
[7] No structure shall exceed 35 feet above average grade level within the Shoreline Jurisdiction that will obstruct the view of a substantial number of residences on or adjoining such shorelines except where the SMP or underlying zoning does not prohibit such development and only when overriding considerations of the public interest will be served. See SMC 17E.060.280(Z), Physical and Visual Public Access.					
[8] Public access pathways within a shoreline buffer shall not exceed 10 feet in width.					

17E.060.780 Building Articulation

- A. Purpose.
To reduce the visual and physical effect of larger buildings.
- B. Building facades exceeding fifty feet shall be visually separated into smaller units through the use of offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs and other elements of the building's mass. Simply changing materials or color is not sufficient to accomplish this.
- C. Articulation shall be provided along facades visible from streets, as well as from the shoreline.



Balconies, terraces, and recesses break down the façade mass.

17E.060.790 Pedestrian Views and Access for Large Buildings

- A. Purpose.
To limit the length and mass of large buildings within the Shoreline Jurisdiction and to provide ground level access between the shoreline and the landward side of the building.
- B. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor.
- C. The visual and pedestrian penetration shall not be less than thirty feet wide and shall meet the requirements of SMC 17E.060.280, Physical and Visual Access, and Article VIII, Design Standards and Guidelines Specific to Shoreline Districts.

Article VIII. Design Standards and Guidelines Specific to Shoreline Districts

17E.060.800 Design Standards Administration

- A. Purpose.
To help ensure that development compliments the unique and fragile character of the shoreline through careful consideration and implementation of site development and building design concepts.
- B. The Downtown, Campus, and Great Gorge Shoreline Districts are subject to the Shoreline Design Standards and Guidelines in addition to the underlying design standards in title 17C SMC. The Downriver, Latah Creek, and Upriver Districts are subject to the underlying design standards in title 17C SMC.
- C. All projects must address pertinent design standards and guidelines. A determination of consistency with the standards and guidelines will be made by the Director following a design review process. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. An applicant may seek to deviate from eligible standards and guidelines through the design departure process pursuant to chapter 17G.030 SMC, Design Departures.

1. Requirements (R).

Requirements are mandatory in that they contain language that is not discretionary, such as “shall,” “must,” and “will.” Requirements must be satisfied by any plan prior to building permit approval. An applicant may seek a deviation from certain requirements through the design departure process, chapter 17G.030 SMC. Requirements are listed with an (R) after the standard.

2. Presumptions (P).

Presumptions are guidelines that are meant to be applied, but with some flexibility. Presumptions indicate that the City is open to design features that are equal to, or better than, that stated - so long as the purpose is satisfied. A submitted plan is incomplete and will be rejected if it does not demonstrate that the presumptive elements have been in some way incorporated or overcome. Presumptions are listed with a (P) after the standard.

a. Overcoming a Presumption.

A presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate to the director that there is a good reason why the presumption is inappropriate. The director may approve an alternative that achieves the intent of the

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presumption. At the discretion of the applicant, or in rare cases, the director may refer the permit to the Design Review Board (~~Committee~~). A referral from the director would be in those cases where the complexity of the project and/or the cumulative impacts of deviations result in the project no longer meeting the overall intent of the design standards and the comprehensive plan.

- b. Appropriate ways to overcome a presumption include:
 - i. Demonstrating that for a specific project the underlying design principles will not be furthered by the application of the presumption;
 - ii. Showing that another design principle is enhanced by not applying the presumption;
 - iii. Demonstrating an alternative method for achieving the intent of the presumption; and
 - iv. Explaining the unique site factors that make the presumption unworkable, such as lot size and shape, slope, natural vegetation, drainage or characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

Note: Increases in the cost of development will not be an acceptable reason to waive a guideline or determine that a guideline is inappropriate.

3. Considerations (C).

Design guidelines listed as considerations are features and concepts that an applicant should consider in preparing a plan. Their omission is not grounds for rejecting a plan, but their inclusion or recognition is encouraged and may assist in overcoming certain presumptions and in gaining acceptance for a plan. Considerations are listed with a (C) after the standard.

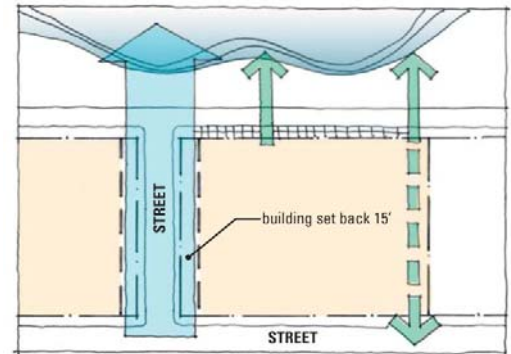
17E.060.810 Standards & Guidelines Applying to Downtown, Campus, and Great Gorge Districts

A. Shoreline Relationships

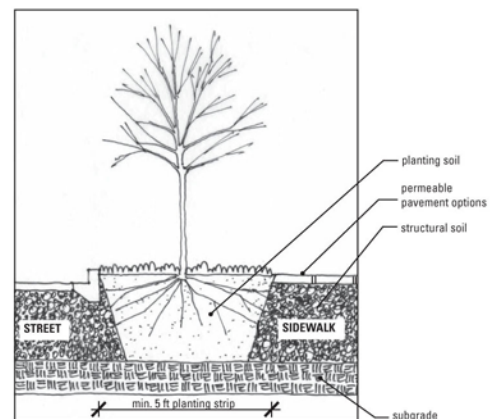
1. Public Access

Purpose: To meet a basic objective of the Shoreline Management Act for public access to the shoreline.

- a. When public access is required, it shall be provided pursuant to SMC 17E.060.280. (R)
- b. Visual access shall be achieved by setting buildings back at least fifteen feet from property lines adjacent to public rights-of-way that intersect the Shoreline Jurisdiction. (R)
- c. A pathway connecting to the nearest public right-of-way is the preferred type of public access. (P)
- d. Physical access pathways shall be a minimum of ten feet clear width. (R)
- e. The use of pervious materials is recommended for pedestrian surfaces (including pathways and patios) to absorb stormwater run-off. Options include permeable interlocking unit pavers, porous concrete, or porous asphalt. (C)
- f. To prevent invasive weeds from colonizing along pathways in the shoreline buffer area, the design of any pathway shall include finished edges; Exposed gravel shoulders shall not be allowed in this area. Soil disturbance shall be minimized during construction and any disturbed soils shall be replanted consistent with native plant colonies in the immediate vicinity. (R)
- g. Signs shall be installed to indicate that the pathway is open to the public and the hours during which the public can access the pathway. (R)



Example showing building set back 15 ft along public r-o-w to enhance a view corridor.



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2. Site Design

a. Urban Green Streets and Urban Pathways

i. Street Trees and Planting Strips

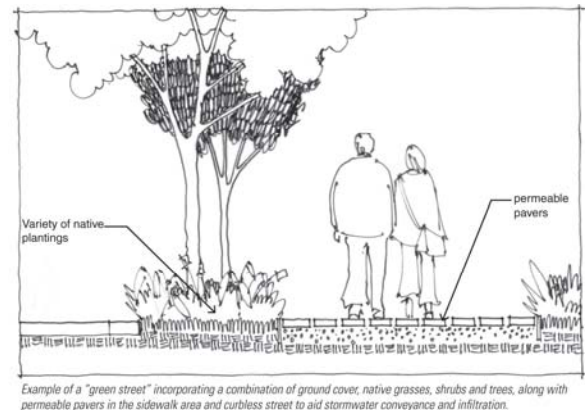
Purpose: To supplement the urban forest with new trees and planting as development and redevelopment occur.

- (A) New development shall include street trees, installed in planting strips located between the curb and sidewalk. To promote tree health in order to gain the benefits associated with trees, consider opportunities when designing streets and sidewalks to provide as much un-compacted soil as possible. Designs shall allow for positive root growth using sustainable solutions that involve innovative means of structural support for the walking surface. (R)
- (B) Planting strips shall be at least five feet wide and planted with ground cover or native grasses. (R)
- (C) Native trees, such as evergreens, are encouraged when adequate space is available. (C)

ii. Urban Green Streets and Urban Pathways

Purpose: To have streets add to the environmental quality of the shoreline environment.

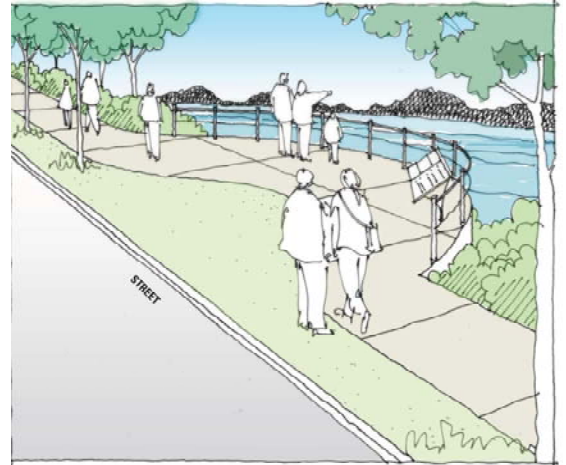
- (A) Streets within the Shoreline Jurisdiction shall be planted with a variety of trees, shrubs and ground cover. (R)



- (B) Techniques for capturing and filtering stormwater runoff shall be incorporated into the design of streets, sidewalks, planting strips, and pathways. (R)

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- (C) Permeable pavement options are encouraged on pedestrian surfaces. These may include permeable interlocking unit pavers, porous concrete, or porous asphalt. (C)



Example of an overlook provided as an extension of the sidewalk.

- (D) Alternatives to standard curbs and planting strips are encouraged to reduce concentrated storm water flowing into landscaped areas. (C)

iii. Overlooks in Public Development

Purpose: To make the public aware of the rich history and environmental systems associated with the river and the shoreline.

- (A) Along streets, pathways or within public parks, overlooks shall be provided where views of historic and aesthetic features or landmarks of the river are available. (R)
- (B) Methods, such as signs, shall be used to describe aspects of the river, such as geology, hydrology, history or native cultures. Interpretations can be literal (pictures and words) or symbolic (artwork, shapes, colors, inlays). (R)

b. Overlooks in Private Development

Purpose: To encourage private development to incorporate features that help people understand the setting.

- i. Along pathways and public spaces, overlooks should be provided where views of the river are available. (C)
- ii. Methods should be used to describe aspects of the river, such as geology, hydrology, history or native cultures. Interpretations can be literal (pictures and words) or symbolic (artwork, shapes, colors, inlays). (C)

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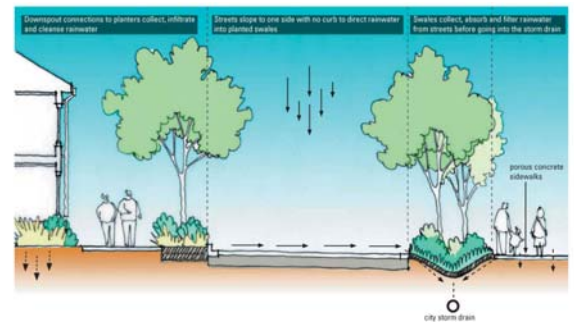
c. Best Management Practices (BMP)

Purpose: To encourage site design to make use of state of the art techniques.

- i. Site design shall reflect nationally recognized Best Management Practices with respect to paving, erosion control, infiltration and filtration, retention and detention, and surface water quality. (R)
- ii. A shoreline construction site plan indicating how construction BMP's will be applied on shoreline sites during construction shall be required, pursuant to SMC 17E.060.250. (R)

d. Low Impact Development (LID)

Purpose: To encourage site design techniques that protects the environment and water resources by considering the site's pre-existing hydrologic conditions.



- i. A site plan and shoreline construction site plan shall be required that indicate ways of minimizing impact on existing features, pursuant to SMC 17G.060.070 and 17E.060.250. (R)
- ii. Site design consistent with LID principles is encouraged. Examples of LID techniques include site design to retain existing trees and vegetation, impervious surface reduction, rain gardens, retention swales, permeable paving, green roofs, rain barrels, and downspout connections to planters. (C)

B. Site Development

1. Vegetation Conservation/Tree Preservation

Purpose.

To maintain vegetative cover that holds slopes, filters run-off and provides habitat.

- a. There shall be no net loss of vegetative cover within the Shoreline Jurisdiction. (R)

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- b. At least twenty five percent of existing healthy “significant trees” (over six-inches in caliper) as identified by a qualified professional and shown on a shoreline construction site plan shall be retained when a site is developed. Design and construction methods shall ensure the protection and health of retained trees during construction. (R)



Alternative site design can preserve vegetative cover and significant trees.

- c. Within the designated shoreline buffers, native vegetation shall be preserved. Lawns shall not extend into this area. (R)
- d. Vegetation that is removed for development purposes shall be replaced on site. Alternatively, if a qualified professional determines that is not feasible, the applicant shall contribute an amount equal to replacing the vegetation on site to a shoreline restoration fund to be used to restore identified restoration sites pursuant to the City of Spokane Shoreline Restoration Plan. (R)

2. Clearing and Grading

Purpose.

To carefully control the effects of land disturbance so that the natural systems immediately adjacent to the river are protected.

- a. Site design shall identify measures to protect the shoreline buffer from disturbance both during construction and throughout occupancy. (R)
- b. Limited removal of noxious species of non-native plants shall be allowed so that native species can thrive, pursuant to SMC 17E.060.260, Vegetation Replacement Plan. (R)
- c. Altering the natural flow of water to the river shall not be allowed, except during construction to prevent the flow of sediments or chemicals into the river. (R)

C. Building Design

1. Sustainability

Purpose.

To encourage new development to embody sustainable features.

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- a. New development within the shoreline should be designed to reflect criteria for at least LEED Certification, if not higher. (C)

2. Green Roofs

Purpose.

To encourage innovative, sustainable elements in new roofs.

- a. New commercial development should consider the appropriateness of incorporating green roof technology as a possible option to capture, retain, and filter rainwater. (C)

3. Building / Shoreline Compatibility

Purpose.

To ensure building design that complements and blends with the natural character of the shoreline environment.

- a. Buildings shall incorporate a variety of features to reduce their bulk and scale. At least two of the following shall be employed (R):

- i. Bay windows
- ii. Visible roofs such as pitched, sloped, curved, angled
- iii. Deep off-sets of facades
- iv. Projecting elements creating shadow lines
- v. Terraces or balconies

- b. The upper floor(s) of building shall incorporate at least one of the following features (R):

- i. A visible roof: pitched, sloped, peaked, curved, angled
- ii. A stepping back of the top floor(s) by at least five feet.
- iii. An overhanging roof form.
- iv. A distinct change of materials on the upper floor(s).



Bay windows, pitched roofs, balconies and jogs in the facade help reduce the apparent bulk of a building to blend with the natural character of the shoreline environment.

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D. Signs

1. Signs within the Shoreline Jurisdiction shall be regulated pursuant to chapter 17C.240 SMC. (R)

E. Lighting

1. Cut-off

Purpose.

To prevent glare and spillover.

- a. All site lighting, including parking lot lighting, shall be directed downward, using internal or external cut-off methods and must be contained on site. (R)

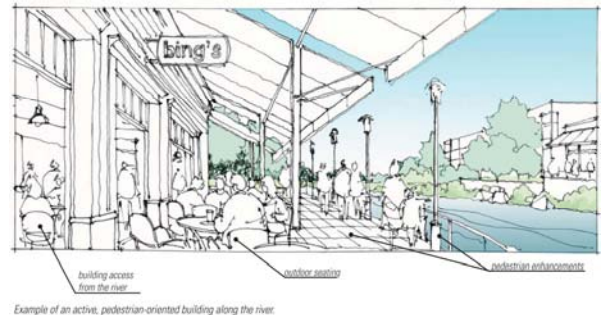
17E.060.820 Standards & Guidelines Specific to the Downtown District

A. Shoreline Relationships

1. Human Activity

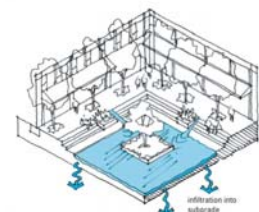
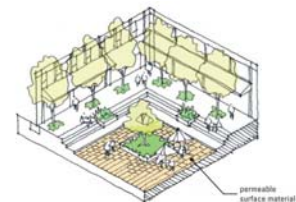
Purpose.

To recognize that people's relationship to the river and anticipated uses in each district will inform the design of the built environment. Downtown is an intense urban environment where people and views of the falls create much of the interest in being there. New development along the riverfront that will facilitate desired activities is encouraged. These include shopping, dining, walking, biking, jogging, people watching, viewing the falls, and learning the stories of the river through interpretive displays.



- a. Along the river, new buildings shall provide at least three of the following (R):

- i. Outdoor seating or opportunities for outdoor dining.
- ii. Building entry from the river side.
- iii. Benches along pedestrian trail.
- iv. Outdoor balconies.
- v. Public plaza with seating.



Places can be urban amenities that function as public gathering places and serve to hold, filter and cleanse stormwater overflow.

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- vi. Public viewpoint with interpretive signs (see SMC 17E.060.810 A(2)(a)(iii), Overlooks and Public Development, and 17E.060.810 A(2)(b), Overlooks in Private Development).
- vii. Public art.
- viii. Opportunities for outdoor vending such as food or bicycle rental.

B. Streets, Sidewalks and Trails

1. Pedestrian Pathways

Purpose.

To result in an urban pathway design reflecting the form and intensity of adjacent development, as well as a higher level of pedestrian activity.

- a. Pedestrian pathways shall be at least ten feet wide. (R)
- b. Pedestrian pathways shall be lighted either from nearby buildings or from pedestrian-scaled fixtures. (R)
- c. Seating should be provided at intervals. (C)

C. Site Design

1. Landscape Character Protection

Purpose.

To ensure that development along the shoreline enhances the natural character of the river and falls including its geologic features and native vegetation.

- a. Parking and service areas shall be located so they are screened from views along the shoreline, from opposite shorelines, and from bridges. (R)

2. Pervious Plazas and Spaces

Purpose.

To create a system of spaces integrated with the ecological systems of the shoreline.

- a. Development shall include one or more of the following (R):
 - i. Open spaces;

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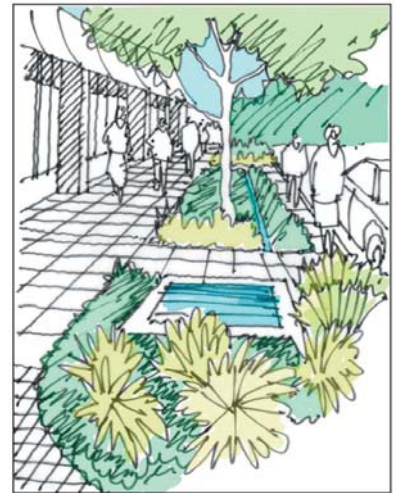
- ii. Courtyards;
 - iii. Plazas;
 - iv. Forecourts; or
 - v. Other public spaces that allow for a seamless connection between streets and various uses.
- b. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)

3. Impervious Surfaces

Purpose.

To reduce stormwater runoff rates and volumes, while recognizing that the downtown area will have more intense development and more hard surfaces than other districts.

- a. New development shall include at least ten percent pervious surfaces. This may be accomplished by using one or a combination of the following (R):
- i. At-grade planted areas.
 - ii. Permeable paving systems in pedestrian surfaces such as pedestrian walkways or plazas.
 - iii. Green roofs.
 - iv. Each existing significant tree (over six inches caliper and in good health) protected during design and construction may reduce the total required pervious surface requirement by one percent per tree. The required pervious surface shall not be reduced to less than five percent. For example, an applicant retaining two significant trees shall be required to provide eight percent pervious surfaces; an applicant retaining six significant trees shall be required to provide five percent pervious surfaces. Please note that all landscape requirements shall be met regardless of pervious surface requirements.
- b. Stormwater runoff from impervious surfaces shall be directed to treatment or detention areas. For non-pollution generating



Rain gardens with native plantings integrated into an urban streetscape

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impervious surfaces (generally this includes most surfaces not traveled on by automobiles) this may include one or a combination of the following as approved by director of engineering services (R):

- i. Stormwater planters.
 - ii. Tree box filters.
 - iii. Water features.
 - iv. Landscaped areas including swales or rain gardens.
 - v. Cistern for later on-site irrigation.
 - vi. Other options as approved by Engineering Services.
- c. Raised curbs are discouraged in parking lots so that stormwater runoff can drain naturally into City approved percolation areas rather than be directed into a concentrated flow. At grade curb alternatives to finished asphalt edges are encouraged. (C)

4. Planting Palette

Purpose.

To protect, enhance and restore native vegetation along the shorelines, while recognizing the more urban nature of vegetation in the downtown area.

- a. It is recognized that within downtown, there will likely be a somewhat more manicured and formal use of plantings to frame buildings, streets and spaces. However, landscape designs that rely upon lawns requiring fertilizers and herbicides, or vegetation that is highly consumptive of water should be avoided. (C)
- b. Lawns should be limited to areas where a green walking surface is necessary and desirable, in picnic areas for example. Plants should be chosen for year round interest and grouped according to their water needs for good water efficiency. Drought tolerant species and native plantings are highly encouraged. Native trees, shrubs and groundcover plants should dominate the landscape. (C)

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D. Building Design

1. Character Related to the Setting

Purpose.

To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls, including its geologic features and native vegetation.

- a. The dramatic nature of the river and the falls define the image of downtown Spokane in a way unlike any other city. Therefore, new buildings should respect the importance of this magnificent and unique centerpiece by not attempting to compete with it visually. Buildings should be designed with respect to location, form and color, so that the river continues to be the emphasis. (C)
- b. Building facades should also incorporate elements that strengthen the natural setting, such as local stone, bay windows, fine-grained articulation, lower floors that frame public spaces, surrounding vegetation. The preference is to have buildings that seem like a built extension of rock, embankments, and outcroppings. (C)

2. Building Orientation

Purpose.

To ensure that buildings along the shoreline have two public faces - one along the street, the other along the riverfront.

- a. While it is expected that buildings will be primarily oriented toward public streets, there shall also be features such as windows, secondary entries, balconies and public spaces that are oriented to the river. (R)

3. Ground Floor Animation

Purpose.

To ensure that buildings take advantage of their unique shoreline setting and contribute to the vitality and activity of downtown.

- a. The ground floor of buildings shall incorporate a combination of at least three of the following features (R):



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- i. Windows covering more than thirty percent of the ground level façade facing the shoreline.
- ii. Windows covering more than thirty percent of the ground level façade facing the street.
- iii. Masonry or stone covering the ground level façade and producing a “plinth” effect.
- iv. Ground level details such as accent lighting, decorative medallions, and canopies.
- v. Sculpture, bas relief murals, art worked into paved surfaces.
- vi. Retail uses, such as cafes and restaurants, bike rental, and brew pubs.
- vii. Publicly accessible gardens, courtyards, or plazas.

E. Lighting

1. Dark Sky

Purpose.

To reduce glare and spillover from lighting associated with parking lots or buildings.

- a. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)

17E.060.830 Standards & Guidelines Specific to the Campus District

A. Shoreline Relationships

1. Human Activity

Purpose.

To recognize that people’s relationship to the river and anticipated uses in the Campus District will inform the design of the built environment. The Campus District is an area in which passive recreation is interwoven with academic, commercial, residential, and light industrial functions. New development along the riverfront should contribute to the campus-like setting, focus attention on the river as a community asset, and improve the natural aesthetics for recreational activities. These include rowing, bicycling, walking, observing birds/wildlife, and learning the stories of the river through interpretive displays.

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- a. New buildings shall provide at least two of the following waterward (R):
 - i. Outdoor seating areas.
 - ii. Benches along pedestrian trail.
 - iii. Outdoor balconies and decks.
 - iv. Public plazas or courtyards with seating.
 - v. Public viewpoint with interpretive signs.
 - vi. Public art.

B. Streets, Sidewalks and Trails

1. Pedestrian Pathways

Purpose.

To result in a pathway design reflecting the form and intensity of adjacent development, as well as the moderate level of pedestrian activity.

- a. Pedestrian pathways shall be at least ten feet wide. (R)
- b. Lighting shall be provided, either from nearby buildings or from pedestrian-scaled fixtures. (R)
- c. Seating should also be provided at intervals. (C)

C. Site Design

1. Landscape Character Protection

Purpose.

To protect, restore, and enhance the natural character of the river, including its geologic features and native vegetation.

- a. Within the Campus District, it is expected that there will be a soft, more “naturalistic” approach to landscape design. Developments will be loosely arranged on the landscape, with a considerable amount of planting, including ground covers, understory and trees. However, landscape designs that include large lawn areas requiring fertilizers and herbicides, or vegetation that is highly consumptive of water, should be avoided. (C)
- b. Native vegetation should predominate. (C)

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2. Impervious Surfaces

Purpose.

To recognize that the campus area will have more open development that can allow for pervious surfaces.

- a. Development shall incorporate ways of capturing and filtering run-off so that when it reaches the river, it has been moderately cleaned. This shall be accomplished through creative designs of courtyards, greens, planting areas, parking lots, roof scuppers, and other features. New development shall achieve at least 15 percent pervious surfaces on the site. The installation of “green roofs” can substitute for ground level treatment. (R)

3. Pervious Surfaces

Purpose.

To create a system of spaces integrated with the ecological systems of the shoreline.

- a. Development shall include one or more of the following (R):
 - i. Open spaces;
 - ii. Landscaped courtyards;
 - iii. Plazas;
 - iv. Greenways;
 - v. Pathways; or
 - iv. Other spaces that allow for a seamless connection between streets and various uses.
- b. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)

4. Planting Palette

Purpose.

To recognize the softer landscape of campus settings.

- a. Native plant material is strongly encouraged, with non-natives being an occasional exception. Campus settings typically involve a more “natural” array of plantings, rather than a manicured or formal arrangement. However, there may be some locations where

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specimen trees and formal configurations of plantings are appropriate, such as framing a public space or a building entrance. (C)

5. Rain Gardens

Purpose.

To incorporate innovative methods of capturing and filtering run-off, as a part of the overall campus site design and landscaping.

- a. Rain gardens should be integrated into planting strips along streets, as well as in public spaces and general landscaped areas. (C)
- b. Rain gardens shall not be adjacent to or within parking lots if it is determined that they will harm the aquifer. (R)

D. Building Design

1. Character Related to the Setting

Purpose.

To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls including its geologic features and native vegetation.

- a. Building design should not attempt to compete with the natural beauty of the river and the shoreline. Buildings should incorporate materials and colors that will be restrained and blend with native rock and vegetation. (C)

E. Lighting

1. Dark Sky

Purpose.

To reduce glare and spillover from lighting associated with parking lots or buildings.

- a. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)
- b. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)
- c. Parking lots shall be lighted with fixtures less than twenty two feet in height. Single, high masts with multiple fixtures shall not be allowed. (R)

17E.060.840 Standards & Guidelines Specific to the Great Gorge District

A. Shoreline Relationships

1. Human Activity

Purpose.

To recognize that people's relationship to the river and anticipated uses in the Great Gorge district will inform the design of the built environment. The Great Gorge district is a rugged area of steep bluffs, fast water, native plants and wildlife. Passive recreational opportunities are interwoven with residential uses. New development along the riverfront that maintains the natural character of the river gorge as a backdrop for recreation activities is encouraged. These include walking, bicycling, fishing, kayaking, rafting, observing birds/wildlife, and learning the stories of the river through interpretive displays.

a. Along the river, new buildings shall provide at least two of the following (R):

- i. Outdoor seating areas.
- ii. Benches along pedestrian trail.
- iii. Outdoor balconies and decks.
- iv. Public viewpoint with interpretive signs.
- v. Public art.

B. Streets, Sidewalks and Trails

1. Pedestrian Pathways

Purpose.

To result in a pathway design, reflecting the mostly residential, lower intensity of adjacent development, as well as the modest level of pedestrian activity.

a. Pedestrian pathways shall be at least ten feet wide. (R)

C. Site Design

1. Landscape Character Protection

Purpose.

To protect, restore, and enhance the natural character of the river including its geologic features and native vegetation.

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- a. Within the Great Gorge District, it is expected that there will be a very soft, open, informal, “naturalistic” approach to landscape design that reinforces the shoreline environment. Developments will be loosely arranged on the landscape, with a considerable amount of planting, including ground covers, understory and trees. Landscape designs that include large lawn areas requiring fertilizers and herbicides, or vegetation that is highly consumptive of water should be avoided. (C)
- b. Native vegetation should predominate. (C)
- c. Exposed pilings should be colored to blend with native rock and the pilings and open space should be screened by tall vegetation. (C)

2. Impervious Surfaces

Purpose.

To recognize that the Great Gorge area will have more open development that can allow for more pervious surfaces.

- a. Development shall incorporate ways of capturing and filtering run-off so that when it reaches the river, it has been moderately cleaned. This shall be accomplished through creative designs of courtyards, greens, planting areas, parking lots, and roof scuppers and other features. Generally, new development shall attempt to achieve at least 20 percent pervious surfaces on the site. The installation of “green roofs” can substitute for ground level treatment. (R)



3. Pervious Surfaces

Purpose.

To create a system of spaces integrated with the ecological systems of the shoreline.

- a. Development shall include one or more of the following (R):
 - i. Open spaces;
 - ii. Landscaped courtyards;
 - iii. Greenways;

NOT EFFECTIVE – PENDING DEPARTMENT OF ECOLOGY APPROVAL

- iv. Pathways; or
- v. Other spaces that allow for a seamless connection between streets and various uses.
- b. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)

4. Planting Palette

Purpose.

To recognize the dramatic natural landscape of the Great Gorge setting.

- a. Native plant material is strongly encouraged. Non-native, ornamental trees requiring large amounts of water and maintenance are strongly discouraged. Landscape designs should reflect a “natural” array of plantings, rather than a manicured or formal arrangement. However, there may be a few locations where specimen trees and formal configurations of plantings are appropriate, such as framing a public space or a building entrance. (C)

5. Rain Gardens

Purpose.

To incorporate innovative methods of capturing and filtering run-off.

- a. Rain gardens should be integrated into planting strips along streets, as well as in exterior landscaped spaces. (C)
- b. Rain gardens shall not be adjacent to or within parking lots if it is determined that they will harm the aquifer. (R)

D. Building Design

1. Character Related to the Setting

Purpose.

To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls, including its geologic features and native vegetation.

- a. Building design should not attempt to compete with the natural beauty of the river and the shoreline. It is expected that buildings will incorporate materials and colors that will be restrained and blend with native rocks and vegetation. (C)

NOT EFFECTIVE – PENDING DEPARTMENT OF ECOLOGY APPROVAL

E. Lighting

1. Dark Sky

Purpose.

To reduce glare and spillover from lighting associated with parking lots or buildings.

- a. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)
- b. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)
- c. Parking lots shall be lighted with fixtures less than 22 feet in height. Single, high masts with multiple fixtures shall not be allowed. (R)

17G.060.030 Exclusions

- A. The following are excluded from the project permit review process, associated time frames and other provisions of these procedures: landmark designations, street vacations or other approvals related to the use of public areas or facilities, or other project permits, that by ordinance or resolution have been determined to present special circumstances warranting a review process different from that provided in this chapter (RCW 36.70B.140.1).
- B. Also excluded are lot line or boundary adjustments, final short subdivisions, final binding site plans, final plats and building or other construction permits or similar administrative approvals categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in conjunction with other project permits and are judged by the director to adequately address the current application (RCW 36.70B.140.2).
- C. The following Table 17G.060-1 summarizes the applications subject to this chapter. The types of application are defined under chapter 17A.020 SMC. For any application type that is referenced in the land use codes, but not represented in Table 17G.060-1, the process shall be as identified in the application most closely associated with the application process definitions as defined under chapter 17A.020 SMC:

TABLE 17G.060-1				
PERMIT/ACTION	EXCLUDED	TYPE I	TYPE II	TYPE III
Building & Code Enforcement				
Building Permits w/ SEPA (Commercial/Industrial/Other)		X		
Demolition Permit w/SEPA		X		
Fence Permit	X			
Grading Permits w/SEPA		X		
Manufactured Home Permit	X			
Sign Permit	X			
Single-family and Two-family Residential Building Permit	X			

Remodel Permit	X			
Engineering Services – Developer Services				
Address Permit	X			
Approach Permit	X			
Design Deviation – Street Design	X			
Encroachment Permit	X			
LID Formation	X			
Obstruction Permit	X			
Road Closure	X			
Sidewalk Permit	X			
Stormwater Design Acceptance	X			
Street Vacation	X			
Planning Services – Current				
Accessory Dwelling Unit (ADU)	X			
Administrative Exemptions	X			
Administrative Interpretations/Determinations	X			
Binding Site Plan – Preliminary (BSP)			X	
Binding Site Plan – Final (BSP)	X			
Boundary Line Adjustment (BLA)	X			
Certificate of Compliance (CC) – Hearing Examiner				X
Certificate of Compliance (CC) – Planning Director			X	
Conditional Use Permit (CUP) – Hearing Examiner				X

CUP – Planning Director			X	
Floodplain Development w/SEPA		X		
Floodplain Variance				X
Home Occupation	X			
Long Plat – Preliminary				X
Long Plat – Final	X			
Nonconforming Use/Building Determination	X			
Planned Unit Development (PUD) – Preliminary				X
Preliminary Plat/Short Plat Extension	X			
PUD – Final	X			
Shoreline Exemption/Determination/Interpretation	X			
Shoreline Substantial Development Permit			X	
Shoreline Variance				X
Shoreline Conditional Use Permit				X
Short Plat – Preliminary			X	
Short Plat – Final	X			
Variance				X
Plans-in-lieu of Compliance – Hearing Examiner				X
Plans-in-lieu of Compliance – Planning Director			X	
Zone Reclassification and Change of Conditions				X

17G.060.070 Application Requirements

- A. Application Requirements for Type I, II and III project permit applications shall contain the following:
1. Predevelopment meeting summary as provided in SMC 17G.060.050(B), if required in Table 17G.060-3.
 2. Application documents provided by the department specifically including:
 - a. the general application;
 - b. the supplemental application;
 - c. the environmental checklist, if required under chapter 17E.050 SMC;
 - d. the filing fees as required under chapter 8.02 SMC;
 - e. a site plan drawn to scale showing:
 - i. property dimensions;
 - ii. location and dimensions of all existing and proposed physical improvements;
 - iii. location and type of landscaping;
 - iv. walkways and pedestrian areas;
 - v. off-street parking areas and access drives;
 - vi. refuse facilities; and
 - vii. significant natural features, such as slopes, trees, rock outcrops including critical areas.
 - f. the required number of documents, plans or maps (as set forth in the application checklist);
 - g. a written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested;
 - h. other plans, such as building elevations, landscaping plans or sign plans, which are determined by the permitting department to be necessary to support the application; and

- i. additional application information may be requested by the permitting department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.
- B. The following Type II and III applications shall meet the requirements in this subsection in addition to the provisions of subsection (A) of this section:
- 1. Shoreline –Substantial Development Permit, Conditional Use Permit and Variance.
 - a. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - b. The name, address and phone number of the applicant's representative if other than the applicant.
 - c. The name, address and phone number of the property owner, if other than the applicant.
 - d. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
 - e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
 - f. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
 - g. A general description of the property as it now exists, including its physical characteristics and improvements and structures.
 - h. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

- i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. The boundary of the parcels(s) of land upon which the development is proposed.
 - ii. The ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline.
 - iii. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
 - iv. A delineation of all wetland areas that will be altered or used as a part of the development.
 - v. The dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities.
 - vi. An inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory.
 - vii. A landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington.

- viii. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included.
- ix. Quality, source and composition of any fill material that is placed on the site, whether temporary or permanent.
- x. Quantity, composition and destination of any excavated or dredged material.
- xi. Vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- xii. Where applicable, a depiction of the impacts to views from existing residential uses.
- xiii. On all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.

2. Certificate of Compliance.

- a. Site plan is to be prepared by a licensed surveyor; and
- b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.

3. Plans-in-lieu of Compliance.

- a. Alternative development plan designed in conformance with the applicable development regulations; and
- b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.

4. Preliminary Plat, Short Plat and Binding Site Plan. As provided in chapter 17G.080 SMC.

5. PUD.

- a. Profiles of any structures more than one story, shown in relation to finished grade.

- b. Location, dimension and boundary of proposed open space.
 - c. Site plan demonstrating compliance with chapter 11.19 SMC including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering and lighting.
- 6. Skywalk.
 - a. A legal description of airspace to be occupied.
 - b. Architectural and engineering plans.
 - c. Artist's rendering of the proposed skywalk; and
 - d. Written narrative of the access for the public from the street, other buildings and other skywalks.
- 7. Floodplain – Floodplain Development Permit and Variance. As provided in chapter 17E.030 SMC.

17G.060.075 Shoreline Substantial Development Permit Letter of Exemption Procedure

- A. State Law and the Shoreline Master Program specifically exempt certain types of development from the requirement of obtaining a Shoreline Substantial Development Permit. The types of development that are exempted are listed in SMC 17E.060.320 and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (Chapter 90.58 RCW or its successor) and the Shoreline Master Program unless a statement of exemption has been obtained from the Director. Burden of proof that a development or use is exempt from the permit process is on the applicant.
- B. Application procedure for a Letter of Exemption from a Shoreline Substantial Development Permit is the same as for any shoreline permit as defined in SMC 17G.060.070 with these additional application materials:
 - 1. Written explanation of exemption type as defined in SMC 17E.060.320 and WAC 173-27-040.
 - 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040.

3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a Substantial Development Permit is granted, must be consistent with the policies of the Shoreline Management Act and the Shoreline Master Program. Conditions may be attached to the approval of a shoreline exemption, in order to assure consistency of the project with the Shoreline Management Act and the Shoreline Master Program. (WAC 173-27-040).
 - D. A Letter of Exemption from a Shoreline Substantial Development Permit is not always an exemption from a Shoreline Conditional Use Permit or a Shoreline Variance. A development or use that is listed as a conditional use pursuant to the SMP Regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance. (WAC 173-27-040).
 - E. In the case of shoreline projects with federal permit review and upon completion of a Letter of Exemption, the Director must submit to Ecology:
 1. Letter of Exemption, the site plan, what is being approved, and conditions of approval. It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.320 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include The Permit Data Sheet and Transmittal Letter form (WAC 173-27-990 Appendix A).
 - F. The Director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

17G.060.120 Public Notice – Types of Notice

- A. Individual notice is given in writing by regular U.S. mail or by personal service.
 1. Notice is given to:

- a. all owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within a four-hundred-foot radius of any portion of the boundary of the subject property, including any property that is contiguous and under the same or common ownership and control (RCW 36.70B.040(2)). The department may expand the mailing to include areas adjacent to the access easements and areas on the opposite side of rights-of-way, rivers and other physical features;
 - b, to any person who has made a written request to receive such notice, including any registered neighborhood organization as defined in chapter 17A.020 SMC representing the surrounding area;
 - c. to any agency with jurisdiction identified by the director.
- 2. Individual and newspaper notices must contain the following information:
 - a. Type I, II and III project permit applications:
 - i. Location of the property sufficient to clearly locate the site.
 - ii. Description of the proposed action and required permits.
 - iii. Name, address and office telephone number of the City official from whom additional information may be obtained.
 - iv. Applicant name and telephone number.
 - v. Statement that any person may submit written comments and appear at the public hearing, if applicable.
 - vi. A statement that comments will be received on environmental issues, any environmental documents related to the proposed action, the SEPA status, and the appeal deadline for SEPA.
 - vii. A statement that written comments and oral testimony at a hearing will be made a part of the record, if applicable.
 - viii. A statement, in bold type, that only the applicant, persons submitting written comments and persons testifying at a hearing may appeal the decision.
 - ix. Date and time by which any written comments must be received on the notice of application; and

- x. Date of the application and date of the notice of complete application.
 - b. In addition, for Type III project permit application:
 - i. Notice of community meeting: date, time and place of the meeting.
 - ii. Notice of public hearing: date, time and place of a public hearing.

3. Sign.

Posted notice is given by installation of a sign on the site of the proposal adjacent to the most heavily traveled public street and located so as to be readable by the public. The director may require more than one sign if the site fronts on more than one arterial or contains more than three hundred feet of frontage on any street.

- a. The posted notice sign must meet the following specifications:
 - i. It measures a minimum of four feet by four feet, but sign size may be increased in order to contain all of the required information.
 - ii. It is constructed of material of sufficient weight and strength to withstand normal weather conditions.
 - iii. It is white with red lettering.
- b. Posted notices must contain the following information:
 - i. The first line of text on the sign in four-inch letters reads: "NOTICE OF COMMUNITY MEETING" or the applicable notice type.
 - ii. The second line of text on the sign in three-inch letters reads: "PROPOSED CONDITIONAL USE PERMIT, File #Z-- ---- -CUP" or some other appropriate description of the proposed action.
 - iii. The third line of text on the sign in three-inch letters reads: "COMMUNITY MEETING ON/PUBLIC HEARING ON/COMMENTS DUE BY (date, time and location)."

- iv. The remaining lines of text, in three-inch letters, read as follows depending on the proposal:

Table 17G.060-2 Content of Public Notice						
Application	Proposed Use	Proposed Zone	Proposed Standard	Project Name	Acreage	# of Lots
Type I	X					
Type II	X			X	X ¹	X ¹
Type III	X	X ²	X ³	X	X ¹	X ¹
¹ Preliminary Plat, BSP, PUD, short plat						
² Rezone						
³ For applications which modify a development standard						

- v. The applicant (or agent) name and phone number, the SEPA status, and the deadline for appeal of the SEPA determination.
- vi. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number)."
- vii. The following figure illustrates a posted notice sign:

Example "A"

<p>NOTICE OF PUBLIC HEARING PROPOSED ZONE CHANGE, FILE #Z2003-01-ZC PUBLIC HEARING ON: 1/1/2004 AT 9:00 A.M. LOCATED: COUNCIL BRIEFING RM., CITY HALL Proposed Zone: C1 Proposed Use: Warehouse Applicant/Agent: John Doe, Phone (509) 999-0001 SEPA: DNS, appeal deadline 12/24/03 FOR INFORMATION: (509) 625-6300</p>

Example "B"

NOTICE OF SEPA/APPLICATION
BUILDING PERMIT, FILE #B0300001
PUBLIC COMMENT DUE: 1/1/2004 AT 9:00 A.M.
Proposed Use: Commercial
Applicant/Agent: John Doe, Phone (509) 999-0001
SEPA: DNS, appeal deadline 12/24/03
FOR INFORMATION: (509) 625-6300

2. Posting.

Posting of the notice as a letter, identical in form and content to individual written notice, shall be posted at "official public notice posting locations," including:

- a. the main city public library and the branch library within or nearest to the area subject to the pending action;
- b. the space in City Hall officially designated for posting notices; and
- c. any other public building or space that the city council formally designates as an official public notice posting location, including electronic locations.

3. Newspaper notices, including a map that clearly shows the location of the proposal, is published in a legal newspaper of general circulation. The contents of the newspaper notice are as prescribed in subsection (A)(2) of this section. Newspaper notices are published on the same day of two consecutive weeks, the first no later than the number of days specified for the particular application type specified in this chapter.

4. Other Notification.

The hearing examiner, with respect to permit applications for non-site specific issues, such as essential public facilities, may require or provide for such alternative or additional notice as deemed necessary and appropriate to serve the public interest. A notification plan may be required of the applicant by the hearing examiner indicating the form and time of notice appropriate to the scope and complexity of the proposed project.

Table 17G.060-3

Community Meeting, Public Notice, Review Official and Expiration for Land Use Permits

Permit	Type	Community Meeting	Notice of Application	Notice of Public Hearing	Review Official	Hearing Required	City Council Review	Expiration of Permit ¹
Building & Code Enforcement								
Building Permit	I	No	Legal/ Individual	No	Building Official	No	No	180 days
Grading Permit	I	No	Legal/ Individual	No	Building Official	No	No	180 days
Demolition Permit	I	No	Legal/Individual	No	Building Official	No ²	No	180 days
Planning Services – Current								
Binding Site Plan	II	No	Posted/ Individual	No	Planning Director	No	No	5 years
Certificate of Compliance (CC)	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	No	None
CC	II	No	Posted/ Individual	No	Planning Director	No	No	None
Conditional Use Permit (CUP)	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	No	3 years
CUP	II	No	Posted/ Individual	No	Planning Director	No	No	3 years
Floodplain w/SEPA	I	No	Posted/ Individual	No	Planning Director	No	No	180 days
Floodplain Variance	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	No	3 years
Long Plat	III	Posted/ Individual	Posted/ Individual	Newspaper/ Posted/ Individual	Hearing Examiner	Yes	No	5 years
Plans-in-lieu	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	No	3 years
Plans-in-lieu	II	No	Posted/ Individual	No	Planning Director	No	No	3 years
PUD	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	Yes	3 years
Rezone	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	Yes	3 years
Shoreline SDP	† II	No	Posted/ Individual	No	Planning Director	No	No	Must comply with WAC 173-27-090
Shoreline CUP	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	No	Must comply with WAC 173-27-090
Shoreline	III	Posted/	Posted/	Posted/	Hearing	Yes	No	Must

Variance		Individual	Individual	Individual	Examiner			comply with WAC 173-27-090
Short Plat	II	No	Posted/ Individual	No	Planning Director	No	No	5 years
Skywalk	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	Yes	2 years
Variance	III	Posted/ Individual	Posted/ Individual	Posted/ Individual	Hearing Examiner	Yes	No	3 years
¹ NOTE: Approval expires after the specified time if no permit to develop the project is issued by the City of Spokane or building permit expires without completion of the improvements. ² NOTE: Public Hearing is required if the structure is on the National Historic Register.								

17G.060.130 Public Comment Period

The public comment period for Type I, II and III applications is fifteen days. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120). The longest public comment period shall prevail.

17G.060.170 Decision Criteria

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications:
 1. The proposal 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.
 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the

property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features.

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 neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection (C) of this section:
1. Shoreline Substantial Development Permit.
 - a. Consistency with the map, goals and policies of the shoreline master program; and
 - b. Consistency with chapter 90.58 RCW (Shoreline Management Act) and chapter 173-27 WAC (permits for development on shorelines of the state).
 2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the Shoreline Master Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the Shoreline Master Program.

 - a. Uses classified or set forth in these Shoreline Regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the Shoreline Master Program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.

- iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.
 - iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and the Shoreline Master Program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
- b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall not produce substantial adverse effects to the shoreline environment.
 - c. Other uses which are not classified or set forth in the Shoreline Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Shoreline Master Program.
 - d. Uses which are specifically prohibited by the Shoreline Master Program shall not be authorized by conditional use.

3. Shoreline Variance Permit.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in Shoreline Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the Shoreline Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.

- b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark , as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. that the strict application of the bulk, dimensional or performance standards set forth in the Shoreline Master Program Regulations precludes, or significantly interferes with, reasonable use of the property;
 - ii. that the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Shoreline Master Program Regulations, and not, for example, from deed restrictions or the applicant's own actions;
 - iii. that the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and SMP Regulations and will not cause adverse impacts to the shoreline environment;
 - iv. that the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - v. that the variance requested is the minimum necessary to afford relief;
 - vi. that the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. that the strict application of the bulk, dimensional or performance standards set forth in the shoreline master program precludes all reasonable use of the property;
 - ii. that the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and

- iii. that the public rights of navigation and use of the shorelines will not be adversely affected.
 - d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
 - e. Variances from the use regulations of the shoreline master program are prohibited.
- 4. PUD and Plans-in-lieu.
 - a. All of the following criteria are met:
 - i. Compliance with All Applicable Standards.
The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).
 - ii. Architectural and Site Design.
The proposed development has completed the design review process and the design review committee/staff has found that the project demonstrates the use of innovative, aesthetic and energy-efficient architectural and site design.
 - iii. Transportation System Capacity.
There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
 - iv. Availability of Public Services.
There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

- v. Protection of Designated Resources.
City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.
 - vi. Compatibility with Adjacent Uses.
The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.
 - vii. Mitigation of Off-site Impacts.
All potential off-site impacts including litter, noise, shading, glare and traffic will be identified and mitigated to the extent practicable.
- b. For CBD-1 through CBD-6 zones, the additional criteria of SMC 11.19.198(C)(1) through (C)(8).

5. Plat, Short Plat and Binding Site Plan.

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:

- a. public health, safety and welfare;
- b. open spaces;
- c. drainage ways;
- d. streets, roads, alleys and other public ways;
- e. transit stops;
- f. potable water supplies;
- g. sanitary wastes;

- h. parks, recreation and playgrounds;
- i. schools and school grounds; and
- j. sidewalks, pathways and other features that assure safe walking conditions.

E. The following Type II and III applications are not subject to subsections (C) and (D) of this section; they shall comply with the following decision criteria:

1. Variance.

- a. A variance or modification of the standard or requirement is not prohibited by the land use codes.
- b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
- c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic or cultural feature of area-wide significance.
- d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and

- iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.
2. Certificate of Compliance.
- a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
3. Skywalk Permit and Air Rights Use Permit.
- a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed skywalk or air rights use conforms to the standards contained in SMC 12.02.0430 through SMC 12.02.0474, unless the design review committee has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
 - d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
 - e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

17G.060.190 Notice of Decision

- A. Decisions on Type I, II and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. In making the decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.
- B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:
 - 1. Written notice of decision is provided by the decision-maker concurrent to the decision.
 - 2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
 - 3. Notice of all other decisions is given to the applicant, all parties of record and all persons who have requested to be given notice.
 - 4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
 - a. Location of the property.
 - b. Description of the proposed action.
 - c. Name, address and office telephone number of the City official from whom additional information may be obtained.
 - d. Applicant name and number.
 - e. The decision made, including the environmental threshold determination.
 - f. A list of persons who testified in person or in writing, or a summary of such a list.
 - g. A list of exhibits or a summary of such a list.
 - h. A statement of the decision criteria governing the application.

- i. A statement of the comprehensive plan policies governing the application.
 - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.
 - k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
 - l. The last date the decision may be appealed.
 - m. The place the appeal must be filed.
 - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
 - o. A statement that the decision will be final unless appealed; and
 - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane county auditor's office identifying the restrictions to use and development of the property exist. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.
- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the 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).
- E. Notice of Decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the Department of Ecology along with a Permit Data Sheet (Appendix A, WAC Chapter 173-27). For a Shoreline Conditional Use Permit or a Shoreline Variance, there is a thirty day review by Department of Ecology. After this period, the Department of Ecology shall render and transmit to the City of Spokane and the applicant, a final decision approving, approving with conditions, or disapproving the permit. The planning director shall provide notification within seven days of the Department of Ecology's final decision to those interested persons having requested notification.

17G.060.210 Appeals

- A. The provisions of this section shall apply to any written order, requirement, permit, decision or determination made under the land use codes. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- B. Appeal or request for reconsideration of a director's decision on a Type I and Type II project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC and appeals related to the fire code shall be heard by the fire code advisory board pursuant to chapter 4.08 SMC.
- C. Appeal of the hearing examiner's decision on a Type III project permit application are to superior court, except rezones, PUDs, preliminary long plats and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the date the Department of Ecology receives the final decision; appeal is made to the shorelines hearings board.
- E. Shoreline Conditional Use Permits and Shoreline Variance Permits may be appealed to the Shorelines Hearings Board within twenty-one days from the date of transmittal by the Department of Ecology of the final decision to the City. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the Department of Ecology.
- F. Appeals or requests for reconsideration from decisions or rulings shall be made within fourteen calendar days of the date of the written order or within seven days of the date of issuance of the decision on a request for reconsideration. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is signed.
- G. An appeal or request for reconsideration of the director or hearing examiner shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the

cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:

1. file number of the decision;
2. an indication of facts that establish the appellant's right to appeal or request reconsideration;
3. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
4. the requested relief from the decision being appealed or reconsidered;
5. any other information reasonably necessary to make a decision on the appeal or reconsideration;
6. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.

H. The appeal or request for reconsideration is rejected if:

1. it is filed by a person without standing as specified in chapter 17A.020 SMC;
2. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
3. it is not timely filed;
4. the appeal fees have not been paid; or
5. it is not filed in accordance with the procedures of this chapter.

I. An appeal stays the decision pending final disposal of the appeal or other requests for relief, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.

J. Notice of Appeal.

Notice of a hearing by the hearing examiner on a request for reconsideration or appeal of a Type I or Type II project permit is given to the director, appellant, applicant and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing.

1. The notice of appeal contains the following information:
 - a. Location of the property including a map sufficient to clearly locate the site.
 - b. Description of the proposed action.
 - c. Name of the applicant.
 - d. Application name and number.
 - e. Decision made on the application, including the environmental threshold determination.
 - f. Name of the appellant if other than the applicant.
 - g. Date, time and place of hearing.
 - h. A statement of whether the appeal is on the record or if new information will be allowed; and
 - i. Name, address and office telephone number of the City official from whom additional information may be obtained.

17G.060.230 Modification or Revision to Applications and Permits

- A. Proposed modifications to an application, which the department has previously found to be complete, will be treated as follows:
 1. Modifications proposed by the department to an application shall not be considered a new application.
 2. If the applicant proposes substantial modifications to an application, as determined by the department, the application may be considered a new application. The new application shall conform to the requirements of all statutes and ordinances in effect at the time the new application is submitted. A substantial modification may include but is not limited to the following:
 - a. Change in use.

- b. Increase in density.
- c. Increase in site area; or
- d. Changes that increase or significantly modify the traffic pattern for the proposed development.

B. Modifications or Revisions to Shoreline Permits

1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Shoreline Master Program and/or the policies and provisions of chapter 90.58 RCW.
2. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the Director shall request from the applicant detailed plans and text describing the proposed changes in the permit.
3. If the director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2) and are consistent with the Shoreline Master Program and the Shoreline Management Act, the director may approve a revision.
4. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.
5. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with WAC 173-27 and which would not require a permit for the development or change proposed under the terms of the Shoreline Management Act, this section and the Shoreline Master Program. If the proposed change constitutes substantial development then a new permit is required. This shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
6. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or WAC 173-27-100 violate the provisions that they are "within the scope and intent of the original permit", the director shall require that the applicant apply for a new permit.

7. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the Department of Ecology. In addition, the director shall notify parties of record of their action.
8. If the revision to the original permit was a conditional use or variance, which was conditioned by the Department of Ecology, the director shall submit the revision to the Department of Ecology for its approval, approval with conditions, or denial, indicating that the revision is being submitted under the requirements of this section. Ecology shall render and transmit to the City and the applicant its final decision within fifteen days of the date of the Department of Ecology's receipt of the submittal from the director. The director shall notify parties of record of the Department of Ecology's final decision.
9. The revised permit is effective immediately upon final decision by the director, or when reviewed by the Department of Ecology, pursuant to subsection (7), then upon final action by the Department of Ecology.
10. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the Shorelines Hearings Board within twenty-one days from the date of receipt of the revision approved by the Director, or when appropriate under subsection (7), the date Ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

C. Limitations on Refiling of Application.

1. Applications for a land use permit pursuant to Title 17 SMC on a specific site shall not be accepted if a similar permit has been denied on the site within the twelve months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed or the date of the original decision if no appeal was filed.
2. The twelve-month time period may be waived or modified if the director finds that special circumstances warrant earlier reapplication. The director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:

- a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision.
- b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
- c. An application for a variance, exception, or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision. In every instance, the burden of proving that an application is not similar shall be upon the applicant.

D. Modification to a Building Permit Subject to a Type II or III Approval.

In issuing building permits for construction under an approved site plan, the building official may, with concurrence of the planning director, permit minor adjustments of the location and/or dimensions of buildings, parking areas and roadways as long as such adjustments do not change any points of ingress or egress to the site unless approved by the director of engineering services, change any perimeter setbacks, or exceed the density authorized in the permit. No modification of an approved application may be considered approved unless specifically provided in writing.

- 1. The planning director may, without public notice, modify an approved site plan, if all the following criteria are met:
 - a. The use will remain the same.
 - b. The total site coverage or total area covered by buildings will not increase.
 - c. The use will continue to comply with all conditions of approval imposed by the original decision.
 - d. The use will comply with all of the requirements of the land use regulations applicable to it and the property on which it is or will be located.
- 2. Any modification of an approved site plan not consistent with the standards of subsection (C)(1) of this section may be approved only pursuant to the procedures for granting the original Type II or III approval.

17G. 060.245 Recision and Remanding of Shoreline Permits

- A. After providing notice to the permittee and the public and also holding a public meeting, the Planning Director may rescind or suspend a permit if any of the conditions in RCW 90.58.140(8) exist.
- B. Under the conditions listed in RCW 90.58.180, shoreline permits may be remanded back to the City by the Shorelines Hearings Board.



Shorelines

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14.1 INTRODUCTION

Overview

The Shorelines Chapter contains goals and policies that set the direction for the preservation, restoration, use, modifications, and development of the shoreline areas of the Spokane River and Latah Creek within the City limits. Development of these goals and policies was one of several steps undertaken in the 2005-2008 update of the 1976 City of Spokane Shoreline Master Program (SMP). These goals



and policies also supplement and are consistent with the goal and policies of the Comprehensive Plan Natural Environment Chapter (Chapter 9) of the Comprehensive Plan, Section NE 3, Shorelines.

Although the process to update the City's SMP did not begin until four years after the 2001 adoption of the Comprehensive Plan, an extensive public participation process was developed for the SMP update that was similar in scope to the Spokane Horizons process, the name of the City's citizen participation process to develop the Comprehensive Plan.

The SMP public participation plan established frequent opportunities throughout the update process for all segments of the community to provide ideas and input on shoreline issues and opportunities, environment designations, goals and policies, restoration plan, and regulations at open houses, neighborhood council meetings, and other community events. Representatives from federal, state, and local public and private agencies and organizations, business owners, land owners, institutional representatives, members of the development, recreational, and environmental communities, and neighborhood council representatives volunteered many hours of their time and expertise to actively participate on various technical, stakeholder, and policy committees. In addition, appointed and elected officials worked tirelessly throughout the process to learn about shoreline issues and opportunities at workshops, study sessions, and in the field so that they could make well-informed recommendations and decisions about each aspect of the Shoreline Master Program.

The directives embodied in the goals and policies of this chapter are consistent with the general and special policy goals of the Washington State Shoreline Management Act as well as the planning goals of the Washington State Growth Management Act.

What is a Shoreline Master Program?

Under the Washington State Shoreline Management Act (SMA) of 1971, each city and county with "shorelines of the state" and "shorelines of state-wide significance" must adopt a Shoreline Master Program (SMP) that is based on state laws and rules but tailored to the specific geographic, economic, and environmental needs of the community. Under the Act, the City's Shoreline Master Program governs shoreline use, modification, and development activities along the Spokane River and Latah Creek within the City limits.

The SMP is essentially a shoreline comprehensive plan with a distinct environmental orientation applicable to shorelines within the City. The City's SMP contains goals, policies, use regulations, and development standards, together with maps, diagrams, charts, and other descriptive material and text developed in accordance with the SMA.

Washington State Shoreline Management Act

The Shoreline Management Act (SMA) of 1971 calls for "a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." (RCW 90.58.020).

The SMA contains three broad policies (RCW 90.58.020):

- ◆ **Encourage Water-Dependent Uses.** Uses are preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines.
- ◆ **Protect Shoreline Natural Resources.** The SMA seeks to protect the natural resources of the shorelines, including land and its vegetation and wildlife, and the water of the state and their aquatic life against adverse effects.
- ◆ **Promote Public Access.** The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.

State policy provides for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. Shoreline uses are given preference in the following order which:

- ◆ Recognize and protect the statewide interest over the local interest;
- ◆ Preserve the natural character of the shoreline;
- ◆ Result in long term over short term benefit;
- ◆ Protect the resources and ecology of the shoreline;
- ◆ Increase public access to publicly owned areas of the shorelines;
- ◆ Increase recreational opportunities for the public in the shoreline; and
- ◆ Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end, uses

shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.

The SMA is administered through a cooperative program between local governments and Ecology. Cities and counties are the primary regulators. Ecology acts primarily in a support and review capacity, but is required to approve certain kinds of permits (conditional use and variance permits) and must approve new or amended shoreline master programs.

Local governments may modify master programs to reflect changing local circumstances, new information, or improved shoreline management approaches. The Act places a strong emphasis on public participation in developing local shoreline programs and in the local permit process.

History of Shoreline Management in Spokane

Prior to the passage of the Shoreline Management Act, the City of Spokane had initiated its own intensive planning study of the Spokane River and Latah Creek waterfronts. Disturbed that the community's major natural asset had been so long neglected, Spokane's citizens had already set about, in 1966, to determine how best to reverse the damage.

That study culminated in the Riverfront Development Program, an ambitious commitment to recapture, over a 20 to 30-year period, the full value of an asset that had badly depreciated. Uninviting uses would be relocated, public access would be improved, discharge of untreated wastes into the river would cease, and future riverfront developments would honor their incomparable setting. The 1975 Riverfront Development Program provided much of the substance for Spokane's first SMP, adopted in 1976 and amended in 1982.

In 1988, the Spokane City Council requested that the City Plan Commission review the Riverfront Development Program and the Shoreline Master Program and prepare updates if necessary. Through a coordinated effort between the Plan Commission, a citizen committee, and City staff, a draft SMP was completed in 1994, but was never adopted by the City Council.

In 2005, The City of Spokane Planning Services Department received a grant from the Washington State Department of Ecology to update the 1976 SMP. The process included a comprehensive inventory and analysis of the Spokane River and Latah Creek and the development of shoreline environment designations and accompanying management policies; goals and policies for each of the ten elements of the SMP; regulations that address shoreline use, modifications, and development; and a restoration plan. The SMA, 1976 SMP, and 1994 draft SMP served as the framework upon which this updated SMP was developed.

14.2 GMA GOAL AND REQUIREMENTS AND COUNTYWIDE PLANNING POLICIES

GMA Shorelines Planning Goal (RCW 36.70.A.020)

For shorelines of the state, the goals and policies of the Washington State Shoreline Management Act (SMA), as set forth in RCW 90.58.020, were added in 1995 as a goal of the Washington State Growth Management Act (GMA), without creating an order of priority among the fourteen goals. See the “Washington State Shoreline Management Act” section above for a listing and discussion of the three broad policies contained in RCW 90.58.020.

In addition, the GMA Environment Goal (Goal 10) states: “Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.”

Countywide Planning Policies

The Countywide Planning Policies (CWPPs), adopted by the Spokane Board of County Commissioners in 1994, do not specifically mention shorelines, but do address policy topics that are also included in the policy topics of the Shorelines Chapter. The Countywide Planning Policy topics of Urban Growth Areas (UGAs), Promotion of Contiguous and Orderly Development and Provision of Urban Services, Parks and Open Space, Transportation, and Economic Development contain policies that relate to the Shorelines Chapter. For the text of the Countywide Planning Policies, consult the CWPPs document, “Countywide Planning Policies and Environmental Analysis for Spokane County,” adopted December 22, 1994.

Shorelines as an Element of the Comprehensive Plan

The GMA mandates the following for a jurisdiction updating its Shoreline Master Program (SMP) under the Growth Management Act and the Shoreline Management Act:

- ◆ The goals and policies of the City’s SMP approved under SMA shall be considered an element of the City's Comprehensive Plan. All other portions of the City’s Shoreline Master Program adopted under SMA, including use regulations, shall be considered a part of the City's development regulations.
- ◆ The SMP shall be adopted pursuant to the procedures of the SMA rather than the goals, policies, and procedures set forth under GMA for the adoption of a comprehensive plan or development regulations.
- ◆ The policies, goals, and provisions of the SMA and applicable guidelines shall be the sole basis for determining compliance of the City’s SMP with GMA, except as the SMP is required to comply with the internal consistency provisions of the GMA.

SMP Protection of Critical Areas

The GMA also mandates that:

- ◆ The protection of critical areas within the Spokane River and Latah Creek Shoreline Jurisdiction transfers to the City of Spokane SMP, once Ecology adopts the SMP.
- ◆ Critical areas within the Spokane River and Latah Creek Shoreline Jurisdiction shall not be subject to the procedural and substantive requirements of the GMA, except as provided in the last bulleted item, below.

- ◆ The provisions of the GMA, RCW 36.70A.172, shall not apply to the adoption or subsequent amendment of the City's SMP and shall not be used to determine compliance of the City's SMP with the SMA and applicable guidelines.
- ◆ The City of Spokane SMP shall provide a level of protection to critical areas located within the Shoreline Jurisdiction at least equal to the level of protection provided to critical areas by the City's Critical Areas Ordinances adopted and thereafter amended pursuant to the GMA.
- ◆ Shorelines within the Spokane River and Latah Creek Shoreline Jurisdiction shall not be considered critical areas under the GMA except to the extent that specific areas located within the Shoreline Jurisdiction qualify for critical area designation based on the definition of critical areas provided by the GMA, RCW 36.70A.030(5), and have been designated as such by the City of Spokane pursuant to RCW 36.70A.060(2).
- ◆ If the City's SMP does not include land necessary for buffers for critical areas that occur within the Spokane River and Latah Creek Shoreline Jurisdiction as authorized by the SMA, RCW 90.58.030(2)(f), then the City shall continue to regulate those critical areas and their required buffers pursuant to the GMA, RCW 36.70A.060(2).



14.3 SPOKANE'S SHORELINE MASTER PROGRAM

Overview

The shorelines of Spokane are among the City's most valuable, unique, and fragile natural resources. As Spokane continues to grow, development pressures within the City's shorelines are increasing, necessitating coordinated, planned shoreline management and development, as well as continuous cooperation between various federal, state, and local entities. Spokane is fortunate to have many shoreline areas in public ownership, creating a rich environment for citizens to recreate and enjoy the Spokane River and Latah Creek.

The objectives of the City of Spokane Shoreline Master Program (SMP) are to improve environmental quality, enhance public access and recreational opportunities, plan and coordinate development, raise development standards, and ensure that Spokane's greatest natural assets are carefully managed for the enjoyment of future generations. The program recognizes the interest of the people to be paramount while recognizing the state-wide interest. Preserving the long-term natural characteristics and resources is given preference over development of any kind.

Consistency and Conformity with Shoreline Management Act

This SMP is prepared in accordance with the Washington State Shoreline Management Act, and as such, is intended to preserve the public's opportunity to enjoy the physical and aesthetic qualities of the Spokane River and Latah Creek shorelines, consistent with the overall best interest of the state and the people generally.

Consistency with Plans and Regulations

The SMP goals and policies are adopted as part of the City's Comprehensive Plan and the Shoreline Regulations are incorporated into the City of Spokane Unified Development Code; these components are therefore consistent with the Plan, City development regulations, City of Spokane's Critical Areas Ordinances, and any other applicable City regulations. The SMP is also consistent with the Shoreline Master Programs of adjacent jurisdictions, and all other local, state, and federal laws pertaining to the shoreline areas. Development of the program included coordination among adjoining jurisdictions, public agencies, private businesses, recreational and environmental organizations, citizen groups, elected and appointed officials, City staff, and others with authority, interest, and expertise in the shorelines.

Shoreline Environments and Management Policies

In order to effectively protect shoreline resources and provide for appropriate development, a system of categorizing shoreline areas into environment designations and accompanying policies for managing shoreline uses, modification, and development within each designation is required by the Shoreline Management Act Guidelines. The SMP environments were designated by analyzing data from a comprehensive inventory of the ecological conditions and physical character of the shorelines, which was performed at the beginning of the SMP update process. The analysis resulted in the designation of six environments that accurately reflect the characteristics of Spokane's shoreline areas. The boundaries of each environment were determined by using both man-made and environmental features as divisions between

designations. The designations also support and are consistent with the vision and goals of the Comprehensive Plan.

Shoreline Goals and Policies

Shoreline goals and policies establish broad shoreline management directives. They are statements of intent by the City of Spokane that direct or authorize a course of action or specify criteria for regulatory or non-regulatory action. The policies serve as the basis for regulations that govern use, modifications, and development along the shorelines and provide direction for regional issues such as resource management, environmental protection, transportation, inter-governmental coordination and regional planning.

Shoreline policies provide a comprehensive foundation for the Shoreline Master Program regulations, which are more specific standards that are used to evaluate and regulate shoreline development proposals. The City of Spokane must evaluate permit applications in light of the shoreline policies and may approve a permit only after determining that the development conforms to the policies in the Shoreline Master Program.

Shoreline Regulations

The regulations implement the goals and policies of the SMP and contain requirements for shoreline uses, modifications, and development within the Shoreline Jurisdiction, whether or not a shoreline permit is required. The regulations also contain administrative procedures necessary to administer the requirements of the Shoreline Management Act and SMP. The regulations are in essence an overlay to the other regulations that pertain to the shoreline area, such as land use and zoning designations and critical areas regulations. In the event of a conflict with other applicable city policies or regulations governing the shorelines, the more restrictive regulation will always be used to evaluate and regulate a proposed project within the Shoreline Jurisdiction.

Restoration Plan

The restoration plan addresses degraded areas and impaired ecological functions identified in the inventory and analysis of the shorelines, one of the first tasks undertaken as part of the update process. The plan establishes overall goals and objectives for City-wide shoreline restoration efforts. The plan identifies and prioritizes restoration opportunities and prescribes generalized treatment options for various restoration scenarios. The plan also identifies current and ongoing programs that contribute to achieving these goals, as well as additional projects or programs necessary for success.

Components

The City of Spokane Shoreline Master Program (SMP) is divided into four parts, each contained in different documents:

- ◆ **Shoreline Master Program Goals and Policies**

The SMP goals and policies are included in this Shorelines Chapter of the Comprehensive Plan. Sub-categories are:

- Shoreline environments and management policies;
- General goals and policies; and
- Goals and policies for the ten elements of the SMP.

Definitions for shoreline words and terms in the goals and policies section are located in Chapter 15, Glossary, of the City of Spokane Comprehensive Plan.

◆ **Shoreline Regulations**

Shoreline use, modification, and development regulations are contained in Chapter 17 E.060, Shoreline Regulations, of the Spokane Municipal Code (SMC).

Shoreline permit procedures are located in Chapter 17G.060 SMC, Land Use Application Procedures.

Definitions for shoreline words and terms in Chapter 17E.060 SMC, Shoreline Regulations, and Chapter 17G.060, Land Use Application Procedures are located in Chapter 17A.020 SMC, Definitions.

◆ **Restoration Plan**

The Restoration Plan is a stand-alone document, titled “Shoreline Restoration Plan.”

◆ **Background Information**

The City of Spokane Comprehensive Plan, Volume 3, contains background information pertaining to the SMP, including:

- Shoreline Inventory and Analysis;
- Cumulative Impacts Report;
- State Environmental Policy Act Checklist;
- Record of Citizen Participation Activities
- SMP Submittal Checklist to the Department of Ecology; and
- Other pertinent background information



14.4 ENVIRONMENTS AND MANAGEMENT POLICIES

NATURAL ENVIRONMENT (NE)

Purpose

The purpose of the "natural" environment is to protect shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. This environment allows only very low intensity uses in order to maintain the ecological functions and ecosystem-wide processes.

Designation Criteria

Assign a "natural" environment designation to shoreline areas if any of the following characteristics apply:

- ◆ The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
- ◆ The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
- ◆ The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

This designation delineates those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments that are sensitive to human development. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, unstable bluffs, and ecologically intact shoreline habitats.

Ecologically intact shorelines can include both large (covering multiple properties) and small (within one property) areas which retain the majority of their natural shoreline functions. Generally, these are free of structural shoreline modification, structures, and intensive uses, and can include forested areas which have native vegetation, diverse plant communities, and large woody debris.

Management Policies

1. *Give preference to uses that would not substantially degrade the ecological functions or natural character of the shoreline area.*
2. *Prohibit the following new uses in the shoreline area:*
 - ◆ *Commercial.*
 - ◆ *Industrial.*
 - ◆ *Non-water oriented recreation.*
 - ◆ *Roads, utility corridors, and parking areas that can be feasibly located outside of "natural" designated shorelines.*
3. *Allow, as a conditional use, single-family residential development, provided the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.*

4. *Consider allowing very low intensity agricultural uses when such use is subject to appropriate limitations or conditions to assure the use does not expand or alter practices in a manner inconsistent with the purpose of this designation.*
5. *Allow scientific, historical, cultural, educational research uses, and low intensity water-oriented uses, provided that no significant ecological impact on the area will result.*
6. *Prohibit new development or significant vegetation removal which would reduce the capability of vegetation to perform normal ecological functions.*
7. *Prohibit the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions.*

URBAN CONSERVANCY ENVIRONMENT (UCE)

Purpose

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.

Designation Criteria

Assign an "urban conservancy" environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area and that are not generally suitable for water-dependent uses if any of the following characteristics apply:

- ◆ They are suitable for water-related or water-enjoyment uses;
- ◆ They are open space, flood plain or other sensitive areas that should not be more intensively developed;
- ◆ They have potential for ecological restoration;
- ◆ They retain important ecological functions, even though partially developed; or
- ◆ They have the potential for development that is compatible with ecological restoration.

Management Policies

1. *Allow shoreline uses in the "urban conservancy" environment as follows:*
 - ◆ *Water-oriented uses should be given priority over non-water-oriented uses.*
 - ◆ *Primary allowed uses are those that preserve the natural character of the area or promote preservation of open space, flood plain, or sensitive lands either directly or over the long term.*
 - ◆ *Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the urban conservancy environment and setting.*
2. *Establish standards for shoreline stabilization measures, vegetation conservation, water quality and shoreline modifications that ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.*

3. *Implement, when feasible, public access and public recreation objectives if significant ecological impacts can be mitigated.*

SHORELINE RESIDENTIAL ENVIRONMENT (SRE)

Purpose

The "shoreline residential" environment is designed to accommodate existing, small-lot residential development and accessory structures. The shoreline residential environment may also provide appropriate public access and recreational uses.

Designation Criteria

Assign a "shoreline residential" environment designation to shoreline areas if they are predominantly small-lot single-family or multi-family residential development or are planned and platted for such residential development.

Management Policies

1. *Provide consistent and integrative regulatory standards that assure no net loss of ecological functions and that take into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.*
2. *Provide public access and joint use for community recreational facilities in multi-family residential development, multi-lot residential development, and recreational developments.*
3. *Provide for adequate access, utilities, and public services to serve existing needs and planned future development.*

LIMITED URBAN ENVIRONMENT (LUE)

Purpose

The purpose of the "limited urban" environment is to accommodate a range and mixture of water-oriented residential, commercial, and institutional uses at moderate intensity and density levels, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Water-dependent utilities and industrial uses are also accommodated. In addition, this designation provides for appropriate physical and visual public access and recreation uses. This environment is suitable for residential development, while allowing for non-residential uses with height limitations and at a significantly lower scale of intensity than is found in the Intensive Urban Environment. This environment is intended for development that creates a unique urban waterfront environment, enhances aesthetic appeal, provides public access, and allows compatible uses.

Designation Criteria

Assign a "limited urban" environment designation to shoreline areas that are intended to accommodate further urban growth and infill development and that are appropriate for a mix of water-oriented residential, institutional, and limited commercial uses. Water-dependent utility and industrial uses may be accommodated. This environment may include a range and mix of uses

similar to those found in the Intensive Urban Environment, but at a significantly lower scale of intensity. This environmental designation may serve as a transition between higher intensity and lower intensity environmental designations.

Management Policies

- 1.** *Prioritize shoreline uses in the “limited urban” environment as follows:*
 - ◆ *First priority should be given to water-dependent uses.*
 - ◆ *Second priority should be given to water-related and water-enjoyment uses.*
 - ◆ *Non-water oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in a shoreline use analysis or special area planning as identified in WAC 173-26-200.*
 - ◆ *Essential public facility uses, such as utilities, should be allowed only if water-dependent or necessitated by economic feasibility or functionality requirements and adequate land is not available in the urban intensive environment designated areas.*
- 2.** *Provide consistent and integrative regulatory standards that assure no net loss of ecological functions or processes.*
- 3.** *Ensure that essential public facilities, such as utilities, are designed to the level of lowest impact and least disruption to the physical and visual environment whether above or below ground.*
- 4.** *Provide public access and joint use for community recreational facilities in multi-family residential development, multi-lot residential development, and recreational developments.*
- 5.** *Provide for adequate access, utilities, and public services to serve existing needs and planned future development.*
- 6.** *Consider the potential for displacement of non-water oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.*
- 7.** *Assure no net loss of shoreline ecological functions as a result of new development, and where applicable, require that new development include environmental cleanup and restoration of the shoreline to comply with state and federal law.*
- 8.** *Encourage the preservation and restoration of the natural character of the shoreline area.*
- 9.** *Require, where feasible, visual and physical public access to the river in public and private development or redevelopment within the shoreline area.*
- 10.** *Promote aesthetic considerations through the development of sign control regulations, appropriate development siting, screening, architectural standards, and maintenance of vegetative buffers.*

INTENSIVE URBAN ENVIRONMENT (IUE)

Purpose

The purpose of the “intensive urban” environment is to ensure optimum, intensive public utilization of shorelines by providing high-intensity public use and managing development so that it enhances and maintains the shorelines for a variety of urban uses. Existing ecological functions within the shoreline area must be protected, and areas that have been previously degraded must be restored. Urban use of shorelines in this environment should be limited to water-oriented uses in developed areas with adequate building setbacks from the top of the riverbanks. Priority will be given to public access, both visual and physical. Pedestrian paths and cycle paths should connect to access points. Public ownership of land should be maintained and expanded along both riverbanks.

Designation Criteria

Assign the “intensive urban” environment designation 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.

Management Policies

1. *Prioritize shoreline uses in the “intensive urban” environment as follows:*
 - ◆ *First priority should be given to water-dependent uses.*
 - ◆ *Second priority should be given to water-related and water-enjoyment uses.*
 - ◆ *Non-water oriented uses should not be allowed except as part of mixed use (water-dependent, water-related, and/or water-enjoyment) developments.*
 - ◆ *Non-water oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in a shoreline use analysis or special area planning.*
2. *Encourage full utilization of shoreline areas within the existing intensive urban environment before allowing further expansion of the environment boundaries.*
3. *Consider the potential for displacement of non-water oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.*
4. *Encourage the redevelopment of degraded or poorly used intensive urban shoreline areas to accommodate future water-oriented uses.*
5. *Assure no net loss of shoreline ecological functions as a result of new development, and where applicable, require that new development include environmental cleanup and restoration of the shoreline to comply with state and federal law.*
6. *Require, where feasible, visual and physical public access to the river in public and private development or redevelopment within the shoreline area.*

7. *Promote aesthetic considerations through the development of sign control regulations, appropriate development siting, screening, architectural standards, and maintenance of vegetative buffers.*
8. *Retain and enhance the unique ecological and geologic features of the river, falls, banks, and limited adjacent greenbelt throughout the environment.*

WASTEWATER TREATMENT PLANT ENVIRONMENT (WTPE)

Purpose

The purpose of the “wastewater treatment plant” environment is to create a unique designation that specifically corresponds with and addresses wastewater treatment plants. This designation focuses on providing this essential public facility while at the same time addressing the concerns of mitigation measures, aesthetic enhancements, location, and restoration opportunities.

Designation Criteria

This designation applies to Wastewater Treatment Plant properties within the Shoreline Jurisdiction.

Management Policies

1. *Ensure the plant is meeting all applicable federal, state, and local standards for emissions and pollutants.*
2. *Assure no net loss of shoreline ecological functions as a result of Wastewater Treatment Plant improvements or expansion.*
3. *Mitigate aesthetic impacts to the surrounding environment through low impact design and, as much as feasible, restoration of the natural character of the shoreline area.*
4. *Allow expansion and major upgrades of the plant within the Shoreline Jurisdiction by conditional use only.*
5. *Locate future Wastewater Treatment Plant facilities, including pumping stations, outside of the Shoreline Jurisdiction, with the exception of outfall infrastructure, unless no other feasible option is available.*
6. *Re-designate a Wastewater Treatment Plant Environment to its surrounding designation(s) should the plant relocate.*
7. *Require improvements to and mitigation of the aesthetic aspects of the plant, including landscaping and odor reduction.*

14.5 GOALS AND POLICIES

General Goal and Policies

This Shoreline Master Program contains one overarching, general goal and several general policies that apply to the whole program and which serve as the framework upon which the goals and policies for each shoreline element were developed. The general goal focuses on enhancing the City's shorelines through appropriate shoreline uses that improve the shoreline character.

A major general policy that supports this goal is state mandated and provides assurance that any new development or project in the shoreline will result in no net loss of shoreline ecological functions.

Goals and Policies for Shoreline Elements

In addition to the General Goal and Policies, the Act requires that the SMP identify and establish goals and policies for major shoreline "elements," or shoreline topics likely to arise in the City which the SMP must address. The SMP includes elements for Capital Facilities; Circulation; Conservation; Economic Development; Flood Hazard Reduction; Historic, Cultural, Scientific, and Educational; Public Access; Recreation; Restoration; and Shoreline Use.

Important directives of the goals and policies of the shoreline elements include:

- ◆ Planning for and coordinating development and activities that protect against adverse effects to the ecological health of the shoreline.
- ◆ Preserving existing natural resources, scenic vistas, and aesthetics and restoring degraded natural ecosystem processes and functions.
- ◆ Encouraging desirable public and private economic development with a minimum disruption of the natural character of the shorelines.
- ◆ Providing improved public access and recreational opportunities.
- ◆ Developing a safe, convenient, multimodal circulation system within the shoreline area to provide for the efficient movement of people.
- ◆ Protecting and restoring buildings, sites, and areas having historic, cultural, scientific, or educational values.
- ◆ Preventing and minimizing flood damage in shoreline areas.
- ◆ Providing and maintaining adequate public facilities and utilities in shoreline areas.



SMP 1 GENERAL GOAL AND POLICIES

Goal: Enhance the Spokane River and Latah Creek shorelines by establishing and implementing goals, policies, and regulations which promote a mixture of reasonable and appropriate shoreline uses that improve the City's character, foster its historic and cultural identity, and conserve environmental resources.

Policies

SMP 1.1 Coordinated Planning

Coordinate shoreline planning between the City of Spokane, agencies with jurisdiction, adjoining jurisdictions, the State of Washington, and the State of Idaho into which the river basin extends.

SMP 1.2 Consistency with Other Plans and Programs

Ensure that the City of Spokane Shoreline Master Program is consistent with the Washington State Shoreline Management Act and Growth Management Act, the basic concepts, goals, policies, and land use plan of the City of Spokane Comprehensive Plan and development regulations, the City of Spokane Critical Areas Ordinances, and the Shoreline Master Programs of adjacent jurisdictions.

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 1.4 Public Interest and Property Rights

Protect the interests of the public in attaining the goals of the Shoreline Master Program, while acknowledging and respecting private property rights.

SMP 1.5 Shoreline Designated Environments

Designate shoreline environments for the Spokane River and Latah Creek that are consistent with the Comprehensive Plan land uses, shoreline management practices, and ecological functions within each designated area.

SMP 1.6 Policy Priorities

Give preference to those shoreline activities which fulfill long range Comprehensive Plan goals and the Shoreline Management Act policy priorities, as listed and discussed below:

Because the Spokane River and Latah Creek are shorelines from which all people in the state derive benefit, the City gives preference to those uses which favor public activities and fulfill long range Comprehensive Plan goals.

It is the policy of the City of Spokane to provide for the management of its shorelines by planning for and fostering all reasonable and appropriate uses. The following policies are designed to ensure the development of the City's shorelines in a manner which will

promote and enhance the public interest. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the Spokane River and Latah Creek and their aquatic life.

The State Legislature has declared that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The following order or policy preference shall apply to the shorelines within the City of Spokane:

- ◆ *Recognize and protect the state-wide interest over local interest.*

In developing the Shoreline Master Program and any amendment thereto, the City of Spokane should take into account State agencies' policies, programs, and recommendations; advice from experts in ecology, geology, aquaculture, wildlife, and other scientific fields pertinent to shoreline management; citizen opinions; and recognized special interest groups.

- ◆ *Preserve the natural character of the shoreline.*

Designate shoreline environments and use regulations to implement policies which encourage expansion or redevelopment of areas where intensive development already exists rather than allowing new development to extend into open space and undeveloped areas.

- ◆ *Allow uses that result in long-term over short-term benefit.*

The Spokane River and Latah Creek should be preserved for future generations. The City should evaluate the short term economic gain of a development relative to the long term impairment to the shoreline.

- ◆ *Protect the resources and ecology of the shoreline.*

All shoreline development should be located, designed, constructed, and managed to minimize adverse impacts to wildlife and aquatic resources (including spawning, nesting, rearing, and habitat areas and migratory routes), water quality, unique and fragile areas, geohydraulic processes, scenic views and natural eco-systems. Development should preserve environmentally sensitive wetlands and critical areas for use as open space or buffers and encourage restoration of presently degraded shoreline and wetland areas.

- ◆ *Increase public access to publicly owned areas of the shorelines.*

Priority should be given to developing pathways and trails to shoreline areas, promoting linear access along the shorelines and to connect existing publicly owned parks, conservation areas, natural areas and golf courses, and encouraging upland parking.

- ◆ *Increase recreational opportunities for the public on the shoreline.*

Plan for and encourage development of facilities for recreational and public use of the shorelines.

In the implementation of the above policies, the public's opportunity to enjoy the physical and aesthetic qualities of the natural shorelines of the Spokane River and Latah Creek should be preserved to the greatest extent feasible consistent with the overall best interest of the State, City and the people generally. To this end, preferred uses are those which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or depend upon use of the shorelines.

Alterations of the natural condition of the shorelines of the City in those limited instances, when authorized, should be given priority for single-family residences, shoreline recreational uses including parks and other improvements facilitating public access to shorelines, industrial and commercial developments which are particularly dependent on their location on the shorelines, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines. City shorelines and wetlands should be appropriately classified, and these classifications should be revised when circumstances warrant, regardless of whether the change in circumstances occurs through man-made causes or natural causes.

Permitted uses in city shorelines should be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shorelines area and any interference with the public's use of the water. (See RCW 90-58.020, Shoreline Management Act of 1971).



SMP 2 CAPITAL FACILITIES AND UTILITIES

Goal: Maintain and provide adequate public facilities and utility services within the shoreline environment while preserving and enhancing the natural environment and ecology of the shoreline.

Policies

SMP 2.1 Impacts to Shoreline

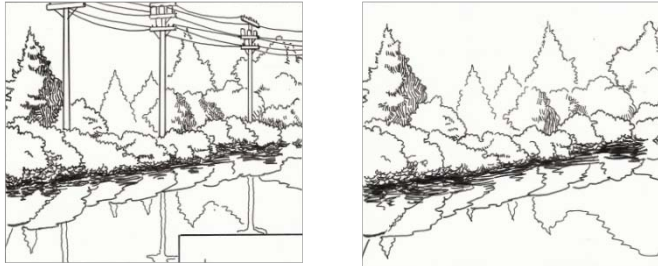
Assure no net loss of shoreline ecological functions as a result of the improvement, development, expansion, location, design, or maintenance of any facility or utility.

SMP 2.2 Location of Public Facilities and Utilities

Locate new public facilities and utilities, including, but not limited to, utility production, processing, distribution, and transmission facilities outside of the Shoreline Jurisdiction whenever possible and economically feasible.

SMP 2.3 Underground Placement

Require new utilities and facilities that must be located within the shoreline to be built underground if feasible, and utilize low impact, low profile design and construction methods to the maximum extent possible.



SMP 2.4 Preferred Locations Map

Map preferred locations for new utilities and public facilities with the cooperation of service providers.

SMP 2.5 Existing and Planned Utilities Data and Maps

Develop and maintain data and map layers of all existing and, when known, planned utilities.

SMP 2.6 Placement in Existing Rights-of-Way

Require new utilities and facilities to be located in existing rights-of-way whenever possible.

SMP 2.7 Transportation and Parking Facilities

Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water dependent uses.

SMP 2.8 Conditions on Construction or Expansion

Allow construction or expansion of any facility or utility within the Shoreline Jurisdiction by conditional use only.

SMP 2.9 Conditions on Maintenance and Upgrades

Allow maintenance and upgrade activities that will result in significant shoreline impacts by conditional use only.

SMP 2.10 Location Preference

Give preference to established utility corridors and rights-of-way for upgrades and reconstruction of existing utilities and facilities, unless a more suitable location is available.



SMP 3 CIRCULATION

Goal: Develop a safe, convenient, and multimodal circulation system within the shoreline area to provide for the efficient movement of people without unduly disrupting the ecological functions of the shoreline environment.

Policies

SMP 3.1 Shoreline Access

Improve access to the shoreline by developing, where appropriate, pathways, trails and bikeways along and adjacent to the shoreline.

SMP 3.2 Access System

Ensure that a system of arterials, scenic drives, pathways, public transit routes, and bikeways adjacent to and within the shoreline areas provides appropriate access to the Spokane River and Latah Creek in a way that meets the needs and desires of the community as reflected in the Comprehensive Plan, while also preserving ecological function of the shorelines.

SMP 3.3 Access Streets on Landward Side of Development

Locate access streets serving shoreline businesses, industries, residences, and public facilities on the landward side of such developments.

SMP 3.4 Consolidated Transportation Corridors

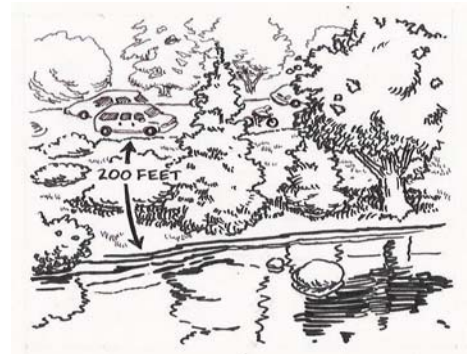
Encourage the consolidation of transportation corridors crossing the shoreline environment in order to minimize the number of crossings.

SMP 3.5 Location of New Streets

Locate new streets or street expansions that are part of the City of Spokane designated Regional Arterial Network outside of the Shoreline Jurisdiction, unless no other options are available or feasible.

SMP 3.6 Parking Facilities

Allow parking facilities in shoreline areas only as necessary to support permitted shoreline uses, and not as a primary use.



SMP 3.7 Parking Facility Impacts

Minimize the environmental and visual impacts of parking facilities.

SMP 3.8 Unused Public Rights-of-Way

Retain unused public rights-of-way within the shoreline area.

SMP 3.9 Dead-End Rights-of-Way as Access

Provide public visual or physical access to the shoreline through unused portions of rights-of-way that dead end in the shoreline area, when possible.

SMP 3.10 Signage Plan

Develop a signage plan for thoroughfares in the vicinity of the river or creek that point out shoreline attractions and access points.

SMP 3.11 Rail Line Connections

Allow new rail lines within the Shoreline Jurisdiction only for the purpose of connecting to existing rail lines or rights-of-way.

SMP 3.12 New Rail Lines in Existing Rail Corridors

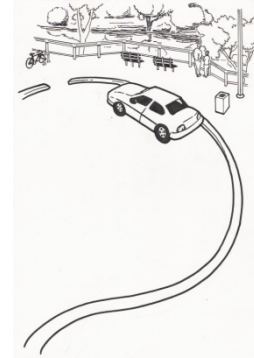
Construct new rail lines within an existing rail corridor where possible.

SMP 3.13 Expansion of Rail Corridors

Allow the expansion of existing rail corridors within the Shoreline Jurisdiction.

SMP 3.14 Rail Lines and Public Access

Construct, where feasible, all new rail lines so that they do not compromise the public's ability to access the shoreline safely.



SMP 4 CONSERVATION

Goal: Conserve and manage the unique, fragile, and scenic natural elements of the Spokane River and Latah Creek shorelines for the continuing benefit and enjoyment of the community.

Policies

SMP 4.1 Preservation of Natural Resources

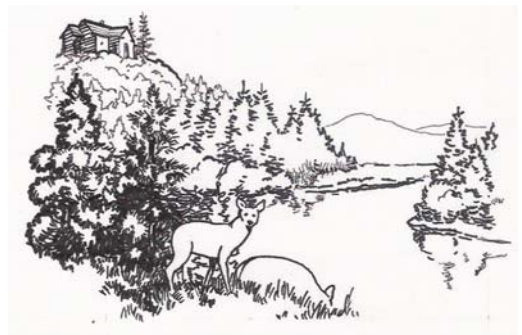
Preserve and properly utilize the natural resources of the shorelines, including scenic vistas, aesthetics, vegetation, and vital estuarine areas for fisheries and wildlife protection.

SMP 4.2 Non-Renewable Resources

Preserve, protect and restore unique and non-renewable resources or features such as wetlands, wildlife habitat, agricultural areas, and special natural areas.

SMP 4.3 Conservation of Critical Areas

Conserve to the maximum extent possible "critical areas" in accordance with the City's Critical Areas Ordinances.



SMP 4.4 Acquisition of Unique Shoreline Areas

Acquire and maintain, through conservation futures, donations, general funds, or other sources, shoreline areas containing natural elements especially worthy of preservation or especially attractive to the public, such as beaches, forest cover, trees, wildlife populations, vistas and other scenic features.

SMP 4.5 Native Plant Retention and Landscaping

Provide ongoing education and incentives that emphasize the retention of or landscaping with native plant communities in non-impaired or blighted areas as new development and redevelopment occurs.

SMP 4.6 Mitigation of Adverse Impacts

Require that new development or redevelopment avoid or mitigate negative impacts to steep banks, surface and ground water quality, ecological functions, wildlife habitat, vegetative cover, and erosion of the soil.

SMP 4.7 Incentives for Retention of Resource Lands

Retain existing agricultural resource lands, open space, and environmentally sensitive areas through the innovative use of incentives such as Transferable Development Rights.



SMP 5 ECONOMIC DEVELOPMENT

Goal: Encourage desirable public and private economic development along the shorelines that will enhance the quality of life for the residents of the City of Spokane with a minimum disruption of the natural character of the shorelines.

Policies

SMP 5.1 Development Priorities

Prioritize shoreline development as follows:

- ◆ *First priority is given to water-dependent uses.*
- ◆ *Second priority is given to water-enjoyment and water-related uses.*

SMP 5.2 Commercial and Recreational Development

Give priority to recreational development, both commercial and public, for access to and use of the water and shorelines.

SMP 5.3 Evaluation of Economic Gain

Require that the short-term economic gain or convenience of development be evaluated against the long-term and potentially costly impairments to the natural environments that could result.

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 5.5 Water-Enjoyment Areas

Develop a plan to identify and establish water-enjoyment areas, such as parks, view points, promenades, beaches, and pathways as major city attractions.

SMP 5.6 Over-Water Construction

Prohibit construction over the water unless the use is water-dependent and needs to be located over the water.

SMP 5.7 Business Operations

Encourage shoreline industries and businesses to keep a well-maintained appearance and to operate their businesses in a manner that will not cause negative environmental impacts to the community.

SMP 5.8 Major Building Entrances

Encourage the inclusion of a major building entrance from the waterfront in public and private projects, so as to attract the public to the river and emphasize the building's river orientation.



SMP 6 FLOOD HAZARD REDUCTION

Goal: Prevent and minimize flood damage in shoreline areas to protect ecological functions, shoreline habitat, lives, and public and private property.

Policies

SMP 6.1 Shoreline Development

Prohibit development within the shorelines that would intensify flood hazards or result in cumulative significant adverse effects to other properties, as regulated by Chapter 17E.030, Floodplain Management, of the Spokane Municipal Code.

SMP 6.2 Coordinated Planning

Coordinate flood hazard reduction planning among the applicable agencies.

SMP 6.3 Vegetative Buffers

Maintain, protect, and restore natural vegetative buffers that are within the floodway of the Spokane River and Latah Creek that function to reduce flood hazards.

SMP 6.4 Development in Channel Migration Zones

Prohibit development within channel migration zones (CMZ) that interferes with the normal process of channel migration, consistent with Chapter 17E.030, Floodplain Management, of the Spokane Municipal Code.

SMP 6.5 Structural Flood Hazard Reduction Measures

Allow new structural flood hazard reduction measures only:

- ◆ *Where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished; and*
- ◆ *Landward of associated wetlands and buffer areas except where no alternative exists, as documented in a geotechnical analysis; and*
- ◆ *When consistent with current best management practices, using natural materials whenever feasible.*

SMP 6.6 Limited Removal of Gravel

Allow removal of gravel for flood control only if biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution.



SMP 7 HISTORIC, CULTURAL, SCIENTIFIC, EDUCATIONAL

Goal: Preserve the historic, cultural, scientific or educational sites within the shoreline that reflect our community's unique heritage and create or contribute to our collective sense of place.

Policies

SMP 7.1 Cooperation and Consultation

Ensure constant cooperation and consultation with affected agencies, tribes, and the City of Spokane Historic Preservation Department for projects that could potentially impact cultural and historical resources.

SMP 7.2 Inventory of Sites

Work with tribal, state, federal and local governments as appropriate to maintain an inventory of all known significant local historic, cultural, and archaeological sites in observance of applicable state and federal laws protecting such information from public disclosure.

SMP 7.3 Sites and Structures

Identify, preserve, and manage shoreline sites and structures having historical, cultural, scientific or educational value, and endeavor to avoid, minimize, or mitigate any adverse impacts to these resources.

SMP 7.4 Development Impacts

Discourage public or private development and redevelopment activities from adversely impacting, destroying or destructively altering any site, area, or building having historical, cultural, scientific or educational value as identified on the local or national historic register.



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 7.6 Site and Building Acquisition

Acquire sites and buildings with historic, cultural, scientific, or educational value through purchase, gifts, or donations.

SMP 7.7 Incentives for Property Donations

Identify incentives that enable landowners to donate property that has historic, cultural, scientific, or educational value to the City of Spokane.

SMP 7.8 Advance Notice of Plans

Encourage owners of property containing identified historic, cultural, scientific or educational sites to make substantial development plans known well in advance of the application, so that appropriate agencies may have ample time to assess the site and make arrangements to preserve such sites.

SMP 7.9 Site Inspection and Evaluation

Ensure early and continuous site inspection, consultation or evaluation by a professional archaeologist in coordination with affected Indian tribes for all permits issued in areas documented to contain archaeological resources.

SMP 7.10 Notification During Construction

Require developers and property owners to stop work and immediately notify the local government, Washington State Department of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during construction activities.

SMP 7.11 Public Access and Educational Opportunities

Encourage private and public owners of historic sites to provide public access and educational opportunities at levels consistent with long-term protection of both historic values and shoreline ecological functions.

SMP 7.12 Open Space

Incorporate provisions for historic, cultural, scientific and educational site preservation, restoration and education with open space or recreation areas in site development plans whenever compatible and possible.

SMP 7.13 Adjacent Properties

Encourage proposed developments that are adjacent to an identified historic, cultural, scientific or educational site to be compatible with continued protection of the site.



SMP 8 PUBLIC ACCESS

Goal: Assure and develop appropriate and inviting physical and visual public access to and along the Spokane River and Latah Creek while caring for the indigenous shoreline characteristics.

Policies

SMP 8.1 Access Improvements

Improve access to publicly owned areas of the shorelines.

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 8.4 Access Frontage

Require public access frontage as part of each development project, unless such access is infeasible or unreasonable based on the intensity of the use.

SMP 8.5 Access Plan

Develop a plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access.

SMP 8.6 Access Program

Create a program for the acquisition, maintenance, and enhancement of shoreline lands or easements for public access purposes.

SMP 8.7 Shoreline Views

Minimize impacts to shoreline views through development regulations.



SMP 8.8 Use and Access Priorities

Give priority to water-dependent shoreline uses or physical public access when either is in conflict with maintenance of views from adjacent properties.

SMP 8.9 Appropriate Design of Access Measures

Require that public access measures have a design appropriate to the site, adjacent property, and general nature of the proposed development, while protecting and providing views.

SMP 8.10 Access for Utility Corridors and Facilities

Require utility providers to incorporate public access as part of the design of a utility corridor or facility when it is necessary to build the facility within the Shoreline Jurisdiction.



SMP 9 RECREATION

Goal: Expand, diversify and improve sites and facilities for both active and passive leisure and recreational opportunities along the shorelines while preserving the natural character of the shoreline and ensuring no net loss of ecological function.

Policies

SMP 9.1 Enjoyment of the Shorelines

Assure that shoreline recreational development is given priority and is primarily related to shoreline access and enjoyment and use of the water.

SMP 9.2 Linkages to Recreation Areas

Link shoreline parks, recreation areas, scenic drives, and public access points through the use of pedestrian and bicycle pathways and trails, open space, and parkways, in accordance with an approved trail plan.

SMP 9.3 Recreational Opportunities for All

Ensure that recreational planning takes into account the differences in use groups, physical capabilities, and interests among the public in order to provide opportunities for safe and convenient enjoyment of the shorelines.

SMP 9.4 Recreational Facilities and Impacts to Shorelines

Locate, design, and operate all recreational facilities, both commercial and public, so as not to create adverse impacts on environmental quality, natural features, and surrounding land and water uses.

SMP 9.5 Adequate Support Facilities

Create adequate support facilities such as parking areas, maintenance buildings, and rest rooms to meet shoreline recreational demands.

SMP 9.6 Motorized Equipment Restrictions

Restrict the use of motorized or radio-controlled recreational equipment to areas where no conflict with other uses and wildlife habitat exists.

SMP 9.7 Site Acquisition

Acquire public recreation and access sites through purchase or easements, as land becomes available.

SMP 9.8 Unique Areas and Vistas

Protect unique and special shoreline recreational areas and vistas.



SMP 10 RESTORATION

Goal: Restore or rehabilitate impaired or blighted areas along the shorelines to an ecologically functioning condition with an emphasis on native plant communities appropriate to the environmental designation.

Policies

SMP 10.1 Restoration Plan

Develop a restoration plan for the Spokane River and Latah Creek that:

- ◆ *Identifies degraded areas, impaired ecological functions, and potential restoration sites;*
- ◆ *Establishes restoration goals and priorities, including Shoreline Master Program goals and policies that provide for the restoration of impaired ecological functions;*
- ◆ *Acknowledges existing restoration projects, programs, and elements;*
- ◆ *Identifies additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources;*
- ◆ *Proposes timelines and establishes benchmarks for implementing restoration projects and programs;*
- ◆ *Provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals;*
- ◆ *Promotes community and property owner education, stewardship, and partnerships for restoration projects, programs, and activities;*
- ◆ *Provides a native plant palette for the Spokane River and Latah Creek for preferred use in restoration projects and programs and that is required for all City property; and*
- ◆ *Encourages and promotes partnerships with civic groups for design and implementation of restoration projects.*

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 10.4 Incentives for Native Landscaping

Provide education for new projects to landscape with native vegetation within the Shoreline Jurisdiction.

SMP 10.5 Damaged Undeveloped Areas

Stabilize and restore undeveloped areas along the shoreline that have been eroded, burned, filled with improper material, or otherwise damaged.

SMP 10.6 Best Management Practices

Restore degraded shorelines, arrest the processes of erosion, sedimentation, and flooding, and enhance wildlife habitat through the use of best management practices and techniques.

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 10.8 Shoreline Restoration Fund

Allow contributions to the City of Spokane Shoreline Restoration Fund for required development mitigation when no feasible restoration opportunity exists on site.

SMP 10.9 City Stewardship

Ensure that the City of Spokane takes a primary stewardship role through restoration efforts that emphasize native plantings on city-owned and controlled land.



SMP 11 SHORELINE USE

Goal: Plan for and coordinate development that protects against adverse effects to the ecological health of the shoreline.

Section 1: Shoreline Modification Policies

General Shoreline Modifications

SMP 11.1 Structural Modifications

Allow structural shoreline modifications only where they are:

- ◆ *Demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage; and*
- ◆ *Necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.*

SMP 11.2 Modification Impacts and Limitations

Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.

SMP 11.3 Appropriate Modifications

Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

SMP 11.4 Modifications and Ecological Functions

Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions by:

- ◆ *Giving preference to those types of shoreline modifications that have a lesser impact on ecological function;; and*
- ◆ *Requiring mitigation of identified impacts resulting from shoreline modifications.*

SMP 11.5 Shoreline Modification Regulations

Base shoreline modification regulations on scientific and technical information of reach conditions for the Spokane River and Latah Creek.

SMP 11.6 Enhancement of Impaired Ecological Functions

Plan for the enhancement of impaired ecological functions where feasible and appropriate, while accommodating permitted uses.

SMP 11.7 Measures to Protect Ecological Functions

Incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as shoreline modifications occur.

SMP 11.8 Mitigation Sequencing

Avoid and reduce significant ecological impacts from shoreline modification activities through mitigation sequencing.

Piers and Docks

SMP 11.9 Limitations on Docks

Allow new docks only for public water-dependent uses, single-family residences, and public access and only where they will not pose a public safety hazard.

SMP 11.10 Restrictions on Dock Size

Restrict the size of new docks to the minimum necessary to serve a proposed water-dependent use.

SMP 11.11 Demonstrated Need

Permit new docks only when specific need is demonstrated, except for single-family residences.

SMP 11.12 Multiple Use and Expansion of Existing Docks

Encourage multiple use and expansion of existing docks over the addition and/or proliferation of new single dock facilities.

SMP 11.13 Joint Use or Community Docks

Require new residential development of more than two dwellings to provide joint use or community docks, rather than individual docks.

SMP 11.14 Design and Construction

Design and construct all piers and docks to avoid, minimize, and mitigate impacts to ecological processes and functions.

Shoreline Fill

SMP 11.15 Design and Location of Shoreline Fills

Design and locate shoreline fills so there will be no significant damage or erosion to:

- ◆ *Existing ecological systems, wildlife habitat or natural resource;*
- ◆ *Public uses of the shoreline; and*
- ◆ *Channel migration, water quality, water currents, surface water drainage and flood water resulting in a hazard to life, property and natural resource systems.*

SMP 11.16 Fill Limitations

Allow fill waterward of the Ordinary High Water Mark, by conditional use only, for:

- ◆ *Water-dependent uses;*
- ◆ *Public access;*
- ◆ *Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;*
- ◆ *Disposal of dredged material in accordance with Department of Natural Resource Standards and in accordance with other applicable local, state, and federal regulation;*
- ◆ *Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline; or*
- ◆ *Mitigation action, environmental restoration, or shoreline enhancement projects.*



SMP 11.17 Fill Proposal Plan Requirement

Require a plan that addresses species removal, replanting, irrigation, erosion, and sedimentation control and other methods of riparian corridor protection with all fill proposals.

Shoreline Stabilization

SMP 11.18 New Structural Stabilization Measures

Prohibit new structural stabilization measures, except when necessity is demonstrated for the following:

- ◆ Existing primary structures;
- ◆ New non-water-dependent development, including single family residences;
- ◆ Water-dependent development; or
- ◆ Ecological restoration or toxic clean-up remediation projects.

SMP 11.19 Design and Location of New Development

Require both new development and newly created parcels, particularly those located on steep slopes and bluffs, to be designed and located to prevent the need for future shoreline stabilization measures during the life of the project, based upon an engineering/geotechnical analysis and other studies as necessary.

SMP 11.20 Requirements for Needs Demonstration

Develop specific requirements for how to demonstrate need for structural stabilization measures where they are allowed.

SMP 11.21 Size Limitations on Stabilization Structures

Limit shoreline stabilization structures to the minimum size necessary.

SMP 11.22 Impacts to Sedimentation Transport

Require that impacts to sedimentation transport be avoided or minimized.

SMP 11.23 Adjacent or Down-Current Properties

Prohibit new development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas.

SMP 11.24 Public Access and Erosion Control Measures

Require public access, when feasible, as part of publicly funded shoreline erosion control measures.

SMP 11.25 Bulkhead Use

Allow bulkheads by conditional use only when other forms of shoreline stabilization are infeasible.

SMP 11.26 Restrictions on Bulkheads

Allow bulkheads only for controlling active erosion as a component of a shoreline stabilization project, where primary structures or infrastructure have the potential to be damaged.

SMP 11.27 Bulkheads and Shoreline Conservation

Locate, design, and maintain bulkheads in a manner that will conserve and enhance water quality, fish and wildlife habitats, natural shoreline features, and geohydraulic processes.

SMP 11.28 Use of Natural Materials

Encourage the use of natural materials rather than artificial materials in the construction of erosion controls.

SMP 11.29 Location of Shoreline Uses

Locate shoreline uses in a manner so that additional erosion controls and bulkheads are not likely to become necessary in the future.

Shoreline Dredging

SMP 11.30 New Development and Dredging

Site and design new development to avoid the need for new or maintenance dredging.

SMP 11.31 Dredging Restrictions

Prohibit dredging except when necessary for projects associated with the restoration of ecological functions and only by conditional use, or when associated with maintenance and operation dredging for existing hydroelectric facilities.

SMP 11.32 Disposal of Dredge Materials

Prohibit the disposal of dredge materials within river channel migration zones.

Section 2: Shoreline Use Policies

General Shoreline Use

SMP 11.33 Economic, Social, and Physical Needs

Ensure that shoreline uses satisfy the economic, social, and physical needs of the city.

SMP 11.34 Standards to Ensure Ecological Health

Assure no net loss of ecological functions through the use of specific standards for setbacks, buffers, density, and shoreline stabilization.

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.



SMP 11.36 Shoreline Intrusions

Minimize man-made intrusions onto the shorelines which degrade the natural or planned character of the area.

SMP 11.37 Open Space and Wildlife Habitat Preservation

Encourage new development to contribute to the creation or preservation of open space and/or fish and wildlife habitat along the shorelines of the Spokane River and Latah Creek through the use of tools such as conservation futures, conservation easements, transferable development rights, and planned unit developments.

SMP 11.38 Uses that Minimize Shoreline Damage

Conduct uses in a manner that minimizes any resultant damage to the ecosystem and environment of the shoreline and any interference with public use of the water.

Commercial Use

SMP 11.39 Commercial Use Priorities

Give preference in the following order:

- ◆ *First priority is given to water-dependent commercial uses.*
- ◆ *Second priority is given to water-related and water-enjoyment commercial uses.*

SMP 11.40 Non-Water-Oriented Commercial Uses

Prohibit new non-water oriented commercial uses unless they are part of a mixed-use project or the use provides a significant public benefit, such as public access and ecological restoration.

SMP 11.41 Over-the-Water Commercial Use

Prohibit non-water dependent commercial uses over the water except in existing structures or in the limited instances where they are auxiliary to and necessary to support water-dependent uses.

SMP 11.42 Mitigation of Impacts to Shorelines

Require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate.

Industrial Use

SMP 11.43 Industrial Use Priorities

Give preference in the following order:

- ◆ *First priority is given to water-dependent industrial uses.*
- ◆ *Second priority is given to water-related industrial uses.*

SMP 11.44 Non-Water-Oriented Industrial Uses

Prohibit new non-water oriented industrial uses unless they are part of a mixed-use project or the use provides a significant public benefit.

SMP 11.45 Separation Requirement

Allow non-water oriented industrial uses only if the site is physically separated from the shoreline by another property or public right-of-way.

SMP 11.46 Industrial Use in Impaired Shoreline Areas

Encourage industrial uses and redevelopment to locate where environmental cleanup and restoration is needed and can be accomplished.

Residential Use

SMP 11.47 Single-Family Use Priority

Give priority to single-family residences only when they are developed in a manner consistent with pollution control and prevention of damage to the natural environment.

SMP 11.48 Over-Water Residences and Floating Homes

Prohibit new over-water residences and floating homes.

SMP 11.49 Subdivided Lots

Require new subdivided lots to be designed, configured, and developed to:

- ◆ *Prevent the loss of ecological functions at full build-out;*
- ◆ *Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions; and*
- ◆ *Be consistent with the applicable environment designations and standards.*

Agricultural Use

SMP 11.50 Protection of Agricultural Lands

Protect Comprehensive Plan-designated agricultural lands for continued agriculture use.

SMP 11.51 Agricultural Support Development

Assure that development in support of agricultural uses is:

- ◆ *Consistent with the environmental designation.*
- ◆ *Located and designed to assure no net loss of ecological functions, with no significant adverse impacts on other shoreline resources and values.*

In-Stream Structures

SMP 11.52 Protection of Ecosystem-Wide Processes

Provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including but not limited to, fish and fish passage,

wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas when siting in-stream structures.

SMP 11.53 Location Considerations

Consider the full range of public interests, watershed functions and processes, and environmental concerns when planning and locating in-stream structures, with special emphasis on protecting and restoring priority habitats and species.

Boating Facilities

SMP 11.54 Boating Facilities and Impacts to Shorelines

Locate and design boating facilities to minimize adverse affects upon geohydraulic processes, fragile shoreline features, natural wetlands, and aquatic and wildlife habitats.

SMP 11.55 Boating Facility Development

Assure no net loss of ecological functions as a result of the development of boating facilities that provide public recreational opportunities.



Glossary

GLOSSARY

Accessory Dwelling Unit (ADU) A building or part of a building used as a residence which is subordinate to and the use of which is incidental to that of the primary owner-occupied attached or detached single-family residence.

Adequate Public Facilities Facilities that have the capacity to serve development without decreasing levels of service below locally established minimums.

Adult Family Home State licensed and funded residential care facility providing housing and care for two to six individuals, primarily serving the mentally ill, developmentally disabled, and elderly.

Affordable Housing Adequate, appropriate shelter (including basic utilities) costing no more than 30 percent of a household's gross monthly income or up to 2.5 times the annual income. Standard is used by federal and state governments and the majority of lending institutions.

Anonymous Space Physical space that is susceptible to vandalism or other anti-social behavior because it doesn't seem to belong to anyone.

Aquifer Any geological formation containing water, especially one which supplies the water for wells, springs, etc.

Aquifer Sensitive Area The area or overlay zone from which runoff directly recharges the Spokane Valley - Rathdrum Prairie Aquifer, including the surface over the aquifer itself and the hillside areas adjacent to the aquifer.

Arterial A street that provides for mobility within a community by collecting and routing traffic to and from traffic generators. A secondary function of an arterial is to provide for some access to adjacent land.

Artist Live-Work Space See Live-Work Space.

Arts Includes written, visual, musical, traditional and performing arts.

Arts Incubator Project Uses resources to bring the arts into a community by persuading new

and existing art organizations to relocate in the area. In some locations, artists are given access to underutilized facilities and provided technical and administrative services.

Available Public Facilities Means that facilities or services necessary to support development are in place or that a financial commitment to provide the facilities or services is in place at the time of development approval so that public facilities and services are available within six years from the time of development approval.

Benchmark A point of reference or standard that is used to monitor progress toward a desired goal or outcome.

Bicycle Lane A portion of a roadway that has been designated by striping, signing, and pavement markings for the preferential and/or exclusive use of bicycles.

Bicycle Path A bikeway physically separated from motorized traffic by an open space or barrier. Bicycle paths are entirely separated from the roadway but may be within the roadway right-of-way or within an independent right-of-way.

Bicycle Route A marked or signed route that is intended to provide a route for bicyclists. Marked or signed bicycle routes occur generally along streets that have been developed with bicycle lanes and have frequently been developed to enable bicyclists to avoid fixed obstacles to bicycling.

Bikeway Any road or path that in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicyclists or are to be shared with other vehicles.

Boulevard Within the context of the transportation element of the comprehensive plan, the word "boulevard" has a special meaning: the transportation element applies the "boulevard" designation to arterials that are enhanced with special aesthetic qualities, serve as primary transportation routes between key locations, and are intended to be multimodal, with transit, bicycle, and pedestrian facilities. (Not all streets thought of as boulevards in the popular sense)

are designated as “boulevards” in the transportation element.)

Brownfield Abandoned, idled, or under-used industrial and commercial land where expansion or redevelopment is complicated by real or perceived environmental contamination.

Buffer A designated area of land that is either naturally vegetated or landscaped and maintained as open space in order to eliminate or minimize conflicts between adjacent land uses.

Building Intensity Concentration of buildings in a given area. The level of intensity is based on the size of the buildings and their concentration within a given area.

Built Environment The part of the physical environment that has been developed for residential, commercial, industrial, public, or transportation uses.

Capital Facility Those public lands, improvements, and equipment necessary to provide public services and allow for the delivery of utility services. They include, but are not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks, fire and police facilities, recreational facilities, and schools.

Capital Facility Plan A plan made up of goals and policies that guides the funding, timing, and placement of capital facilities.

Capital Facility Program (CFP) A section of the comprehensive plan that outlines capital facilities inventories, levels of service, capacities, needed improvements, and potential costs.

Capital Improvement Program (CIP) A document that outlines capital projects and dedicated funding sources over a six or twenty-year time frame. The six-year CIP is adopted by the City Council.

Central Business District (CBD) An urban planning term used to identify the geography at the functional center of a city; typically, the center of the city’s transportation systems and the place of greatest employment; often includes government offices, cultural facilities, large retailers, entertainment, professional offices, and high density housing; also known as “downtown” or “city center.”

Central City A heavily populated city at the core of a large metropolitan area.

Clustering A development design technique that concentrates buildings on a portion of a site to allow the remaining land to be set aside from development.

Commercial Businesses that sell some type of goods or services to the public, such as grocery stores, gas stations, barber shops, and restaurants.

Community Assembly A coalition of independent neighborhood councils that serves as a forum for discussion of broad interests. Consists of a representative and one alternate from each neighborhood council.

Community Development Fund Funds that are usually awarded to entitled cities for infrastructure improvements, public facilities programs, and emergency shelters for the homeless.

Commute Trip Reduction Program State law requiring employers of 100 or more people to reduce the number of single occupancy vehicle trips to their work site.

Compatible Design Architectural and street design that is sensitive to and harmonizes with the community and its character.

Concurrency Requirement that adequate public facilities and services are available when the service demands of development occur. This definition includes the two concepts of “adequate public facilities” and “available public facilities”.

Cottage Business Local business that utilizes local resources and employees to produce products that are sold within the area.

Countywide Planning Policies (CWPPs) Policies developed by the Spokane County Steering Committee of Elected Officials to guide the development of comprehensive plans.

Covenants Specific restrictions imposed by the developer or homeowner’s association and enforced by the association through civil procedures.

Crime Prevention Through Environmental Design (CPTED) A multidisciplinary strategy encompassing principles from planning, landscape architecture, architecture, and law enforcement to reduce crime, the fear of crime, and the opportunity for crime to occur in communities and the built environment.

Critical Area Can include the following areas and ecosystems: Wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas (such as landslide areas, earthquake fault zones, and steep slopes).

Cumulative Impacts The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

Density For population, density is the number of people per acre or square mile. For residential development, it is the number of housing units per acre of land.

Design Guidelines Statements of desired performance that establish a qualitative, as opposed to quantitative, level of design attainment that is intended to be flexible, practical, performance based, and an effective means to accomplish the particular design objective.

Design Objective Locally determined, general design purpose or objective, directly related to basic and generally accepted assumptions of good design, which serve to direct a course of action.

Design Review Process that provides a forum where specified types of development proposals, or proposals seeking a flexible application of standards, are reviewed and evaluated based upon qualitative criteria, that take into consideration such aspects as landscaping, pedestrian circulation, bulk, scale, and architectural context.

Design Standard Prescribed, quantitative, minimum or maximum level of design attainment related to a specific physical element of a proposal.

Developable Land Land that is suitable as a location for structures because it is free of hazards, contains access to services, and will not disrupt or adversely affect natural resource areas.

Development Standard The minimum standard(s) for new development required by local government for the provision of roadways, fire and building safety improvements, and utilities.

District An area composed of several neighborhoods that are defined by similar uses or activities.

Ecologic Function or Shoreline

Ecological Function The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200(2)(c). Functions include but are not limited to habitat diversity, food chain support, and water quality protection and enhancement for fish and wildlife; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological, and aesthetic value protection; educational opportunities; and recreation. These beneficial roles are not listed in order of priority. Also referred to as functions or functions and values.

Ecosystem-Wide Processes The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Equitable Distribution The allocation of population, essential public facilities, and affordable housing by the steering committee based on each jurisdiction's available land and its ability to provide urban governmental services and public facilities. The term, 'fair share,' is synonymous with equitable distribution.

Equivalent Residential Unit (ERU) The average impervious area (area covered with residences, buildings, driveways) determined from all residential units in the city, providing a basis for comparing the runoff generated by one parcel with that generated by another.

Essential Public Facility Includes those facilities that are typically difficult to site, such as airports, colleges, universities, correctional facilities, solid waste stations, major highways or freeways, and inpatient facilities, including substance abuse treatment facilities, mental health facilities, and group homes.

Fair Housing Law See Equitable Distribution.

Fair Share See Equitable Distribution.

Family For purposes of census tabulations, a family consists of a householder and one or more other

persons living in the same household who are related to the householder by birth, marriage, or adoption (U.S. Census Bureau).

Family Day Care Provider A child day care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters.

Focus 21 A regional economic growth strategy to generate 10,000 new higher paying jobs in Spokane and Kootenai Counties.

Foreign Trade Zone (FTZ) Area located within the U.S., which is considered outside the U.S. Customs territory. Both small and large businesses can reap substantial benefits from operating within a FTZ; may include anywhere in an established general purpose site, or if that is not feasible, a sub-zone can be established at a specific location, such as a place of business.

General Commercial Area Accommodates a variety of business, wholesale, warehouse, and light industrial uses which need not be confined to industrial zones.

Granny Flats See Accessory Dwelling Unit.

Growth Management A combination of techniques to channel growth into designated areas determined by the amount, type, and rate of development desired by the community.

Growth Management Act (GMA) A series of laws passed by the Washington State Legislature in 1990-91 that require cities and counties to plan for and manage growth and development.

High Occupancy Vehicle (HOV) A vehicle with two or more occupants.

Historic Preservation The protection and/or rehabilitation of important historic and cultural aspects of the built and natural environment that have local, regional, statewide, or national historical significance.

Household A household includes all the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements (U.S. Census Bureau).

Household Income The total of all the incomes of all the people living in a household.

Impervious Surface A surface through which water cannot penetrate or pass. Roofs, sidewalks, and paved driveways are examples.

Indicator A factor or feature that can be measured and described by a number in order to gauge movement toward or away from a benchmark.

Industrial Development Bond (IDB) Issued by state and local governments, typically through special authorities. They are issued in both the taxable and tax-exempt form. An IDB might be used to fund specific projects, such as the creation of a technology office center to be owned privately and leased to a large anchor tenant and several smaller high-tech firms.

Infill Development Development of vacant lots and parcels within an already built up area.

Infrastructure Streets, water and sewer lines, and other public facilities basic and necessary to the functioning of an urban area. Includes all facilities that people construct, operate, and maintain to support human activities.

Interlocal Agreement An agreement between jurisdictions and service providers that defines duties and relationships for member entities.

Jurisdiction The government of Spokane County and/or an incorporated city and/or town located within Spokane County.

Land Use An activity or development pattern upon a specific parcel of land or general area of the city.

Land Use Plan A coordinated composite of information, ideas, policies, programs, and activities related to existing and potential uses of land within a given area. It is the key element in a comprehensive plan for determining development for public and private land uses, such as residential, commercial, industrial, recreational, and agricultural activities.

Level of Service (LOS) An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.

Livable Wage Sufficient income to provide the basic needs of a household relative to the cost of living of the area of residence. Basic needs include food, rent, utilities, transportation, clothing and household expenses, child care, health care, personal expenses, and savings.

Live-Work Space Residential units that include areas for a craft or occupation. These include workshops, storefronts, and small offices.

Local Improvement District (LID)

A specific, legally established area, in which property owners agree to assess themselves for a public improvement such as street paving or sewer line installation. State law establishes the required procedure for forming an LID.

Loft-Style Housing Housing designed in an open floor plan, often taking advantage of space that originally served as a warehouse.

Low-Income Housing Economically feasible housing for families whose income level is categorized as low, using the standards set by the Department of Housing and Urban Development (HUD).

Major Facility Larger public or private facility that provides services on a city, county, regional, or state level. Includes hospitals, large medical centers, universities, public maintenance facilities, larger nursing homes, or correctional facilities.

Manufactured Home Structures with Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with National Manufactured Housing Construction and Safety Standards Act of 1974 (as amended on August 22, 1981), which is a national, preemptive building code.

Mass Transit Any type of transportation service for the general public, such as bus, mini-bus, or light rail.

Mitigation Procedures to alleviate or reduce negative impacts to the environment from development.

Natural Access Control Involves the use of natural or symbolic elements to define space and control who has access to property, as opposed to organized methods, such as guards, or mechanical means, such as locks and gates. Examples of natural or symbolic elements include visually permeable fences, prickly shrubbery, canopy trees, signs, pavement, art, and screening.

Natural and Built Environment All elements of the environment. Broad categories include earth, air, water, plants and animals, transportation, land and shoreline use, energy and natural resources, public services, and utilities.

Natural Resource Land Land not already characterized by urban growth, which has long-term significance for the commercial production of food or other agricultural products, timber, or the extraction of minerals.

Nature Space Corridor A corridor that connects large areas of open space that contains native and non-native plants and wildlife.

Nature Space Path Soft, permeable, low impact path.

Neighborhood As used by most citizens, it is perceived to be a one to five block area around one's home where the most intimate social interaction occurs. For planning purposes, a neighborhood has historically been considered to be approximately one square mile.

Neighborhood Council Council that is advisory to the City Council through boards, commissions, and the Community Assembly.

No Net Loss of Ecological Functions

Maintenance of the aggregate total of the City's shoreline ecological functions, including processes. (See definition of ecologic function.) The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting significant adverse impacts on shoreline ecological functions. Each project shall be evaluated based on its ability to meet the no net loss goal commensurate with the scale and character of the proposed development.

Non-Water Oriented Use A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as non-water oriented.

Open Space Undeveloped land, such as parks, recreational areas, natural areas, buffer areas, and other similar features, that is being used to balance the intensity of urban development.

Open Space Corridor Lands within and between urban growth areas useful for recreation, wildlife habitat, trails, and connection of critical areas.

Parcel A continuous quantity of land, in single ownership or under single control, and usually considered a unit for the purposes of development.

Parkway The transportation element applies the “parkway” designation to arterials that, because of their geographical location, provide unusual recreational and/or scenic opportunities. Arterials designated as parkways require special design and construction treatment, such as street plantings, view-point turnouts, and/or restricted access.

Pedestrian Buffer Strip (PBS) Also known as a planting strip. Provides a separation between curbs and sidewalks that allows for greater pedestrian safety, location for trees, and place for snow storage drainage. Can be landscaped with a variety of treatments.

Pedestrian Island Area in the center of the street where pedestrians can pause before crossing additional lanes of traffic.

Permitting Process An integral part of regulations and regulatory compliance. The process of paperwork that one must complete in coordination with the building and planning departments for all developments.

Planned Action Early environmental planning that anticipates future projects, allowing streamlined environmental review.

Planned Unit Development (PUD) A comprehensive land development project that is permitted some design flexibility from the underlying zoning standards, resulting in a development that will more closely fit the site and better fulfill the comprehensive plan goals than would otherwise be possible. The result is a more desirable development in the general public interest.

Planting Strip See Pedestrian Buffer Strip.

Plat A map or representation of a subdivision showing the division of a tract or parcel of land into blocks, streets and alleys, or other divisions and dedications.

Port District Municipal corporations of a state, classified as special purpose districts, to build and operate facilities to foster trade and economic development. Port districts are units of local government guided by locally-elected port commissioners.

Public Access The general public’s ability to be in, on or traveling upon the water, get to the water’s edge or have a view of the water and the shoreline.

Public Benefit Use Any of the following uses or facilities shall qualify as a public benefit use, so long as they are available to the general public: child and/or adult day care, health and human services, recreation facilities, educational or vocational activities, community meeting rooms, and art galleries or museums.

Public Services Includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

Public Works Trust Fund Makes low interest state loans available for repair and reconstruction of local public works systems. Interest rates depend on the amount of local participation. Eligible project categories include street and road, bridge, domestic water, storm sewer, and sanitary sewer system projects.

Quasi-Public Essentially public, as in services rendered, although under private ownership or control.

Raw Land Land upon which no development has occurred.

Recharge Zone The area or overlay zone from which runoff directly recharges the Spokane Aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer.

Regional Countywide activities involving the jurisdictions and, when applicable, the special purpose districts within Spokane County; may also include adjacent counties in Washington State and/or Idaho State.

Regional Marketplace The geographical area where goods and services are delivered. The Spokane Regional Marketplace includes the Inland Northwest, which encompasses parts of Montana, Oregon, Idaho, British Columbia, and Alberta, as well as eastern Washington.

Regional Utility Corridor Land dedicated to the transmission of major utilities, such as water, sewer, electric, or gas lines.

Residences:

a) Detached Single-Family A housing unit that is free standing on a lot, separate from other housing units.

b) Attached Single-Family Common-wall dwellings such as townhouses or rowhouses where each dwelling unit occupies a separate lot. Each residence may not lie vertically over or under another residence.

c) Two-Family (Duplex) Two residences with a common wall on a single lot. Each residence may lie vertically over or under another residence.

d) Multifamily Three or more residences with common walls on a single lot. Each residence may lie vertically over or under another residence. Examples include apartment buildings and condominiums.

Revised Code of Washington (RCW)

Legislation that has been passed by the State of Washington and documented in the form of a code.

Ribbon Business See Strip Commercial Development.

Right-of-Way (ROW) Streetscape

Elements Those physical improvements within the public right-of-way that provide both functional and aesthetic benefit to the city streetscape. Primary examples include pedestrian buffer strips, street trees and other PBS landscaping treatments, sidewalks, medians, and traffic circles.

Self-Enforcing Street Design A design for streets that discourages drivers from speeding and increases the safety of pedestrians, bicyclists, and other individuals.

Setback The distance between a building and the street line, side property, or rear property nearest to the building.

Sewer Construction Fund (SCF) Local sewer funding program. Money comes from sewer service fees, capital recovery, and interest income accumulated throughout the year and used for upgrading and expanding collection and treatment facilities.

Shall Indicates that an action specified in a policy statement is mandatory.

Shared Use Pathway A separated pathway for bicyclists and other users, such as walkers, joggers, people with baby carriages, skaters, and others who are likely to use such pathways.

Shorelines of the State The total of all “shorelines,” as defined in RCW 90.58.030(2)(d), and “shorelines of statewide significance” within the state, as defined in RCW 90.58.030(2)(c).

Shoreline Master Program The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

Should Indicates that an action specified in a policy discussion is discretionary.

Six-Year Comprehensive Program

Updated annually, it provides a moving picture of current planning and projects. Addresses operation and maintenance costs and available capital.

Small Lot House Generally considered an attached or detached single-family household on less than 5,000 square feet of land.

Soft Trail Non-paved trail that typically does not exceed a four-foot width.

Special Needs Housing Housing designed to serve a special needs population.

Special Needs Population Groups of individuals who, by reason of age, physical, mental, or other characteristics, require nontraditional living arrangements and, in some instances, are not able to operate a motorized vehicle.

Special Purpose District A district created by act, petition, or vote by the residents within a defined area for a specific purpose with the power to levy taxes. Examples include water, fire, and school districts.

State Environmental Policy Act (SEPA)

Requires consideration of alternatives and mitigation of impacts to the environment from major projects and programs both public and private.

State Implementation Plan (SIP)

A plan developed by the state for an air quality control region that details what has to be done to assure compliance with air quality guidelines.

Steering Committee of Elected Officials

Established by interlocal agreement, the committee’s body is composed of twelve elected officials from jurisdictions throughout Spokane County who have

the responsibility of developing and carrying out the Countywide Planning Policies.

Stormwater That portion of precipitation that does not naturally percolate into the ground or evaporate but flows via overland flow, interflow, pipes, and other features to a storm water drainage system.

Street Trees Trees in pedestrian buffer strips lining a street. They can vary from small ornamental trees to a large trees providing overhanging canopies over the street.

Strip Commercial Development Commercial development located parallel to or in “strips” adjacent to an arterial street.

Subdivision Any land, vacant or improved, that is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future. Subdivision includes resubdivision and condominium creation or conversion.

Super Accessibility Zone Areas where enhanced transit service makes living without owning an automobile more feasible, reasonable, and convenient.

Sustainable Economy Long-term economic growth that maintains environmental and community health.

Tax Increment Financing Funds originate from the tax money generated from an improvement or development greater than the tax generated by the site before the improvement or development. This tax increment money is given to the city for their use in making street, water, and sewer improvements in the district.

Traffic Calming Slowing or diverting traffic for increased traffic safety and improved neighborhood quality. Traffic calming usually involves physical changes to streets to reduce vehicle speeds and volumes and other disruptive effects of automobiles on neighborhoods.

Traffic Engineering Provides design and coordination for the traffic control system to ensure the safe and efficient movement of traffic throughout the city. This is handled through the design and implementation of traffic signals, signing, and pavement parking.

Transitional Housing Provides housing with the appropriate services to persons, including deinstitutionalized individuals with disabilities, homeless individuals with disabilities, and homeless families with children. Its purpose is to facilitate the movement of individuals and families to independent living within a time period established by the participating jurisdiction or project owner before occupancy.

Transportation Demand Management (TDM) An approach to solving transportation problems by reducing the demand for travel rather than increasing the transportation system capacity for travel.

Urban Design Design concepts that reinforce community-level theme and character and encourage innovation and creativity. Includes community, neighborhood, and product level design guidelines, streetscape and signage concepts, and urban development.

Urban Forest The trees and other major vegetation of a city.

Urban Fringe Area that is at or near the edge of the city limits where the development pattern changes from urban to suburban or rural.

Urban Growth Area (UGA) Area that counties and cities designate for urban growth; urban levels of services are encouraged and supported. Growth can occur outside these areas as long as it is not urban in nature. Urban growth areas are to include areas and densities sufficient to permit the urban growth that is projected to occur for the succeeding 20-year period.

Urban Growth Boundary (UGB) The boundary or line that divides urban growth areas from other areas such as rural and resource lands where urban growth is not encouraged, as designated by cities and counties under the requirements of GMA.

Urban Reserve Area Lands outside UGAs that are reserved for future inclusion into a UGA.

Urban Sprawl Scattered, poorly planned urban development that occurs particularly in urban fringe and rural areas and frequently invades land important for environmental and natural resource protection.

Utility Enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections

between the plant of the serving entity and the premises of the customer.

Washington Administrative Code (WAC) The rules for administering the Revised Code of Washington (RCW).

Water-Dependent Use A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, but should not be limited to, boat ramps for rescue watercraft, hydroelectric generating plants, and sewage treatment outfalls.

Water-Enjoyment Use A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Examples of water-enjoyment uses may include, but are not limited to, river and stream swimming beaches, fishing areas, boat ramp for recreation, parks, piers, view towers, restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, public markets, and interpretive centers and other improvements facilitating public access to shorelines of the state, PROVIDED, that such uses conform to the above water enjoyment specifications and the provisions of the entire SMP.

Water-Oriented Use A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water-Related Use A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of

3. the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses may include, but should not be limited to, warehousing, storage, or processing, where the goods are delivered to or shipped from the site by water.

Wellhead Protection Area Designated area surrounding public water wells where protection from contaminants is required.

Will Has the same meaning as the term “shall.”

Zero-Lot Line A structure placed on a lot in such a way that one exterior wall is on a property line.

Zoning A map and ordinance text that divide a city or county into land use “zones” and specify the types of land uses, setbacks, lot size, and size restrictions for buildings within each zone.

ACRONYM GLOSSARY

ACAD	Adjusted Commercial Acres of Demand
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Units
ALS	Advanced Life Support
APF	Aquifer Protection Fund
BLS	Basic Life Support
BNSF	Burlington Northern Sante Fe Railroad
BPA	Bonneville Power Administration
CBD	Central Business District
CFP	Capital Facilities Program
CIP	Capital Improvement Program
COPS	Community Oriented Policing Services
CPTED	Crime Prevention Through Environmental Design
CSO	Combined Sewer Overflow
CSWMP	Comprehensive Solid Waste Management Plan
CTED	Office of Community, Development
CWPPs	Countywide Planning Policies
EDC	Economic Development Council
EIS	Environmental Impact Statement
EMS	Emergency Medical Services
EMT	Emergency Medical Technicians
ERU	Equivalent Residential Unit
FAFB	Fairchild Air Force Base
FTA	Federal Transit Administration
FTZ	Federal Trade Zone
GMA	Growth Management Act
GPCD	Gallons Per Capita Per Day
HCT	High Capacity Transit
HOV	High Occupancy Vehicle
HUD	Department of Housing and Urban Development
HSS	Highways of Statewide Significance
IDB	Industrial Development Bond
I/I	Infiltration/Inflow
ISO	Insurance Service Office
ISTEA	Intermodal Surface Transportation Efficiency Act
JPA	Joint Planning Area
LID	Local Improvement District
LOS	Level of Service
LRT	Light Rail Transit
LUF	Land Utilization Factor
MDD	Maximum Day Demand
MGD	Million Gallons per Day
MIS	Major Investment Study
NRCS	Natural Resources Conservation Service
NRPA	National Recreation and Parks Association
NSC	North Spokane Corridor
PBS	Pedestrian Buffer Strip

PSB	Public Safety Building
PSI	Pounds Per Square Inch
PUD	Planned Unit Development
PWTF	Public Works Trust Fund
RCW	Revised Code of Washington
REET	Real Estate Excise Tax
ROW	Right-of-Way
RTP	Regional Transportation Plan
RUCP	Regional Utility Corridor Plan
SASF	State Arterial Street Fund
SAWTP	Spokane Advanced Wastewater Treatment Plant
SCAPCA	Spokane County Air Pollution Control Authority
SCF	Sewer Construction Fund
SCS	Soils Conservation Service
SEPA	State Environmental Policy Act
SIP	State Implementation Plan
SMA	Shoreline Management Act
SMP	Shoreline Master Program
SPD	Spokane Police Department
SRF	State Revolving Fund
SRO	Single-Room Occupancy
SRTC	Spokane Regional Transportation Council
STA	Spokane Transit Authority
STP	Surface Transportation Project
STP-BRM	Surface Transportation Project-Bridge Replacement Monies
TDM	Transportation Demand Management
TEA-21	Transportation Efficiency Act for the 21st Century
TFSSS	Transportation Facilities and Services of Statewide Significance
TIA	Transportation Improvement Account
TIF	Tax Increment Financing
UGA	Urban Growth Area
UGB	Urban Growth Boundary
UP	Union Pacific Railroad
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation
WSRB	Washington Survey and Rating Bureau
WTE	Waste to Energy
WUTC	Washington Utility and Transportation Commission

Shoreline Environment Designations Downriver

Legend

Shoreline Designation

-  Limited Urban Environment
-  Natural Environment
-  Shoreline Residential Environment
-  Urban Conservancy Environment
-  Urban Intensive Environment
-  Wastewater Treatment Environment
-  Natural Environment - Unsurveyed
-  Urban Conservancy Environment - Unsurveyed
-  City of Spokane
-  Parcels
-  Ordinary High Water Mark

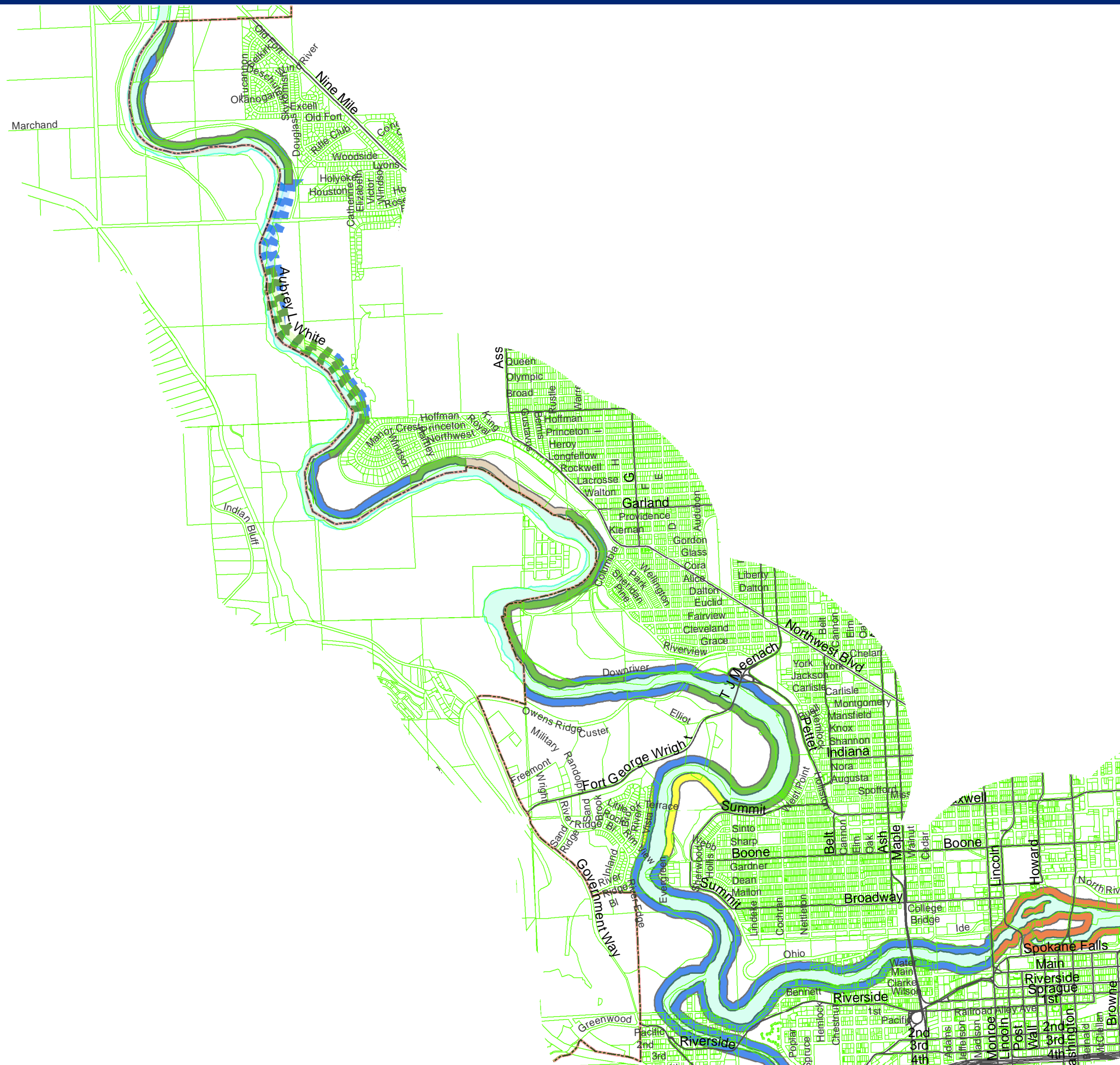
0 0.25 0.5 1 Miles

Source: GIS
Date: 10/2008



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Shoreline Environment Designations Latah

Legend

Shoreline Designation

-  Limited Urban Environment
-  Natural Environment
-  Shoreline Residential Environment
-  Urban Conservancy Environment
-  Urban Intensive Environment
-  Wastewater Treatment Environment
-  Natural Environment - Unsurveyed
-  Urban Conservancy Environment - Unsurveyed
-  City of Spokane
-  Parcels
-  Ordinary High Water Mark

0 0.25 0.5 1 Miles

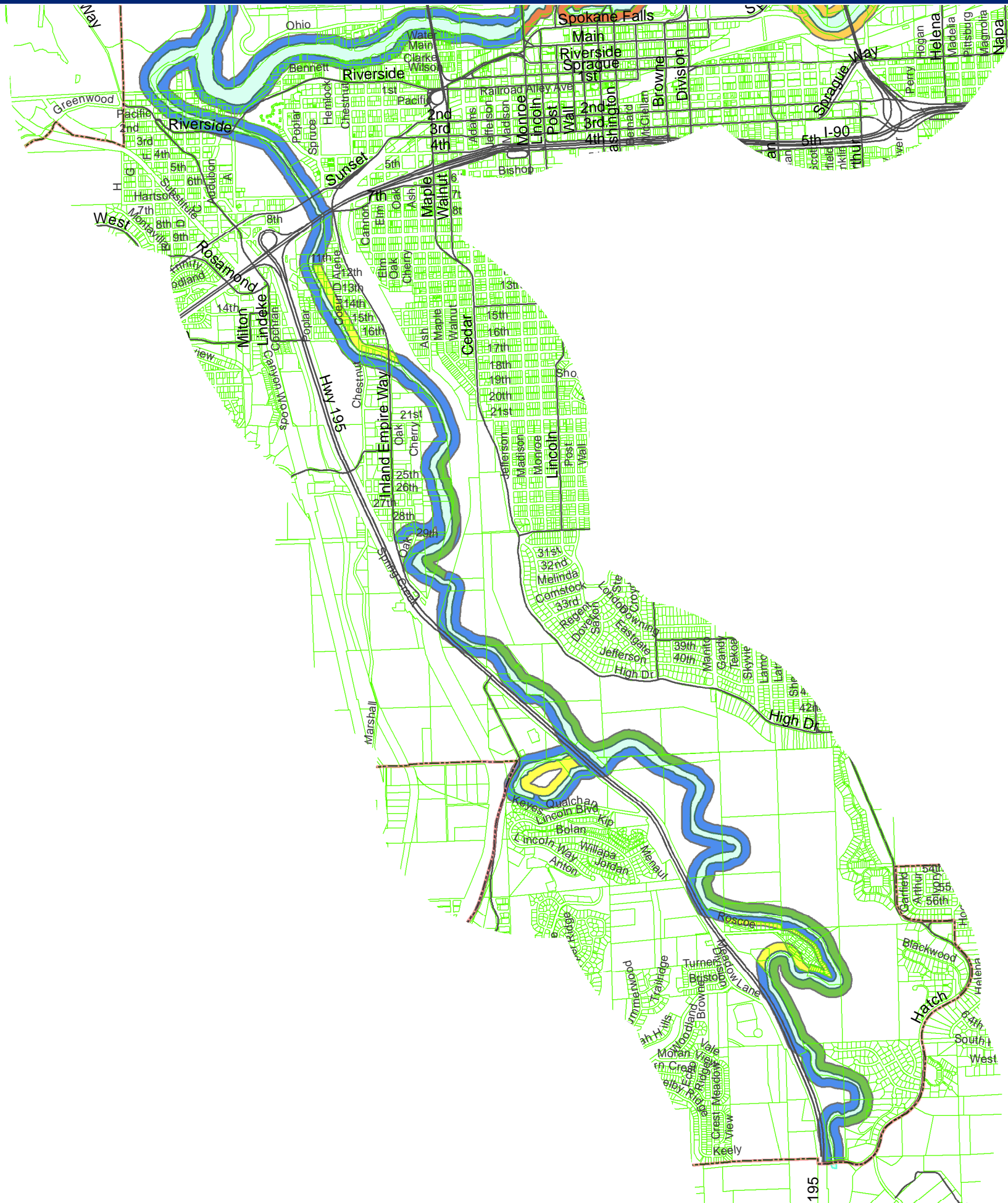


Source: GIS
Date: 10/2008



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
Shoreline jurisdiction and environment designation boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are to be used for planning purposes only. Additional site-specific evaluation is needed to confirm/verify information shown on this map.



Shoreline Environment Designations Upriver

Legend

Shoreline Designation

-  Limited Urban Environment
-  Natural Environment
-  Shoreline Residential Environment
-  Urban Conservancy Environment
-  Urban Intensive Environment
-  Wastewater Treatment Environment
-  Natural Environment - Unsurveyed
-  Urban Conservancy Environment - Unsurveyed
-  Parcels
-  Ordinary High Water Mark

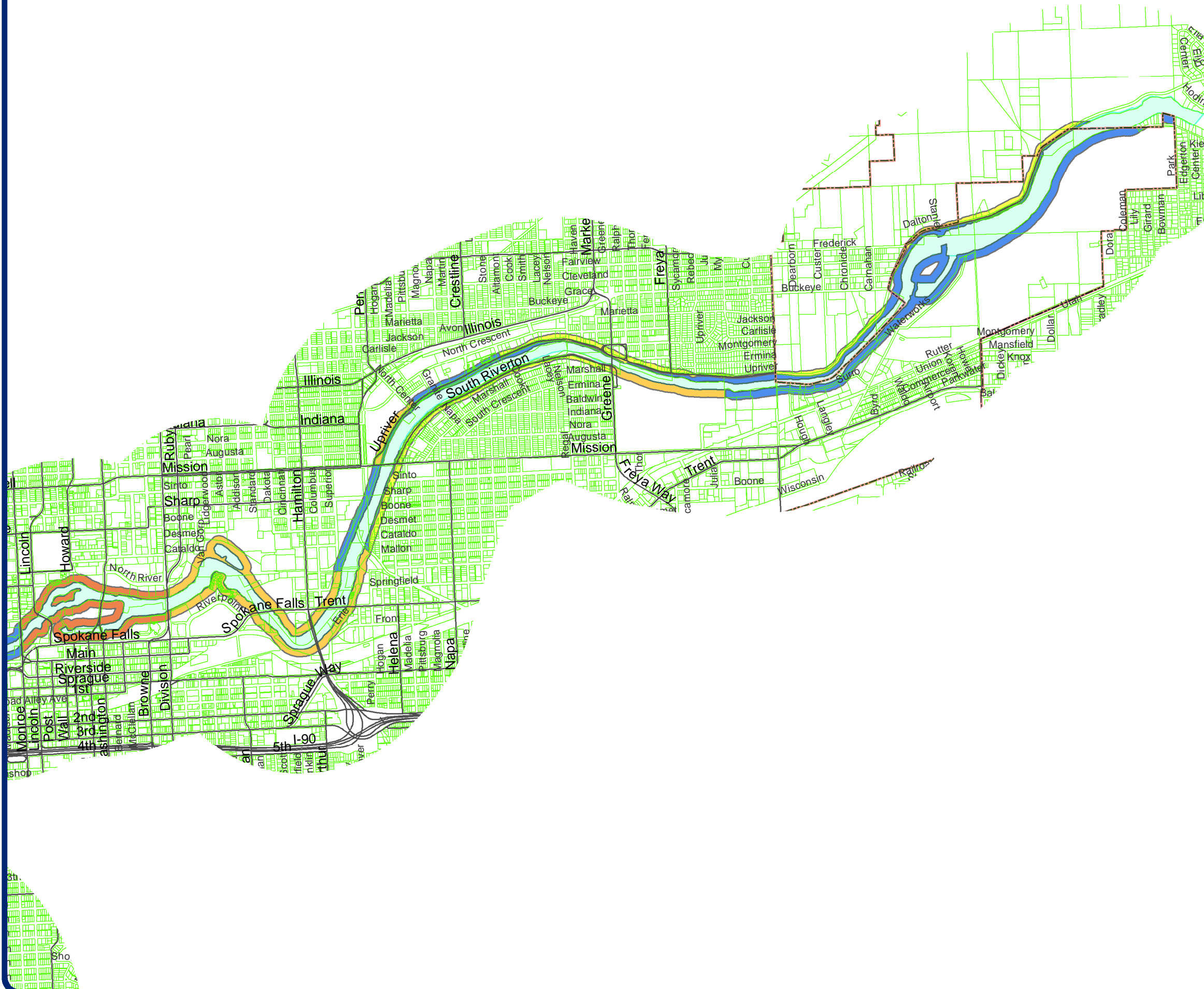
0 0.25 0.5 1 Miles

Source: GIS
Date: 10/2008



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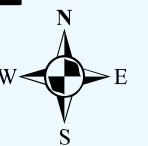
Shoreline Buffers Downriver

Legend

Shoreline Buffers

- 50 feet
- 60
- 75
- 100
- 150
- 200
- City of Spokane
- Parcels

0 0.25 0.5 1 Miles

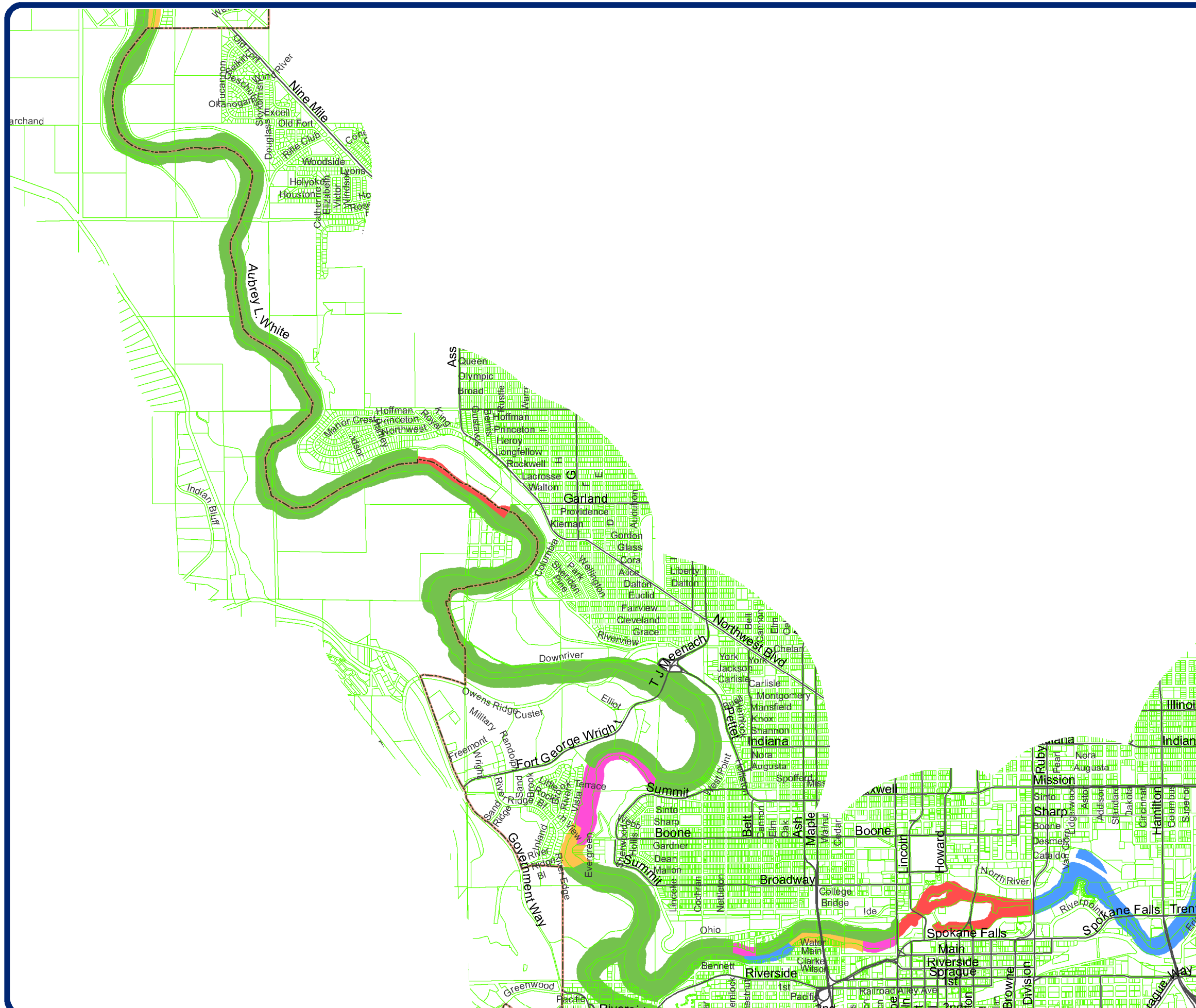


Source: GIS
Date: 11/2008

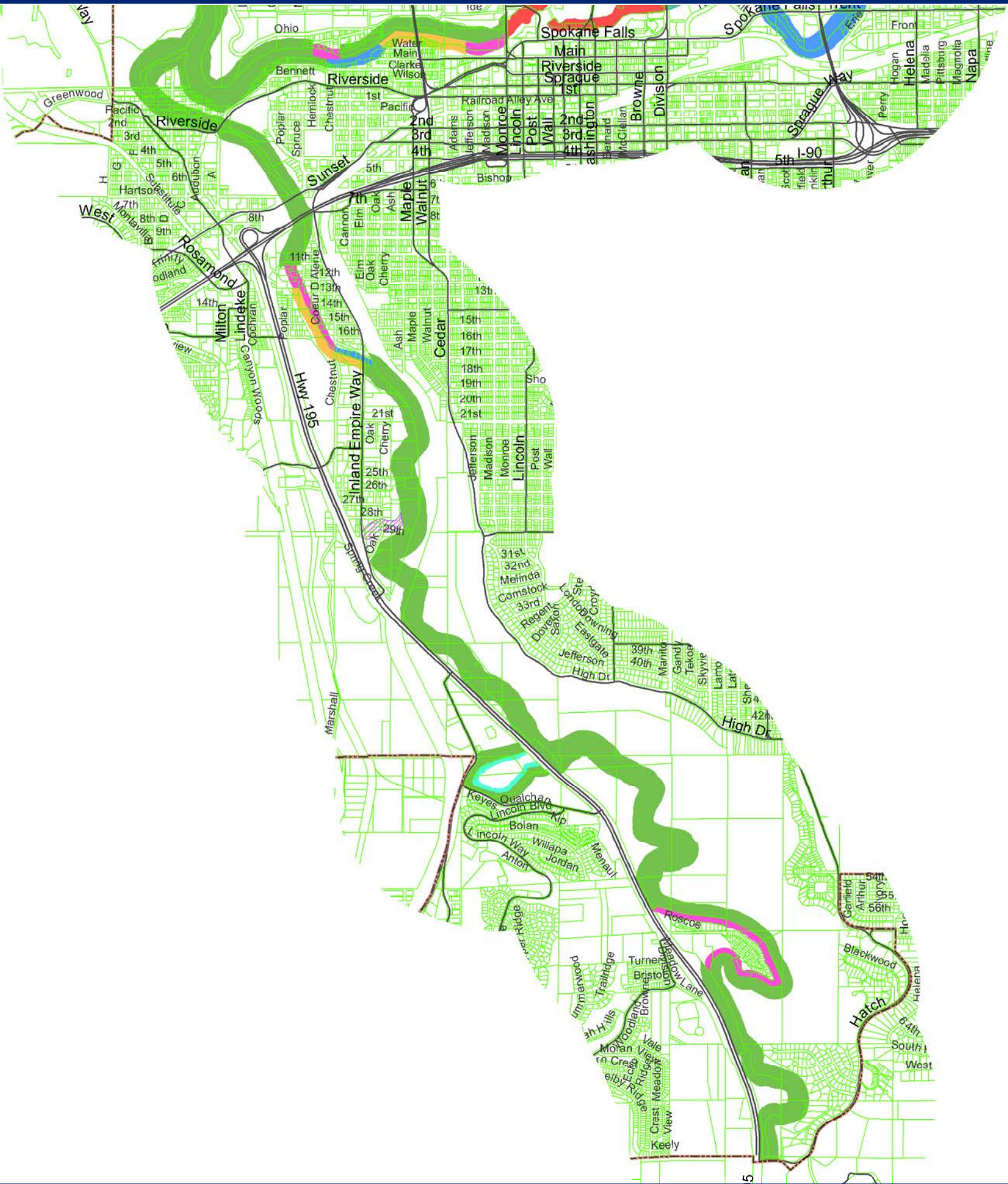


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Shoreline jurisdiction and buffer boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are to be used for planning purposes only. Additional site-specific evaluation is needed to confirm/verify information shown on this map.



Shoreline Buffers Latah



Legend

- Shoreline Buffers**
- 50 feet
 - 60
 - 75
 - 100
 - 150
 - 200
- Associated Wetland included in Shoreline Jurisdiction
- City of Spokane
- Parcels



Source: GIS
Date: 05/2010



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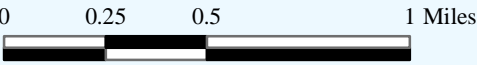
Shoreline Buffers Upriver



Legend

Shoreline Buffers

- 50 feet
- 60
- 75
- 100
- 150
- 200
- City of Spokane
- Parcels



Source: GIS
Date: 11/2008



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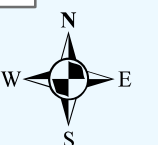
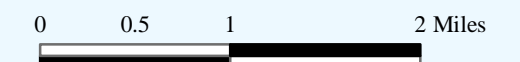
Shoreline Districts

Legend

Shoreline Districts

- Campus / U-District
- Downriver
- Downtown
- Great Gorge Park
- Latah Creek
- Upriver

City of Spokane

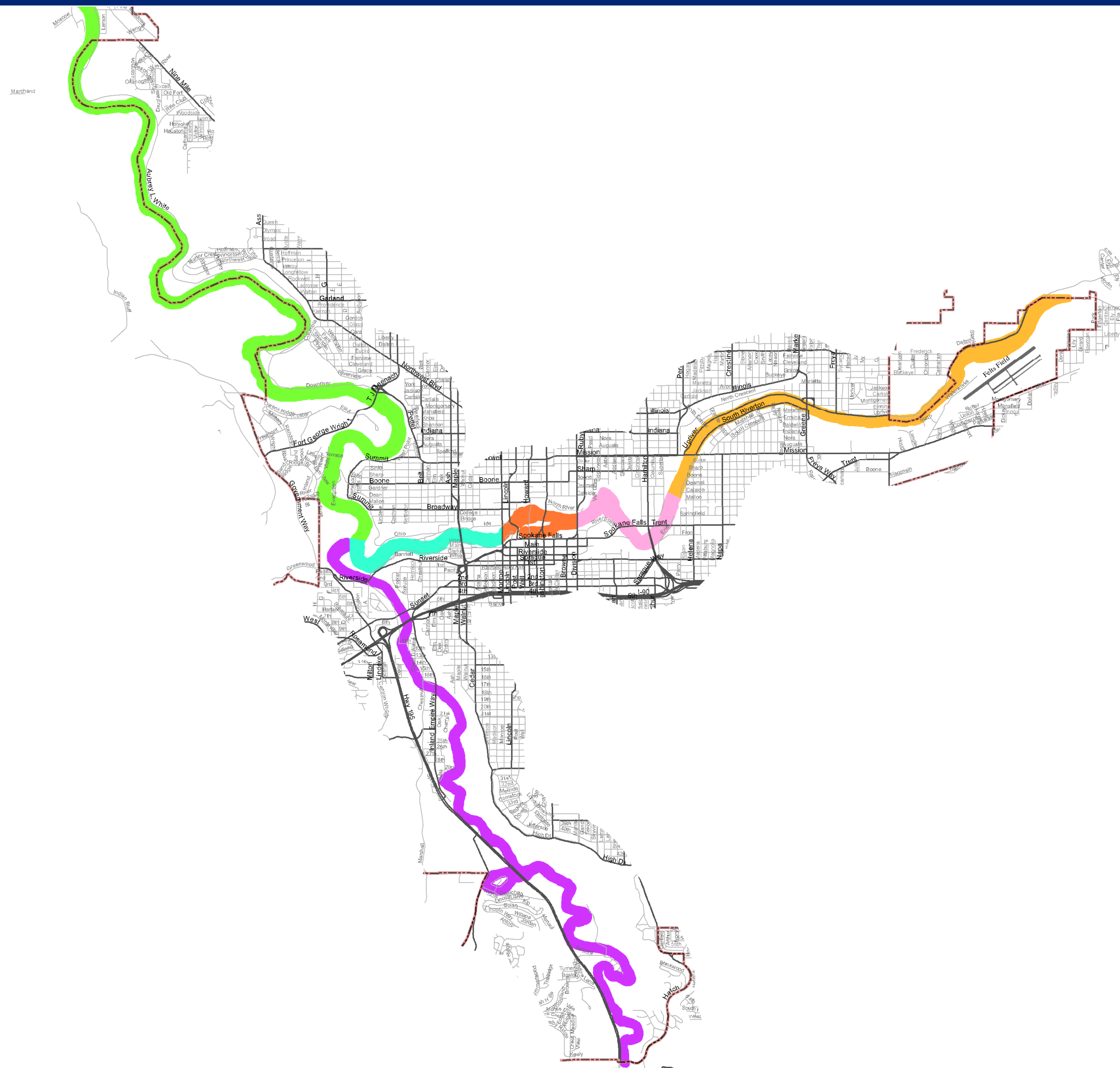


Source: GIS
Date: 7/2008






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Shoreline Jurisdiction

Legend

-  Shoreline Jurisdiction
-  Ordinary High Water Mark
-  City of Spokane

0 0.5 1 2 Miles

Source: GIS
Date: 8/2008



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