



# Spokane Plan Commission Agenda

Wednesday, July 26, 2023

2:00 PM

Hybrid - Council Briefing Center/Council Chambers / Webex  
808 W Spokane Falls Blvd, Spokane, WA 99201

**Virtual Meeting Link - See Below For Information**

**TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE**

## Public Comment Period:

3 minutes each

Citizens are invited to address the Plan Commission on any topic not on the agenda.

## Commission Briefing Session:

2:00 – 2:20

1. Approve [7/12/2023](#) meeting minutes
2. City Council Report
3. Community Assembly Liaison Report
4. President Report
5. Transportation Sub-Committee Report
6. Secretary Report
7. Approval of current agenda

All  
CM Zack Zappone  
Mary Winkes  
Greg Francis  
Clifford Winger  
Spencer Gardner

## Workshops:

2:20 – 2:30

1. [Paper Cuts Clean Up](#)

Tyler Kimbrell

2:30 – 3:45

2. [Building Opportunity for Housing](#)

Tim Thompson & KayCee Downey

3:45 – 4:00

3. Transition to Chambers

## Hearing:

4:00 – 4:30

1. [Shoreline Master Plan Code Update-Fish Rearing](#)

Tirrell Black & Tyler Kimbrell

**Adjournment: The next PC meeting will be held on Wednesday, August 09, 2023**

The password for City of Spokane Guest Wireless access has been changed:

**Username: COS Guest**

**Password: K8vCr44y**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [mlovmaster@spokanecity.org](mailto:mlovmaster@spokanecity.org). Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

# Plan Commission Meeting Information

Wednesday, July 26, 2023

Plan Commission will be held in a hybrid in-person / virtual format. Members of the public are welcome to attend in person at City Hall or online using the following information.

<b>Meeting Password:</b> PlanCommission	<b>Join Webex Meeting Online:</b> <a href="#">JOIN MEETING</a>  <b>Tap to join from a mobile device (attendees only)</b>  <a href="#">+1-408-418-9388,,24908460369##</a> United States Toll  <b>Join by phone</b>  +1-408-418-9388 United States Toll
Meeting Number (access code): <b>2490 846 0369</b>	<b>Global call-in numbers:</b>  <a href="https://spokanecity.webex.com/spokanecity/globalcallin.php?MTID=m514c2d4fc1d4af7864559443420dee7b">https://spokanecity.webex.com/spokanecity/globalcallin.php?MTID=m514c2d4fc1d4af7864559443420dee7b</a>  <b>Join from a video system or application:</b>  Dial <a href="tel:24908460369@spokanecity.webex.com">24908460369@spokanecity.webex.com</a>  You can also dial 173.243.2.68 and enter your meeting number.

## How to participate in virtual public testimony:

**Sign up to give testimony by clicking on the button below. This will take you to an online google form where you can select the hearing item on which you wish to give testimony.**

[SIGN UP](#)

The form will be **open until 1:00 p.m.** on July 26, 2023. Hearings begin at 4:00 p.m. When it is your turn to testify, Plan Commission President will call your name and you can begin your testimony. You will have 3 minutes to speak.

Please note that public comments will be taken during the meeting, but the public is encouraged to continue to submit their comments or questions in writing to:

[plancommission@spokanecity.org](mailto:plancommission@spokanecity.org)

The audio proceedings of the Plan Commission meetings will be recorded, with digital copies made available upon request.

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# Plan Commission & Committees

## 2023 Agenda Management

<b>July 26, Plan Commission</b> (90 minutes available) Hybrid		
<b>Housing Work Group</b>		
1:00 – 1:30	Housing Solutions from Finland and Sweden	Todd Beyreuther
<b>Workshop</b>		
<b>Time</b>	<b>Item</b>	<b>Presenter</b>
2:00 – 2:20	Meeting Briefing	Plan Commission
2:20 – 2:30	Paper Cuts code cleanup	Tyler Kimbrell
2:30 – 3:45	Building Opportunity for Housing	Tim Thompson & KayCee Downey
3:45 – 4:00	Transition to Chambers	
<b>Hearing Items</b>		
4:00 – 4:30	SMP Code update Hearing	Tirrell Black, Tyler Kimbrell

<b>August 1 – PCTS</b> (Hybrid)		
<b>Time</b>	<b>Item</b>	<b>Presenter</b>
9:00 am – 9:30 am	Meeting Briefing	PCTS

<b>August 9, Plan Commission</b> (90 minutes available) Hybrid		
<b>Housing Work Group</b>		
1:00 – 1:30		
<b>Workshop</b>		
<b>Time</b>	<b>Item</b>	<b>Presenter</b>
2:00 – 2:20	Meeting Briefing	Plan Commission
2:20 – 2:50	Center & Corridor Update Study Introduction	Colin Quinn-Hurst, Tirrell Black
2:50 – 3:15	[HOLD] GFC intro	
3:45 – 4:00	Transition to Chambers	
<b>Hearing Items</b>		

<b>August 23, Plan Commission (90 minutes available) Hybrid</b>		
<b>Housing Work Group</b>		
1:00 – 1:30	Canceled	
<b>Workshop</b>		
<b>Time</b>	<b>Item</b>	<b>Presenter</b>
2:00 –2:20	Meeting Briefing	Plan Commission
2:20-2:45	Building Opportunity and Choices for All (BOCA) Update	Amanda Beck, KayCee Downey
2:45-3:45 (can be reduced to fit other agenda items)	Building Opportunity for Housing	Tim Thompson & KayCee Downey
3:45 – 4:00	Transition to Chambers	
<b>Hearing Items</b>		

<b>September 5 – PCTS (Hybrid)</b>		
<b>Time</b>	<b>Item</b>	<b>Presenter</b>
9:00 am – 9:30 am	Meeting Briefing	PCTS

<b>September 13, Plan Commission (90 minutes available) Hybrid</b>		
<b>Housing Work Group</b>		
1:00 – 1:30	Canceled	
<b>Workshop</b>		
<b>Time</b>	<b>Item</b>	<b>Presenter</b>
2:00 –2:20	Meeting Briefing	Plan Commission
2:20-3:45	2024-2029 Citywide CIP Consistency Review	Jessica Stratton
	Building Opportunity for Housing	Tim Thompson & KayCee Downey
3:45 – 4:00	Transition to Chambers	
<b>Hearing Items</b>		
	Paper Cuts code cleanup	Tyler Kimbrell
	(hold) South Logan TOD Plan & FEIS	Maren Murphy

<b>September 27, Plan Commission (90 minutes available) Hybrid</b>		
<b>Housing Work Group</b>		

1:00 – 1:30	GFC introduction	Katherine Miller
<b>Workshop</b>		
<b>Time</b>	<b>Item</b>	<b>Presenter</b>
2:00 –2:20	Meeting Briefing	Plan Commission
2:20 – 3:15	[HOLD] GFCs	
	Building Opportunity for Housing	Tim Thompson & KayCee Downey
3:45 – 4:00	Transition to Chambers	
<b>Hearing Items</b>		
	(hold) South Logan TOD Plan & FEIS	Maren Murphy

# Spokane Plan Commission - Draft Minutes

July 12, 2023

Webex Teleconference

Meeting Minutes: Meeting called to order at 2:00 PM by Greg Francis

## Attendance:

- Board Members Present: Greg Francis (President), Ryan Patterson (Vice President), Michael Baker, Jesse Bank, Clifford Winger, Tim Williams, Kris Neely
- Board Members Not Present: Carole Shook, Christopher Britt, Todd Beyreuther
- Non-Voting Members Present: Mary Winkes, Community Assembly Liaison
- Non-Voting Member Not Present: Council Member Zack Zappone
- *Quorum Present: yes*
- Staff Members Present: Spencer Gardner, Tirrell Black, Jackie Churchill, KayCee Downey, Brandon Whitmarsh, Tyler Kimbrell

**Public Comment:** Citizens are invited to address the Plan Commission on any topic not on the agenda. 3 Minutes each. NONE

**Minutes:** Minutes from 6/28/2023 approved unanimously

**Current Agenda:** The current agenda was approved unanimously.

## Briefing Session:

1. **City Council Liaison Report -Zack Zappone**
  - None
2. **Community Assembly Liaison Report - Mary Winkes**
  - None
3. **Commission President Report - Greg Francis**
  - Greg Francis reported that the General Facilities Charges workgroup has scheduled the final meeting. It will be held at 1:00 PM on July 26th.
4. **Transportation Subcommittee Report - Clifford Winger**
  - Clifford Winger reported that Citizen Transportation Advisory Board (CTAB) has found money in the budget for clearing sidewalks of snow in the winter. Mr. Winger also reported that the Plan Commission Transportation Subcommittee did not meet in July.
5. **Secretary Report - Spencer Gardner**
  - Spencer Gardner reported there will be several members of the Plan Commission whose terms will end at the end of 2023, and he encouraged the commissioners to consider people to fill vacancies.
  - Spencer Gardner also reported that City Council allocated American Rescue Plan Act money for subarea planning. Three neighborhoods that have been selected are Hillyard, East Central, West Central. There will be an update to high-density residential standards as well.

## Workshop(s):

1. **Building Opportunity for Housing**
  - Presentation provided by Tim Thompson and KayCee Downey
  - Questions asked and answered
  - Discussion ensued

**2. Shoreline Master Program text update for Fish Rearing**

- Presentation provided by Tirrell Black and Tyler Kimbrell
- Questions asked and answered
- Discussion ensued

**3. South Logan Transit Oriented Development - Preferred Alternative**

- Presentation provided by Maren Murphy
- Questions asked and answered
- Discussion ensued

**Meeting Adjourned at 4:00 PM**

Next Plan Commission Meeting scheduled for Wednesday, July 26, 2023

**BRIEFING PAPER**  
**City of Spokane**  
**Plan Commission Workshop**  
**Department of Planning of Economic Development**  
**July 26, 2023**

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**Subject**

The department of Planning and Economic Development has begun an initiative named “Paper Cuts”. The purpose is to identify sections of code with ambiguities, omissions, or inconsistencies that can be fixed with simple adjustments. Paper Cuts are expected to occur on a regular basis. The adjustments will provide clarity based on current practice.

**Background**

There are six code sections with Paper Cuts updates identified for this round. Following is a list of the code sections and a brief description of the nature of the change:

- 17C.110.225: Clarify that certain language only applies to detached accessory buildings
- 17C.120.580: Remove reference to renovated buildings since a renovation is unlikely to result in new space that can meet requirements
- 17C.230.145: Clarify that location requirements for parking areas apply to all parking whether required or in excess of required spaces
- 17C.240.250: Clarify that legal non-conforming sign rights lapse after 6 months of inactivity
- 17C.250.020: Reword for clarity and add Essential Public Facilities to the list of exempt structures
- 17G.080.040: Correct spelling error (rang -> range)

**Impact**

These code updates are expected to have little impact because they rely on existing practice within the department or implement pre-existing requirements under state law.

**Action**

Recommend Approval. These items are expected to proceed to a hearing before the Plan Commission on September 13, 2023.



## Section 17C.110.225 Accessory Structures

### A. Purpose.

This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to adjoining lots and maintain open front setbacks.

### B. General Standards.

1. Accessory structures are allowed on a lot only in conjunction with a primary building, and may not exist on a lot prior to the construction of the primary structure, except as allowed by subsection (B)(2) of this section.
2. An accessory structure that becomes the only structure on a lot as the result of a land division may remain on the lot if the owner has submitted a financial guarantee to the City for the cost of demolition and removal of the structure. The financial guarantee will be used by the City if the owner has not removed the accessory structure if, within one year of final plat approval or boundary line adjustment (BLA), a primary structure has not been built and received final inspection. The financial guarantee must be accepted by the City prior to approval of the final plat or boundary line adjustment.
3. An accessory structure shall not contain a kitchen or space for living, sleeping, eating, or cooking unless it is approved as an accessory dwelling unit under chapter 17C.300 SMC.

### C. Setbacks.

#### 1. Mechanical Structures.

Mechanical structures are items such as heat pumps, air conditioners, emergency generators, and water pumps.

##### a. Front Setback Standard.

Mechanical structures are not allowed in required front building setbacks.

##### b. Side and Rear Setback Standard.

Mechanical structures are allowed inside and rear building setbacks if the structure is no more than forty-eight inches high.

#### 2. Vertical Structures.

Vertical structures are items such as flagpoles, trellises and other garden structures, radio antennas, satellite receiving dishes and lampposts. Fences are addressed in SMC 17C.110.230. Sign standards are in chapter 17C.240 SMC, Signs.

##### a. Setback Standard.

Vertical structures are allowed in required side and rear building setbacks if they are no larger than four feet in width, depth or diameter and no taller than seven feet. If they are larger or taller, they are not allowed in required building setbacks. Trellises and other gate features are allowed in front yard if they are no larger than four feet in width, depth or diameter and no taller than seven feet and do not conflict with the clear view triangle provisions under SMC 17C.110.230, Fences.

3. Uncovered Horizontal Structures.

Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.

a. Setback Standard.

i. Projection Allowed.

The following structures are allowed in required building setbacks, as follows:

- A. Structures that are no more than two and one-half feet above the ground are allowed in side and rear building setbacks. Handrails required by the IBC/IRC are not included in the maximum height.
- B. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than two and one-half feet above the average sidewalk elevation are allowed in all building setbacks; and
- C. Stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed in street setbacks.

4. Covered Accessory Structures.

Covered accessory structures are items such as greenhouses, storage buildings (not used to cover motor vehicles), sheds, covered decks, covered porches, gazebos, and covered recreational structures.

a. Setback Standard.

Covered detached accessory structures are not allowed in the required front building setbacks. Covered detached accessory structures are not allowed in the required side building setback without a signed waiver from the neighboring property owner.

5. Detached Accessory Structures.

Detached accessory structures are garages, carports, and other structures utilized to cover motorized vehicles.

a. Setback Standard.

A detached accessory structure is not allowed in the front building setback. A detached accessory structure is not allowed in the required side building setback without a signed waiver from the neighboring property owner. A detached accessory structure that has an entrance, which faces a street, is required to be setback twenty feet from the property line or from the back of the sidewalk, as stated in Table 17C.110-3.

b. Detached accessory structures may be built to the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement, or right-of-way.

6. Attached Accessory Structures.

Accessory structures are garages, carports or other structures utilized to cover motorized vehicles that are connected by a common wall to the primary structure.

a. Setback Standard.

An attached accessory structure is not allowed in the front building setback. An attached accessory structure that has an entrance which faces a street is required to be setback twenty feet from the property line as stated in Table 17C.110-3.

b. Attached accessory structures may be built to within five feet of the rear property line, unless parking in front of the structure is proposed, then the structure is required to be built a minimum of eighteen feet from the edge of the alley tract, easement or right-of-way.

D. Building Coverage.

1. Except as provided in subsection (2) of this subsection (D), the combined building coverage of all detached accessory structures and covered accessory structures may not exceed fifteen percent of the total area of the site, and when combined with all other structures on-site shall not exceed the maximum building coverage of the base zone.
2. On lots smaller than five thousand five hundred square feet with an accessory dwelling unit, combined building coverage of all detached accessory structures and covered accessory structures may not exceed twenty percent of the total area of the site, and when combined with all

other structures on-site shall not exceed the maximum building coverage of the base zone.

E. Building Height.

The building height of detached accessory structures and covered accessory structures is listed in Table 17C.110-3. Accessory structures, which contain an ADU over a garage, are subject to the height limitations in chapter 17C.300 SMC, Accessory Dwelling Units.

[keep table 17C.110.225-1]

[keep image]

[keep image]

## Section 17C.120.580 Plazas and Other Open Spaces

### A. Purpose.

To provide a pedestrian-friendly environment by creating a variety of usable and interesting open spaces within private development.

### B. Plazas and Other Open Spaces Implementation.

1. New ~~or renovated~~ buildings over forty thousand square feet shall have plazas, courtyards or other pedestrian spaces at or near their main entrances. (R)
2. Plazas and other open spaces shall be a minimum of one square foot of plaza per one hundred square feet of building area. This area may count toward the interior landscaping required. (P)
3. Plazas, courtyards and other pedestrian space shall include at least three of the following: (P)
  - a. Special interest landscape.
  - b. Pedestrian scale bollard or other accent lighting.
  - c. Special paving, such as colored/stained concrete, brick or other unit paver.
  - d. Artwork.
  - e. Seating, such as benches, tables, or low seating walls.
  - f. Water feature.

[keep images]

## Section 17C.230.145 Development Standards for Residential Uses

### A. Purpose

The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

[keep image]

### B. Structures These Regulations Apply To

The regulations of this section apply to residential uses in the RA, RSF, RTF, RMF, RHD, FBC CA4 zones. The regulations apply to required and excess parking areas. Parking for mobile home parks is regulated in chapter 17C.345 SMC, Manufactured Homes and Manufactured Home Parks.

### C. Parking Area Locations

1. ~~Required Parking.~~ Required parking spaces are not allowed within the first twenty feet from a front lot line or within side street lot line setback.

2. ~~Non-required Parking.~~

~~Non-required parking spaces for personal passenger vehicles may be located in the first twenty feet from a front lot line or the side lot line setback in a driveway. The vehicle cannot overhang or block the sidewalk.~~

32. Utility trailers, motorized recreation vehicles and non-motorized accessory recreational vehicles cannot be stored in the first twenty feet from the front lot line nor the side street line.

43. Driveway Width

[keep image]

a. In the RA and RSF zones, no more than forty percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In addition, on corner lots, no more than twenty percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. As an exception to the area limitations in this subparagraph, a lot is allowed at least a nine-foot wide vehicle area.

b. In the RTF, RMF, RHD, FBC CA4 zones, no more than twenty percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In addition, on corner lots no more than twenty percent of the land area between the side street lot line and the side street building line may be

paved or used for vehicle areas. As an exception to the area limitations in this paragraph, a lot is allowed at least a nine-foot wide vehicle area.

c. Exception.

Driveway coverage in the residential zones may exceed the size limitations of (4)(a) and (4)(b) above when the subject property is located on a principal arterial and the increase in site coverage is due to inadequate maneuvering area for the safe exit of vehicles from the site. The exception to driveway coverage is reviewed by the engineering services department as a portion of the driveway access permit.

**54.** Parking in Garages.

Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.

D. Parking Space Sizes

A parking space must be at least nine feet by eighteen feet. The minimum driveway width on private property is nine feet.

E. Paving

1. Generally.

All driveways and parking areas must be covered in an all weather surface.

2. Exceptions.

a. Gravel surfaces may be approved by engineering services when the abutting street is not paved, and the applicant executes a covenant agreeing to pave the area if the street is paved in the future.

b. Utility trailers, motorized recreational vehicles and non-motorized accessory recreational vehicles may be stored on unpaved surfaces. A gravel surface is not required.

## Section 17C.240.250 Off-premises Signs

- A. No new off-premises signs may be constructed, on any site.
- B. Off-premises signs now in existence in any zone, meeting the requirements of 17C.240.280, are considered nonconforming uses and may remain, subject to the following restrictions:

1. A nonconforming off-premises sign may not be increased in size or elevation, relocated to another site or to a new location on the same site or expanded, enlarged, or extended in any way, including, but not limited to, the addition of advertising faces or the addition of rotating faces with movable panels designed to create additional advertising, except as provided for in the public works exception below.
2. Public Works Exception.

A legal, non-conforming off-premises sign ~~that is allowed to remain in conformance with this section~~ shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. The relocation of an off-premises sign under this exception must occur within six (6) months of removal or its legal, non-conforming status shall be discontinued pursuant to SMC 17C.240.280. ~~This r~~Relocation of these off-premises signs for public works projects shall be subject to the limitations in subsections (a) through (f) below:

- a. No increase in square footage of off-premises sign copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation.
- b. No additional sign faces shall be added.
- c. No increase in height of the existing off-premises sign shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety.
- d. The off-premises sign shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway. For purposes of this provision, the term "roadway" shall apply to both directions of a couplet.
- e. The off-premise sign shall not be relocated to a site with a Residential, Neighborhood Retail, or Center and Corridor zoning designation including CA zones, or located within an historic district, regardless of the zoning or district of the original sign location.



- f. The relocation of the off-premises sign shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of signs, excepting size, height, and off premise advertising limitations.
- 3. A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face, or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.
- 4. Any nonconforming off-premises sign which deteriorates, is damaged or destroyed by fire, explosion, wind, act of nature, failure to maintain or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed.
- 5. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly so long as the off-premises sign is not structurally altered, and so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the off-premise sign.

## Section 17C.250.020 Dimensional Standards

### A. Applicability.

The standards of this section apply to buildings and structures over seventy feet tall.

The dimensional standards ~~in SMC 17C.250.020~~ of this section do not apply to the following:

1. ~~m~~Medical ~~e~~Centers as defined in SMC 17C.190.450;
2. ~~and other~~ buildings within six hundred feet of ~~medical~~ Medical centers ~~Centers~~ (SMC 17C.190.450); and
3. ~~Essential Public Facilities~~ as defined in SMC 17C.190.530.

~~The following standards apply to buildings and structures over seventy feet tall.~~

### BA. Upper Story Setback.

All floors above seventy feet shall be setback from all street lot lines a minimum of twenty feet.

### CB. Maximum Floor Area per Floor.

All floors above seventy feet shall have a maximum floor area of twelve thousand square feet.

[keep image]

### DG. Maximum Tower Dimension.

All floors above seventy feet shall have a maximum floor dimension of one hundred fifty feet.

[keep image]

## Section 17G.080.040 Short Subdivisions

### A. Predevelopment Meeting

A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.

### B. Preliminary Short Plat Application and Map Requirements

1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall include the following:

- a. The general application.
- b. The supplemental application.
- c. The environmental checklist, if required under chapter 17E.050 SMC.
- d. Title report no older than thirty days from issuance from the title company.
- e. The filing fees as required under chapter 8.02 SMC.
- f. The required number of documents, plans or maps drawn to a minimum scale of one inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, 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; and
- h. Additional application information which 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.
- i. One copy of the predevelopment conference notes (if applicable); and
- j. One copy of the notification district map.

2. Contents of Preliminary Short Plat Map

The preliminary short plat shall be prepared by a land surveyor and shall show the following:

- a. Plat name and the name of any subdivision to be replatted.
- b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
- c. Surveyor's name, mailing address and phone number.
- d. Legal description.
- e. Section, township and range
- f. Vicinity map.
- g. North arrow, scale and date.
- h. Datum plane.
- i. Acreage.
- j. Number of lots and proposed density.
- k. Zoning designation.
- l. The boundary lines of the proposed subdivision.
- m. City limits and section lines.
- n. Park or open space (if proposed).
- o. Existing topography at two-foot maximum interval.
- p. The boundaries and approximate dimensions of all blocks and lots, together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts.
- q. Proposed names of streets.
- r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.
- s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easement
- t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
- u. Indicate any street grades in excess of eight percent.

- v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
- x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
- y. Critical areas as defined in chapters 17E.020, 17E.030, 17E.070 and 17G.030 SMC.
- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

- 1. The application shall be reviewed in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application, except an application that meets the requirements for minor engineering review as provided in subsection (2) of this section shall be excluded from the public notice requirements contained in SMC 17G.060.110 through 17G.060.120 and public comment period under SMC 17G.060.130.

2. Minor Engineering Review.

A preliminary short plat application may qualify for a minor engineering review if it meets all of the following conditions:

- a. The application is categorically exempt from chapter 43.21C RCW (SEPA);
- b. There is direct water and sewer main lot frontage on an existing and improved public right-of-way;
- c. No extensions of public water, sewer, or other utility services will be needed;
- d. No public easements for water, sewer, or other utility service exists on the lot;
- e. The lot is not situated in a Special Drainage District as defined in SMC 17D.060.130; and
- f. Public utility mains do not exist on the lot.

D. Public Notice

All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application, except a short plat that meets the requirements for minor engineering review as provided in subsection (C)(2) of this section shall not require a notice of application.

E. Preliminary Short Plat Approval Criteria

Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.060 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and 17G.060 SMC.

F. Final Short Plat Review Procedure

1. The subdivider shall submit to the director for review the following:
  - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
  - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
  - c. Covenants, conditions and restrictions, if applicable; and
  - d. Fees pursuant to chapter 8.02 SMC.
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
  - a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
  - b. A cover letter addressing the corrections, additions or modifications required.
  - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and

shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and

- d. The required number of copies of the corrected final short plat map.
3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.

G. Final Short Plat Map Requirements

The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:

1. A final short plat shall contain all the information required of the preliminary plat, except the following:
  - a. Show existing buildings.
  - b. Show existing utility lines and underground structures.
  - c. Show the topographical elevations; or
  - d. Contain the names and addresses of adjoining landowners.
2. The final short plat shall include the following:
  - a. Surveyor's certificate, stamp, date and signature, as follows:

The following land surveyor's certificate to be shown on each sheet of the plat: "I, \_\_\_\_\_ registered land surveyor, hereby certify the plat of \_\_\_\_\_, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.

Signed \_\_\_\_\_ (Seal)"
  - b. A certification by the city treasurer, as applicable:
    - i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

City of Spokane Treasurer”

- ii. “I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Treasurer”

- iii. “A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner’s to initiate the segregation of the LID assessment. After this assessment is finalized, it shall be due and payable. Examined and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Treasurer”

- c. The certification by the planning director, as follows:

“This plat has been reviewed on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and is found to be in full compliance with all the conditions of approval stipulated in the Hearing Examiner’s/Planning Director’s approval of the preliminary plat # - -PP/SP.

\_\_\_\_\_  
City of Spokane Planning Director”

- d. The certification by the city engineer, as follows:

“Approved as to compliance with the survey data, the design of public works and provisions made for constructing the improvements and permanent control monuments this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Spokane Engineer”

- e. The certification by the Spokane county treasurer, as follows:

“I hereby certify that the land described in this plat, as of the date of this certification, is not subject to any outstanding fees or assessments. Examined and approved \_\_\_\_ day of \_\_\_\_\_, 20\_\_.



Spokane County Treasurer”

- f. The certification by the Spokane county auditor on each page of the final short plat including the time, date, book and page number of the recording of the final mylar.
- g. Signature of every owner certifying that:
  - i. the plat is made with the free consent and in accordance with the desires of the owners of the land;
  - ii. the owners are the owners of the property and the only parties having interest in the land and is not encumbered by any delinquent taxes or assessments;
  - iii. the owners adopt the plan of lots, blocks and streets shown;
  - iv. owner dedicates to the City and the City’s permittees the easements shown for utilities and cable television purposes;
  - v. owner dedicates to the City the streets, alleys and other public places, including slope and construction easements and waives all claims for damages against any governmental authority including, without limitation, the City which may be occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and
  - vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.
- h. The drawing shall:
  - i. be a legibly drawn, printed or reproduced permanent map;
  - ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
  - iii. have margins that comply with the standards of the Spokane county auditor;
  - iv. show in dashed lines the existing plat being replatted, if applicable;
  - v. show monuments in accordance with SMC 17G.080.020(H)(1);
  - vi. include any other information required by the conditions of approval; and
  - vii. include any special statements of approval required from governmental agencies, including those pertaining to flood

hazard areas, shorelines, critical areas and connections to adjacent state highways.

H. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.

I. Redivision.

No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with SMC 17G.080.050



## **Building Opportunity for Housing Phase 2 Residential Development Code Regulations**

July 19, 2023

President Francis and Plan Commissioners  
City of Spokane

### **RE: July 26, 2023 Plan Commission Workshop**

Thank you for your feedback at the July 12 workshop on front-loaded garages and how they interact with the street. The discussion will help shape the standards that will be brought forward for your consideration at a later date.

For the July 26 workshop, the project team will bring back the topics of building height and setbacks, which were previewed at the last workshop. Below is some additional information to help inform the conversation. *Please note that all items for consideration are discussion points but are not yet being proposed, as additional research and consideration is needed.*

---

### **Building Heights**

The Building Opportunity and Choices for All (BOCA) interim ordinance increased the allowed building and wall heights by five feet each. The intent was to allow for greater flexibility within building designs to make middle housing more feasible to construct. During the robust community engagement efforts conducted earlier this year, Planning staff heard about the importance of adjacency and how residents were concerned about potential infill projects that would impact privacy and access to light if they were too tall. During stakeholder interviews with residential construction professionals, specific height was less of a concern than the ability to make sure three stories were feasible. One developer noted that 45-feet in height may make attached houses easier to construct. The distinction between building and wall height was also noted as limiting building design flexibility.

For consideration, Planning staff is seeking feedback from Plan Commission on permanently making the building height in the residential zones 40-feet or 45-feet, as well as removing the wall height restriction to allow for more flexibility.

Please note that height limits in the existing RMF and RHD zones can currently be modified through a rezone to 40-feet, 55-feet, 70-feet, and 150-feet depending on location.



	Standard Regulations	BOCA Regulations	For Consideration
<b>Building Height</b>	35'	40'	40' or 45'
<b>Wall Height</b>	25'	30'	N/A

For clarity, the following is how height is currently measured (emphasis added):

1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing grade or finished grade, **whichever is lower**, up to a plane essentially parallel to the existing or finished grade...The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.
2. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plane of the maximum height limit.
3. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
4. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
  - a. "Grade" means the ground surface contour.
  - b. "Finished grade" means the grade upon completion of the fill or excavation.
  - c. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

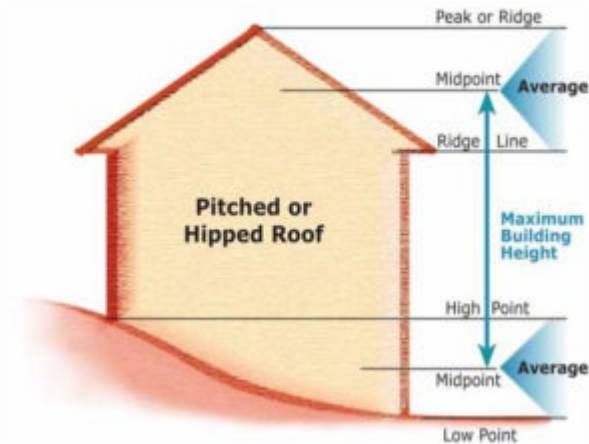
In addition to the actual number the maximum height is set at, Planning staff has received comments from development professionals that how the height is measured can impact the feasibility of a project, particularly on properties that may have a slope. Additionally, the City's Current Planning team has expressed concern over how difficult it currently is to explain the height measurement process to the public and development professionals, which can impact transparency and process of projects. The definition above is a shortened version of the full residential height standards, which can be found in full in [SMC Section 17C.110.215](#).

After reviewing how nearby jurisdictions regulate height, the project team is seeking feedback from Plan Commission on which of the two below definitions is preferred. Both rely on average finished grade, rather than lowest grade, which reduces the potential impact on properties that have a naturally occurring slope. Relying on average grade may not require an additional 5-feet in height, with 40-feet having been stated by interviewed development professionals to allow for three story construction if it's determined by average grade.

Option 1 mirrors the Building Code definition and is similar to how [Spokane Valley](#) measures height.

- The vertical distance from the average finished grade to the average height of the highest roof surface.

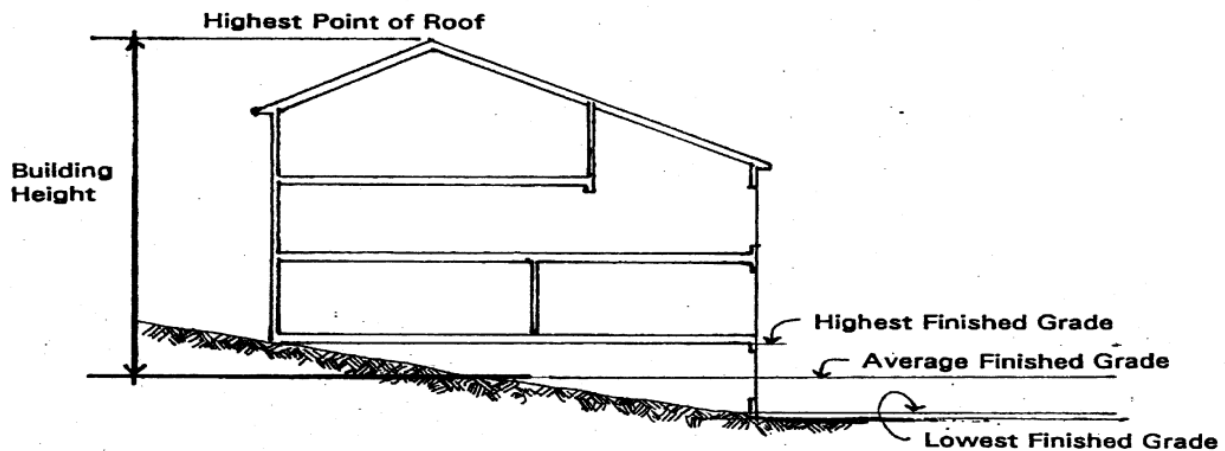
BUILDING – HEIGHT OF: The vertical distance from grade plane to the average height of the highest roof surface. (orig. 5-6-46; am. 7-23-02; am 5-20-08)



*A graphic used by a number of jurisdictions, origin unknown.*

Option 2 slightly differs from the Building Code definition and is similar to how Spokane County and [Airway Heights](#) measures height.

- Building height shall be measured from the average finished grade to the highest point of the roof



*A snapshot taken from the Spokane County Zoning Code.*

The reason the definition differs from the Building Code, as stated in the [Spokane County Zoning Code](#), is “because it is based on the visual impact of building height rather than fire and life safety concerns”. The project team has also received feedback from Current Planning that it is easier to explain to neighbors and non-development professionals the potential height of a structure when the measurement is of the peak of the building, rather than midline.

## Setbacks

The interim ordinance did not modify setbacks for residential development but rather relied on the existing standards to regulate any new construction. Through the engagement efforts of Building Opportunity for Housing, Planning staff has heard feedback on the negative impact that larger setbacks can have on a development.

Feedback from residents has included the benefit of setbacks closer to the street to increase eyes on the street, help facilitate more neighbor interactions, prevent nuisance parking in front yards, and reduce the size of front yards to support less water usage. From residents and developers, the rear setback in the RSF zone has been noted as a challenge and unnecessarily large. No substantial comments were received on the other setbacks.

For consideration, Planning staff is seeking feedback from Plan Commission on permanently reducing the minimum front setback for all residentially zoned lots, creating a maximum front setback for all residentially zoned lots, and reducing the rear setback for the existing RSF zone.

Setback	Minimum	For Consideration
Front *	15'	10' minimum 20' maximum **
Side setback, greater than 40' lot	5'	See table below
Side setback, less than 40' lot	3'	See table below
Street side setback	5'	No Change
Rear setback (RA, RSF)	25'	RA: 25' RSF: 15'
Rear setback (RTF)	15'	No Change
Rear setback (RMF, RHD)	10'	No Change
* Porches, exterior balconies, or similar areas not enclosed by walls may project up to six feet into the front setback.		
**Setback averaging can be used to increase the maximum setback if the existing built environment is built further from the street.		

While side setbacks were not noted as causing feasibility issues, community feedback heard during Phase 1 of Building Opportunity for Housing made it clear that residents were concerned about potential impacts of taller structures next to existing units. The project team is seeking feedback from Plan Commission on a potential mitigating regulation which has been similarly implemented for accessory dwelling units (ADUs).

Rather than the [45-degree angle implemented for ADUs](#), which requires additional calculations that may not be accessible to all residents, there is the opportunity to implement a

roof setback that uses a ratio of 2:1 (two feet of height for every one foot of horizontal distance) in the existing RA, RSF, and RTF zones. The below table would be the resulting side setback minimums.

SETBACK FROM SIDE LOT LINE FOR LOT WIDTHS 40 FT. OR LESS *			
Height	RA	RSF	RTF
25 ft.	3 ft.	3 ft.	3 ft.
27 ft.	4 ft.	4 ft.	4 ft.
29 ft.	5 ft.	5 ft.	5 ft.
31 ft.	6 ft.	6 ft.	6 ft.
33 ft.	7 ft.	7 ft.	7 ft.
35 ft.	8 ft.	8 ft.	8 ft.
SETBACK FROM SIDE LOT LINE FOR LOT WIDTHS MORE THAN 40 FT. *			
Height	RA	RSF	RTF
25 ft.	5 ft.	5 ft.	5 ft.
27 ft.	6 ft.	6 ft.	6 ft.
29 ft.	7 ft.	7 ft.	7 ft.
31 ft.	8 ft.	8 ft.	8 ft.
33 ft.	9 ft.	9 ft.	9 ft.
35 ft.	10 ft.	10 ft.	10 ft.
40 ft.	12.5 ft.	12.5 ft.	12.5 ft.
*The Roof Setback terminates at the point where it intersects with the maximum building height.			

Thank you again for all of your work on behalf of the City of Spokane and helping shape Phase 2 of the Building Opportunity for Housing project.

Sincerely,

Tim Thompson, AICP, Principal Planner

KayCee Downey, AICP, Planner II

## How to Get Involved

Sign up for updates and news:

[developmentcode@spokanecity.org](mailto:developmentcode@spokanecity.org)

Visit the web for more information:

[shapingspokanehousing.com](http://shapingspokanehousing.com)



**SHORELINE MASTER PROGRAM AQUACULTURE UPDATE BRIEFING PAPER**  
**City of Spokane**  
**Plan Commission Joint Public Hearing**  
**Planning Services**  
**July 26, 2023**

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**Subject**

This proposal will amend the Shoreline Master Program (SMP) of the Spokane Municipal Code (SMC) 17E.060.470 and 17E.060.690 to allow aquaculture uses. The proposal will also amend the Use Category Description for Agriculture under SMC 17C.190.500 to align with the changes to the SMP. The exact amendments to the code will be available online at the following address: [my.spokanecity.org/aquacultureupdate](https://my.spokanecity.org/aquacultureupdate).

**Background**

Section 17E.060.470 Aquaculture currently states that there is no anticipated aquaculture activity with the City of Spokane. Based on requests from the Coeur d'Alene Tribe and other potential native salmonid restoration projects, aquaculture uses are anticipated and therefore the aquaculture section of the SMP and other applicable development regulations require updating. The request to amend the Shoreline Master Program to allow aquaculture uses is made with Council support.

**Impact**

The draft proposed text amendments will allow aquaculture uses in the Urban Conservancy Environment and Natural Environment designations in the Latah Creek shoreline district. Impacts from development of aquaculture facilities will be managed or mitigated at the permitting phase.

**Action**

Recommend approval of the proposed text amendments to SMC 17E.060.470, 17E.060.690, and 17C.190.500.





# STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

<b>To:</b>	City Plan Commission	
<b>Subject:</b>	Shoreline Master Program – Aquaculture Update	
<b>Staff Contact:</b>	Tirrell Black Principal Planner <a href="mailto:tblack@spokanecity.org">tblack@spokanecity.org</a>	Tyler Kimbrell Planner II <a href="mailto:tkimbrell@spokanecity.org">tkimbrell@spokanecity.org</a>
<b>Report Date:</b>	July 19, 2023	
<b>Hearing Date:</b>	July 26, 2023	
<b>Recommendation:</b>	Approval	

## I. SUMMARY

Shoreline Master Program amendments updating SMC 17E.060.470, SMC 17E.060.690, and SMC 17C.190.500 allowing aquaculture facilities in the Urban Conservancy and Natural Environment shoreline designations within the Latah Creek shoreline district and amending the definition of Residential Agriculture to include fish rearing facilities. These changes are necessary for the construction of fish rearing facilities and their accessory uses to help restore salmonid populations to the Spokane River.

## II. BACKGROUND

The Shoreline Management Act of 1971 (SMA), passed by the legislature in 1971 and adopted by voters in 1972, has an overarching goal “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” The SMA requires local government to develop Shoreline Master Programs which give preference to uses which:

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

Shoreline Master Programs (SMPs) are local land-use policies and regulations that guide use of Washington shorelines, SMPs apply to both public and private uses. Their main goals are to protect natural resources, provide public access to public waters and shores, and plan for water dependent uses. The Washington State Department of Ecology assists cities in developing and updating their SMPs.

For this locally initiated aquaculture amendment to the City of Spokane’s SMP a joint review process is being utilized to streamline the adoption process for amending the SMP. A joint review process requires that a joint hearing be conducted with a Department of Ecology representative and a 30-day public comment period be had to collect and respond to community concern. Following the 30-day comment period and after responding to those comments the Department of Ecology will make a determination of consistency prior to City Council action.

The proposed amendment to the SMP as read in Exhibit A, making aquaculture a permitted use in the Urban Conservancy Environment and the Natural Environment shoreline designations in the Latah Creek shoreline district, comes as a response

to the proposed fish rearing facility by the Coeur d'Alene Tribe. This project was added to Plan Commissions work plan on June 5, 2023 by Resolution 2023-0041. A project description provided by the Tribe can be reviewed in Exhibit B.

### III. PROCESS

#### DEVELOPMENT CODE AMENDMENT PROCEDURE

Article III Section 21, Amendments and Repeals, of the City of Spokane Charter provides for the ability of amendments of the Charter and Spokane Municipal Code through ordinances. Title 17 is known as the Unified Development Code (UDC) and is incorporated into the Spokane Municipal Code to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). Section [17G.025.010](#) establishes the procedure and decision criteria that the City uses to review and amend the UDC. The City may approve amendments to the UDC if it is found that a proposed amendment is consistent with the provisions of the Comprehensive Plan, and bears a substantial relation to public health, safety, welfare, and protection of the environment.

#### Role of the City Plan Commission

The proposed text amendments require a review process set forth in Section 17G.025.010(F) SMC. The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council. Utilizing the decision criteria in 17G.025 SMC, the Plan Commission may recommend approval, modification, or denial of the proposal.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

#### Role of City Council

The City Council will also conduct a review process considering the proposed text amendment, public comments and testimony, the staff report, and the Plan Commission's recommendation. The final decision to approve, modify, or deny the proposed amendment rests with the City Council. Proposals adopted by ordinance after public hearings are official amendments to the Spokane Municipal Code.

#### COMMUNITY ENGAGEMENT

Project webpage	May 2023 – Present
Plan Commission workshop	July 12, 2023
Notice of Intent to adopt & SEPA checklist request for comments	June 14, 2023 – June 28, 2023
SEPA DNS (determination of non-significance) issued	July 10, 2023
Ecology 30-day comment period	July 21, 2023 – August 21, 2023
Plan Commission Public Hearing	July 26, 2023

#### SEPA REVIEW

As outlined in Section 17G.025.010 SMC, notices of proposals to amend the UDC are distributed and interested parties should be made aware of such proposals during the Plan Commission review, including the SEPA checklist and determination. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required.

This proposal was properly noticed pursuant to Section 17G.025.010(E). See **Exhibit C** for the SEPA Determination of Non-significance issued on July 10, 2023.

## COMMENTS RECEIVED

- Two letters from the Spokane Tribe of Indians Tribal Historic Preservation Officer were received recommending a case-by-case review at time of project permit application, noting that at time of project application there may be a requirement for cultural surveys or monitoring.
- A letter of support from the Citizen Action for Latah Valley was received.

Letters are available in Exhibit D.

## IV. ANALYSIS

### PROPOSAL DESCRIPTION

Current SMP policy states that aquaculture activities are not in use nor are they anticipated, and should they become relevant, the SMP and other applicable development regulations will be amended. The Coeur d'Alene Tribe has proposed a fish rearing facility along the Latah Creek shoreline and therefore it is reasonably assumed that there is demand for aquaculture uses in the City.

This proposal will amend the definition of Residential Agriculture SMC 17C.190.500, the aquaculture section of the SMP SMC 17E.060.470, and the shoreline primary use table located in SMC 17E.060.690.

### Aquaculture Uses

The proposed amendments to SMC 17C.190.500, 17E.060.470, and 17E.060.690 (Exhibit A) are necessary for allowing fish rearing facilities in the Urban Conservancy and Natural Environment shoreline designations in the Latah Creek shoreline district. A definition, goals, and policies from the City's Comprehensive Plan related to environment designations can be reviewed in Exhibit E. The proposed amendments align the definition of Residential Agriculture zoning, and the aquaculture uses to ensure that compatibility with use types is achieved. The proposed amendments to the aquaculture and primary use sections of the SMP ensure that the protection of statewide and local interests are maintained while ensuring projects are not overburdened with regulations.

### IMPLEMENTATION OF COMPREHENSIVE PLAN GOALS AND POLICIES

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission along with the approval criteria outlined in the Code. The applicable criteria are shown below in *bold and italic* with staff analysis following the complete list. Review of the Comprehensive Plan goals and policies indicates that the proposal meets the approval criteria for internal consistency set forth in SMC 17G.025.010(G). Excerpts of the applicable goals and policies, and their Comprehensive Plan discussion points, are contained in **Exhibit E**.

### 17G.025.010(G) Approval criteria

1. **The proposed amendment is consistent with the applicable provisions of the comprehensive plan.**  
**Staff Analysis:** The proposed amendments to the SMP are consistent with the City of Spokane's Comprehensive Plan, Chapter 14: Shorelines. The following policies are cited in support:
  - Chapter 14: SMP 1.1 Coordinated Planning*
  - Chapter 14: SMP 1.6 Policy Priorities*
  - Chapter 14: SMP 4.1 Preservation of Natural Resources*
  - Chapter 14: SMP 7.1 Cooperation and Consultation*
  - Chapter 14: SMP 10.2 Native Plant Restoration*
  - Chapter 14: SMP 11.37 Open Space and Wildlife Habitat Preservation*
  - Chapter 14: SMP 11.52 Protection of Ecosystem-Wide Processes*

2. **The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.**

**Staff Analysis:** The SMP is tasked with protecting the ecological integrity, access, and prioritizing water-based uses of the shoreline. The proposed amendments allowing aquaculture are in-line with the goals of the State through the SMA and the City's goals through the SMP and Chapter 14 of the City's Comprehensive Plan. The prioritization of public access and environmental protection bears a substantial relation to public health, safety, welfare, and protection of the environment, and the proposed amendments bolster those priorities.

## **V. DISCUSSION**

The proposed text amendments will permit aquaculture to be an allowed use in the City of Spokane leading to more salmonid restoration projects and will assist in bringing salmon back to the Spokane River. The proposed text amendments do not anticipate all potential aquaculture uses. Should a use be proposed that does not currently meet the policies, goals, and development regulations of the SMP, changes will be considered as appropriate.

At their workshop on July 12, 2023 Plan Commission indicated that they would like to review the shoreline environment designations. The shoreline environment designations and their policies, goals, and definitions can be reviewed in Exhibit E. The City's shoreline goals and policies can be reviewed in Chapter 14: Shorelines of the [Comprehensive Plan](#).

## **VI. CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the requested text amendments to the Unified Development Code satisfy the applicable criteria for approval as set forth in SMC Section 17G.025.010. To comply with RCW 36.70A.370 the proposed text amendments have been evaluated to ensure proposed changes do not result in unconstitutional takings of private property.

## **VII. STAFF RECOMMENDATION**

Following the close of public testimony and deliberation regarding conclusions with respect to the review criteria and decision criteria detailed in SMC 17G.025.010, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested code amendments to the Unified Development Code.

Staff **recommends approval** of the requested text amendments to the SMP and Use Category Definition and recommends that the Plan Commission adopt the facts and findings of the staff report.

## **VIII. LIST OF EXHIBITS**

- A. Proposed text amendments to the SMP and Use Category Descriptions
- B. Coeur d'Alene Tribe Salmonid Aquaculture Facility Overview
- C. SEPA DNS
- D. Comment Letters
- E. Comprehensive Plan Goals & Policies

# EXHIBIT A

## Title 17C Land Use Standards

### Chapter 17C.190 Use Category Descriptions

#### Article VI. Other Categories

### Section 17C.190.500 Agriculture

#### A. Characteristics.

Agriculture includes activities that raise, produce or keep plants or animals.

#### B. Accessory Uses.

Accessory uses include dwellings for proprietors and employees of the use and animal training.

#### C. Examples.

Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; fish rearing facilities; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.

#### D. Exceptions.

1. Processing of animal or plant products, including milk, and feed lots are classified as Manufacturing and Production.
2. Livestock auctions are classified as Wholesale Sales.
3. Sale of products produced on site is permitted; provided, that structures for this purpose are limited to five hundred square feet of total floor area per site.
- ~~4.~~ Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.
- ~~4-5.~~ Fish rearing facilities are only permitted in accordance with SMC 17E.060.470.

Date Passed: Tuesday, May 31, 2005

Effective Date: Wednesday, July 6, 2005

ORD C33636 Section 3

## Section 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.~~

### A. Definition

Aquaculture means the rearing or farming of fish, shellfish, or other aquatic plants and animals and may include accessory uses. Examples of accessory uses include, but are not limited to: pump houses, office space, on-site staff housing, maintenance buildings, storage buildings, equipment sheds, and aquaculture research and diagnostics laboratories.

B. Aquaculture is allowed for the purpose of enhancing or restoring salmonid populations and fisheries, for enhancing or restoring native aquatic plants, for educational purposes, or for sport harvest and sustenance purposes.

C. Aquaculture is limited to the Urban Conservancy Environment and Natural Environment environmental designation and the Latah Creek shoreline district.

D. Aquaculture is not permitted in areas where it would result in a net loss of ecological functions, adversely impact aquatic macroinvertebrates, or significantly conflict with navigation and other water-dependent uses.

E. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

Date Passed: Monday, November 3, 2008

Effective Date: Monday, July 26, 2010

ORD C34326 Section 2

## Section 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 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.060-04**  
**SHORELINE PRIMARY USES**

Use is:		Shoreline Environments					
P:	Permitted (with shoreline substantial development permit or exemption)	NE	UCE	SRE	LUE	IUE	WTPE
N:	Not permitted						
L:	Allowed, but special limitations						
CU:	Conditional use review required						
Agriculture							
Low intensity agriculture		N	L[1]/CU	N	N	N	N
High intensity agriculture		N	N	N	N	N	N
Aquaculture							
Aquaculture		<del>NP</del>	<del>NP</del>	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
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 recreational	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	CU
Water-enjoyment recreation	L[7]/CU	CU	CU	CU	CU	CU
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	L[11]/CU	P	P	P	P	P

planned transportation networks						
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

Date Passed: Monday, April 19, 2021

Effective Date: Sunday, May 23, 2021

ORD C36034 Section 8

## EXHIBIT B

## **Coeur d'Alene Tribe**

### **Salmonid Aquaculture Facility Overview**



#### **Primary Contacts:**

Thomas Biladeau, Anadromous Division Lead

[thomas.biladeau@cdatribe-nsn.gov](mailto:thomas.biladeau@cdatribe-nsn.gov)

(208)686-6307

Ralph Allan Jr., Fish & Wildlife Program Manager

[ralph.allan@cdatribe-nsn.gov](mailto:ralph.allan@cdatribe-nsn.gov)

(208)686-6307

## **Background**

The Coeur d'Alene Tribe, in partnership with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, the Upper Columbia United Tribes and the State of Washington, are implementing a large-scale feasibility study for reintroduction of Chinook and Sockeye salmon into blocked habitats of the Upper Columbia River. These studies require a consistent supply of hatchery-reared juvenile salmon, of which are acclimated to and released into waters within the study area. The proposed facility will serve as the primary aquaculture program for support of the feasibility studies.

## **Scope of Work**

The project will be located on Coeur d'Alene Tribe property at the physical address of 3515 S. Inland Empire Way, Spokane, Washington 99224, parcel #25361. Ground water will be the primary source of water provided by three (3) production wells located on the parcel, as well as a limited amount of surface water from the adjacent stream. Maximum sustained production of ground water for facility use is dependent on production rates and recharge, of which are currently being evaluated. Surface water use from Hangman Creek is estimated to be 500 gallons per minute (1.11 cfs). Treatment of all incoming surface water will incorporate at minimum UV sterilization and fine sediment filtration. Surface water availability will be intermittent and unreliable. Periods of flashy runoff during the winter and early spring will restrict water withdrawals, as will periods of base flows in the late summer and early fall. Water use for the facility is intended to be non-consumptive, and returned to the source after passing through the facility. Effluent treatment will adhere to Washington Department of Ecology standards.

## **Property Description**

Total size of the property is 47 acres, of which 19 acres are identified for construction. Construction within the stream or riparian protection zones will be avoided. All buildings, with the exception of a 10' X 20' storage shop have been demolished and removed from the property. There are currently no municipal water or sewer services on the property, although the Coeur d'Alene Tribe is open to the option of hooking up to Spokane city water and sewer for municipal use.

## **Fish Production Goals**

The Coeur d'Alene Tribe is proposing a facility that can sustain a maximum of the following fish on station at any given time. We understand water availability and rearing densities will dictate production at the facility. Therefore, the list below is ranked by priority.

1. 75,000 yearling Chinook salmon up to 20 fish per pound
2. 175,000 eyed eggs/subyearling Chinook salmon up to 50 fish per pound
3. 60,000 eyed eggs/subyearling Sockeye salmon up to 50 fish per pound
4. 150 adult salmon short-term holding facilities

These fish will require a separate water supply and treatment to minimize cross contamination and pathogen spread throughout the facility. The facility should include separate rooms or buildings with bio-control measures for each of the three (3) juvenile salmon aquaculture programs identified above, and a separate outdoor facility to hold adult salmon.



## EXHIBIT C



## NONPROJECT DETERMINATION OF NONSIGNIFICANCE

**FILE NO(s):** Shoreline Master Program Aquaculture Update (non-project)

**PROPONENT:** City of Spokane

**DESCRIPTION OF PROPOSAL:** This proposal will amend the Shoreline Master Program (SMP) of the Spokane Municipal Code (SMC) 17E.060.470 and 17E.060.690 to allow aquaculture uses. The proposal will also amend the Use Category Description for Agriculture under SMC 17C.190.500 to align with the changes to the SMP. The exact amendments to the code will be available online at the following address: [my.spokanecity.org/aquacultureupdate](http://my.spokanecity.org/aquacultureupdate).

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** This proposal has a City-wide impact

**LEAD AGENCY:** City of Spokane

### DETERMINATION:


The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW [43.21C.030\(2\)\(c\)](#). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

- ☐ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- ☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). **Comments regarding this DNS must be submitted no later than 4:00 p.m. on July 26, 2023 if they are intended to alter the DNS.**

\*\*\*\*\*

**Responsible Official:** Spencer Gardner **Position/Title:** Director, Planning Services

**Address:** 808 W. Spokane Falls Blvd., Spokane, WA 99201 **Phone:** 509-625-6097

**Date Issued:** July 10, 2023 **Signature:** 

\*\*\*\*\*

### APPEAL OF THIS DETERMINATION

After a determination has become final, appeal may be made to:

**Responsible Official:** City of Spokane Hearing Examiner

**Address:** 808 W. Spokane Falls Blvd., Spokane, WA 99201

**Email:** [hearingexaminer@spokanecity.org](mailto:hearingexaminer@spokanecity.org)

**Phone:** 509-625-6010

**Deadline:** 21 days from the date of the signed DNS  
**12:00 p.m. on July 31, 2023**



The appeal must be on forms provided by the Responsible Official, and make specific factual objections. Appeals must be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.





# SEPA City Nonproject DNS SMP Aquaculture Update

Final Audit Report

2023-07-10

Created:	2023-07-10
By:	Tyler Kimbrell (tkimbrell@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAO8vCE-MldpcYZY4YN1wRVJMrSuRgMVFm

## "SEPA City Nonproject DNS SMP Aquaculture Update" History

-  Document created by Tyler Kimbrell (tkimbrell@spokanecity.org)  
2023-07-10 - 7:52:46 PM GMT
-  Document emailed to Spencer Gardner (sgardner@spokanecity.org) for signature  
2023-07-10 - 7:53:09 PM GMT
-  Email viewed by Spencer Gardner (sgardner@spokanecity.org)  
2023-07-10 - 8:18:30 PM GMT
-  Document e-signed by Spencer Gardner (sgardner@spokanecity.org)  
Signature Date: 2023-07-10 - 8:18:38 PM GMT - Time Source: server
-  Agreement completed.  
2023-07-10 - 8:18:38 PM GMT

## EXHIBIT D



July 14, 2023

RE: Support for lower Hangman Creek fish hatchery project of the Coeur d'Alene Tribe

Dear Planning Commission members,

The organizers and supporters of Citizen Action for Latah Valley can not think of a more worthy project to support that reflects the values of this area of Spokane as well demonstrates a mindset of preservation through action than the Coeur d'Alene Tribe's proposal to establish a fish hatchery along the lower Hangman Creek. It rings even more resonance when you hold that the land of which the hatchery would be located was part of the tribe's traditional stewardship at a time when the salmon could run freely in the greater Spokane River watershed.

The Latah Valley is a very special place that possesses many unique attributes. The layers of geologic and human history are vast and complex along with the current reality of the Hangman Creek corridor being a vital and vibrant wildlife corridor for dozens of animal species. The lineage and investment of working the soil to produce food is also a special thing about this area. The opportunity to enhance and perhaps become a catalyst for evolving the overall health of the Latah Valley through the reintroduction of salmon is just what the area needs and deserves.

The Latah Valley is under tremendous pressure through both the decisions of the past, present, and future regarding retail and housing development. Neglected infrastructure advancements, lack of financial management for needed infrastructure, and no current leadership or vision for the Latah Valley leave the area vulnerable to the erosion of quality of life along with the erosion of the physical health of the land and water. The supporters of CALV recognize not only the needs of the human population for this area but of the place itself, Hangman Creek included, must be protected for its own sake and for the enjoyment and other interests of people.

Thankfully there are others besides the Coeur d'Alene Tribe who also see this including Spokane's Parks and Recreation. They have a vision for the area through their recently adopted master plan which includes the preservation of wildlands. Having the Coeur d'Alene Tribe operate their fish hatchery facility is very much in alignment to what Parks and others have in mind when it comes to conservation and ecological improvements in the Latah Valley.

Citizen Action for Latah Valley looks forward to supporting and participating however we can with making the tribe's salmon reintroduction into Hangman Creek a success.

In Solidarity,  
Molly, Adam, and Kai  
Leadership - Citizen Action for Latah Valley



**Spokane Tribe of Indians  
Tribal Historic Preservation Officer**

P.O Box 100 Wellpinit WA 99040

June 26, 2023

**To:** Tyler Kimbrell, Planner

**RE: Notice of Intent to Adopt Changes to the Shoreline Master Program**

Mr. Kimbrell,

Thank you for contacting the Tribe's Historic Preservation Office. We appreciate the opportunity to provide a cultural consult for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

As you know that the Spokane Tribe use of these area's was extensive in years prior to arrival of euro- Americans clearly the Spokane area was a great place of cultural and economic importance to our tribe.

**Recommendation: Case by Case review on each project and may require cultural surveys or monitoring.**

Should additional information become available or scope of work change our assessment may be revised.

Again, thank you for this opportunity to comment and consider this a positive action that will assist in protecting our shared heritage.

If questions arise, please contact me at (509) 258 – 4222.

Regards,

Randy Abrahamson  
Tribal Historic Preservation Officer (T.H.P.O.)



**Spokane Tribe of Indians  
Tribal Historic Preservation Officer**

P.O Box 100 Wellpinit WA 99040

July 13, 2023

**To:** Jackie Churchill, Planning & Economic Development

**RE: Shoreline Master program Aquaculture Aquaculture Amendment**

Ms. Churchill,

Thank you for contacting the Tribe's Historic Preservation Office. We appreciate the opportunity to provide a cultural consult for your project. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

As you know that the Spokane Tribe use of these area's was extensive in years prior to arrival of euro- Americans clearly the Spokane area was a great place of cultural and economic importance to our tribe.

**Recommendation: Case by Case review on each project and may require cultural surveys or monitoring.**

Should additional information become available or scope of work change our assessment may be revised.

Again, thank you for this opportunity to comment and consider this a positive action that will assist in protecting our shared heritage.

If questions arise, please contact me at (509) 258 – 4222.

Regards,

Randy Abrahamson  
Tribal Historic Preservation Officer (T.H.P.O.)



# EXHIBIT E

SHORELINE MASTER PROGRAM AQUACULTURE UPDATE  
EXHIBIT E: COMPREHENSIVE PLAN GOALS AND SHORELINE ENVIRONMENT DESIGNATIONS

**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 1.6 Policy Priorities** - Give preference to those shoreline activities which fulfill long range Comprehensive Plan goals and the Shoreline Management Act policy priorities

**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 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 10.2 Native Plant Restoration** - Maintain and restore native plant communities within the Shoreline Jurisdiction

**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 11.52 Protection of Ecosystem-Wide Processes** – Provide for the protection of 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.

## **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, and
  - 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.
2. 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.

3. 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.
4. Provide consistent and integrative regulatory standards that assure no net loss of ecological functions or processes.
5. 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.
6. Provide public access and joint use for community recreational facilities in multi-family residential development, multi-lot residential development, and recreational developments.
7. Provide for adequate access, utilities, and public services to serve existing needs and planned future development.
8. 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.
9. 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.
10. Encourage the preservation and restoration of the natural character of the shoreline area.
11. Require, where feasible, visual and physical public access to the river in public and private development or redevelopment within the shoreline area.
12. 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.
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## **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.