



Shoreline Letter of Exemption Application

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What is the Shoreline Master Program?

Spokane's shoreline regulations are mandated by the State Shoreline Management Act (SMA) of 1971, as amended in Chapter 90.58 of the Revised Code of Washington (RCW). This state law requires local governments to establish a program consistent with rules adopted by the Washington State Department of Ecology (Ecology). Accordingly, Spokane has adopted regulations for its shorelines, in Chapter 17E.060 of the Spokane Municipal Code (SMC).

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 SMC and will require a Shoreline Substantial Development Permit (SSDP), unless the project qualifies for a specific exemption under the code.

Shoreline Substantial Development Permit Exemption

State law and the SMC specifically exempt certain types of development from the requirement of obtaining a SSD Permit (SMC 17E.060.300; WAC 173-27-040). If your project qualifies for a shoreline exemption, you must obtain written approval from the Planning Services Department before a construction permit can be issued or the project can be implemented. The burden of proof that a development or use is exempt from the permit process is on the applicant. If any part of a proposed use, modification, or development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed project.

The following shall not be considered substantial development and are exempt from obtaining a Shoreline Substantial Development Permit from the Planning Services Director (SMC 17E.060.300):

- Any use, modification, or development of which the total cost or fair market value, whichever is

- higher, does not exceed five thousand dollars or the adjusted amount per WAC 173-27-040 that does not materially interfere with the normal public use of the water).
- Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
- Construction of the normal protective bulkhead common to single-family residences.
- Emergency construction necessary to protect property from damage by the elements.
- Construction and practices normal or necessary to maintain existing farming and irrigation activities.
- Construction or modification, by or under the authority of the Coast Guard.
- Construction of a single family residence and accessory structures including landscaping by owner, lessee or contract purchaser, for his/her use, on dry land only.
- Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single family and multiple-family residences.
- Operation, maintenance or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters.
- The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
- Operation and maintenance of any system of dikes, ditches, drains, or other public facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.
- Any project with a certification from the governor pursuant to chapter 80.50 RCW.
- Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under these Shoreline Regulations, when conditions apply.

- The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020.
- Watershed restoration projects as defined in Chapter 17A.020 SMC and RCW 89.08.460.
- A public or private project that is designed to improve fish or wildlife habitat or fish passage, when conditions apply.
- All other uses, modifications, and developments exempted by WAC 173-27.

An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the Shoreline Management Act or provisions of these Shoreline Regulations, or from any other regulatory requirements. To be authorized, all uses, modifications, and developments must be consistent with the policies and regulations of the entire SMP and the Act. Development within an environmentally critical area must also be consistent with the applicable regulations of the Critical Areas Ordinances (Title 17E SMC).

Other Permits Required:

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

Filing an Exemption 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.

Applications will be reviewed to determine if the proposal meets criteria for a shoreline exemption per SMC 17E.060.300 and the applicant will be notified in writing whether the application was approved or denied. Applicants must obtain a Shoreline Substantial Development Permit if the exemption application is denied. Conditions for the exemption approval may be attached in order to assure consistency of the project with the SMA and SMP. Applicants must include a Joint Aquatic Resource Permit Application (JARPA) if your project also requires a state and/or federal permit.

Application Submittal Requirements:

Application procedure for a Letter of Exemption from a Shoreline Substantial Development Permit is the same as for any shoreline permit as defined in SMC 17G.060.070 with these additional application materials:

1. General Application;
2. Written explanation of exemption type as defined in SMC 17E.060.320 and WAC 173-27-040;
3. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040;
4. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040;
5. Shorelines/Critical Area Checklist;
6. Environmental Checklist, if applicable;
7. Joint Aquatic Resource Permit Application (JARPA) if the project requires state and/or federal permit(s).
8. Photographs of the site which address the need for an exemption; and
9. A development or site plan with the following information:
 - a. Boundary of parcel and land upon which the project is proposed;
 - b. Shoreline Jurisdiction, Ordinary High Water Mark, Environmental Designation, and Buffer;
 - c. Critical Area Designations;
 - d. Structures, improvements and uses (both existing and proposed) for subject site and adjacent properties, including locations & dimensions; and
 - e. Fill and grading, including quantity, source, composition & destination.

Application Review:

After an application is submitted, it will be reviewed for compliance with the State and City regulations. The Director may require the applicant to provide additional information to assist in the evaluation of the application. The Director's decision on the request is final.