



Shoreline Permit Guidelines

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What is the Shoreline Master Program?

Spokane's shoreline regulations are mandated by the Washington State Shoreline Management Act (SMA) of 1971, as amended in Chapter 90.58 of the Revised Code of Washington (RCW). The SMA strives to achieve responsible shoreline use and development, environmental protection, and public access.

Spokane's Shoreline Master Program (SMP) carries out the policies of the SMA at the local level and establishes a program consistent with the rules adopted by the Washington State Department of Ecology (Ecology) as amended in Chapter 173-27 of the Washington Administrative Code (WAC).

Under the SMC, shorelines of the city (designated as the "Shoreline Jurisdiction") include the Spokane River and Latah Creek, plus any "associated wetlands" of these waters, within the Spokane City limits. The Shoreline Jurisdiction extends 200 feet landward, as measured on a horizontal plane from the ordinary high-water mark.

Any use, modification, or development within the Shoreline Jurisdiction that involves the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulk heading, pile driving, placing of obstructions, or any project of a permanent or temporary nature that interferes with the normal public use of the water is subject to the regulation of the SMA and SMP and will require a Shoreline Permit, unless the project qualifies for a specific exemption under the code.

Permit Requirements:

The SMA requires local governments to establish a program for the administration and enforcement of the permit system. The City of Spokane Shoreline Regulations are contained in Chapter 17E.060 of the Spokane Municipal Code (SMC).

A **Shoreline Substantial Development Permit** is required for projects that propose to undertake a "substantial development" within the Shoreline Jurisdiction. Substantial development is generally

defined by the WAC as any development, the total cost or fair market value of which exceeds five thousand dollars (\$5,000), OR any development that materially interferes with the normal public use of the water or shorelines of the City, unless it is exempt from the requirement.

State law provides that the City of Spokane may approve **Shoreline Variances** from specific shoreline bulk, dimensional or performance standards, but only where extraordinary or unique circumstances relating to the property are such that the strict implementation of the regulations would impose unnecessary hardships on the applicant or thwart the policies set forth in state law (RCW 90.58.020).

Shoreline Conditional Uses are types of uses (as identified in Chapter 17E.060) that must meet specified criteria in addition to the normal requirements for a shoreline development

Final approval on shoreline substantial developments is made by the Planning Services Director. Final approval on shoreline conditional uses and variances is made by Ecology. The City's approval constitutes a recommendation to Ecology.

EXEMPTIONS—State law specifically exempts certain types of development from the requirement to obtain a Substantial Development Permit. See *Shoreline Letter of Exemption Application* to determine if your project may be exempt. If your project is exempt, you must obtain a written confirmation from Planning Services Department before any other required city, state or federal permit can be issued.

Other Permits Required:

The Shoreline Permit **does not** take the place of any other required permit or review. A project or development may also require, among others, a building or grading permit, Critical Areas review, a State Department of Ecology Water Quality Certification, Hydraulic Project Approval (HPA), a lease from the State Department of Natural Resources, and/or a federal Army Corps of Engineers' permit for work in navigable waters of the U.S. Applicants must

include a Joint Aquatic Resource Permit Application (JARPA) if the project requires state and/or federal permit(s).

Predevelopment:

Before filing a Shoreline Permit application, the applicant is recommended to schedule a Predevelopment Conference. Predevelopment Conferences are intended to acquaint City staff and other agencies with a proposed development and to generally advise the applicant of applicable regulations and policies impacting the proposal. This is a free service provided by the City of Spokane and is highly recommended. To schedule a Predevelopment Conference, call the Building Department at (509) 625-6300.

Design Review:

If design review is required, the Design Review process should begin prior to permit application. The Design Review Board will conduct its evaluation prior to the end of the 30-day public comment period. A report is provided to the Hearing Examiner by the close of the public comment period.

Evaluation Criteria:

The proposed shoreline development is reviewed to assure that consistency with the policies of the Shoreline Management Act of 1971, as amended, provisions of WAC 173-27, as amended, and the more specific requirements set forth in the Spokane Shoreline Master Program. Other evaluation factors include the permit requirements of other agencies with shoreline jurisdiction and the substantive requirements of the State Environmental Policy Act (SEPA).

Filing a Shoreline Permit Application:

For assistance with fees and procedural requirements related to your application, please talk with the Planning Services Department staff on the 3rd floor of City Hall located at 808 W. Spokane Falls Blvd., call (509) 625-6300 or visit www.spokaneplanning.org. Fees are due at the time you apply.

Application Procedures:

Step 1 - Notification District Map:

The applicant must provide notice to the public of application filing. The application for Notification District Map is attached to the application packet.

1. Submit an application for notification district map to the Planning Services Department. A map will be prepared establishing the boundary of the area that will receive individual written notification.
2. Take the map to any title company to obtain a list of the names and addresses of the property owners, taxpayers and occupants within the boundaries of the map.

Step 2 - Community Meeting for Shoreline Conditional Use Permit and Shoreline Variance:

The applicant is required to conduct a community meeting no more than 120 days prior to applying for a Shoreline Conditional Use or Shoreline Variance permit. Public notice of a community meeting shall be provided as required in SMC 17G.060.110 through 17G.060.120. More information about the community meeting is available in the application packet.

Step 3 - Traffic Study:

The applicant may be required to provide a Trip Generation and Distribution letter. Based on this letter, the applicant may be required to complete a Traffic Impact Analysis (TIA). The TIA requires one neighborhood meeting, with a possible second meeting to present the results of the analysis. A traffic scoping meeting may be combined with the Community Meeting discussed above. Any notice of a combined meeting must clearly advertise the purpose of the meeting being both the traffic scoping study and the required community meeting. The purpose of the traffic study scoping meeting is to determine the extent of the TIA, which is required to certify the application technically complete. A second traffic study meeting is routinely required to report the results of the TIA and transportation mitigation measures, if necessary.

Step 4 - Application Submission:

Make an appointment with the Planning Services Department to submit the application by calling (509) 625-6300. Applications cannot be submitted without an appointment. Within 28 days of receiving a project permit application, the Planning Services Department shall determine if the application is complete.

Step 5 - Determination of Complete Application:

1. Upon receipt of an application, staff will conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.060.070. If it

does not, the application including fees shall be returned to the applicant.

2. If the application appears to contain all required documents it will be accepted, and within seven days a detailed review will take place. If staff determines that required components are missing or that the application is inadequate in other ways, the application packet, including fees, shall be returned to the applicant.
3. If all information is included, the application shall be forwarded to interested departments and agencies for analysis and concurrency review. They will be given fourteen days to provide comments on a permit application. For more information on this review see 17G.060.090.C.
4. Within seven days of the agency comment period, if no additional information is required, the application will be considered technically complete. City staff will notify the applicant in writing.
5. Any application that fails to complete the next application step for a period of 180 days after the determination of completeness or after City staff request additional information will expire by limitation and become null and void.

Step 6 - Notice of Application:

1. Within fourteen days of a determination of complete application, staff will provide the applicant with a Notice of Application. The applicant mails this notice to all individuals identified on the Notification District Map, and also posts the notice. The date of posting/ mailing begins a 30-day public comment period.
2. The applicant mails the affidavits of posting and mailing to the Planning Services Department.

Step 7 - SEPA Threshold Determination:

All permit applications are subject to environmental review per SMC 17E.050.070 and 17E.050.230. An environmental checklist is submitted as part of the application. Some applications are exempt from SEPA. Planning Services Staff will advise if the application is exempt. A SEPA Threshold Determination of Significance, Determination of Non-Significance, or Mitigated Determination of Non-Significance decision is made within ten days of the end of the public comment period.

Step 8 - Notice of Public Hearing for Shoreline Conditional Use Permit and Shoreline Variance:

1. At the end of the 30-day comment period and after a SEPA threshold determination, staff obtains a public hearing date from the City Hearing Examiner.
2. Staff provides the applicant with the Notice of Public Hearing.
3. The applicant is required to post and mail individual notice of the Notice of Public Hearing no less than 15 days prior to the hearing date.
4. The applicant submits affidavits of posting and mailing of the Notice of Public Hearing and sign removal to the Planning Services Department at least 10 days prior to the public hearing.

Step 9 - Staff Report:

A written staff report will be issued by the Planning Services Department at least ten days prior to the public hearing. Copies of the report are mailed to the applicant and are made available to any interested person for the cost of reproduction.

Step 10 - Public Hearing for Shoreline Conditional Use Permit and Shoreline Variance:

The Hearing Examiner conducts a public hearing within forty days of the end of the public comment period initiated by the Notice of Application. The applicant may request a consolidated project permit review under SMC 17G.060.250 when a project involves two or more project permits relating to a proposed project action.

Step 11 - Decision:

- **Shoreline Substantial Development Permit** – The Planning Services Director makes a decision within ten days of the end of the public comment period.
- **Shoreline Conditional Use Permit and Shoreline Variance** - The Hearing Examiner makes a decision within ten days of the date the record is closed. The Hearing Examiner provides notice of the decision to the applicant, all parties of record and all persons who have requested to be given notice. The Hearing Examiner may approve, approve with conditions, or deny the conditional use permit application. See SMC 17G.060.190.
- For conditional use permit and variance applications, the Washington State Department of Ecology has 30 days from the date the City approves the complete application to review it, and to approve it, approve it with conditions, or deny it.
- Following a Decision, construction pursuant to the permit shall not begin and is not authorized until

- twenty-one days from the “date of filing” by Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).

Appeal:

The applicant or any other person who does not agree with the granting or denying of a Shoreline Permit or with the rescission of permit may seek review by the Shorelines Hearings Board within 21 days of the date of the Decision.

Time Limit on Approvals:

Pursuant to WAC 173-27-090, construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a Shoreline Permit. A single extension for a period not to exceed one year may be authorized, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the Shoreline Permit and to the Planning Services Department.