

**STAFF REPORT ON SHORELINE  
CONDITIONAL USE PERMIT APPLICATION  
FILE NO. Z25-419SCUP**

**I. SUMMARY OF REQUEST AND RECOMMENDATIONS:**

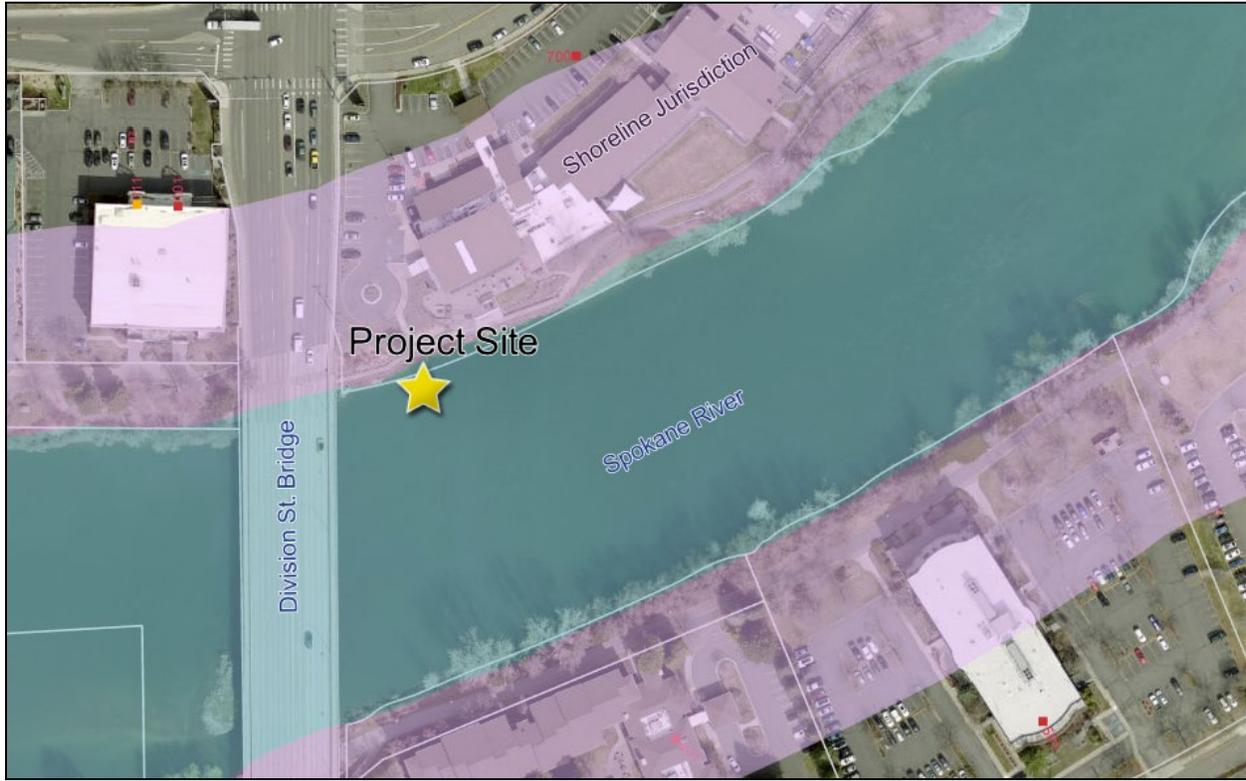
**DESCRIPTION OF PROPOSAL:** The applicant is proposing a 2,200 square foot public recreational dock to be used for non-motorized watercraft, sightseeing, and other recreational activities, on the Spokane River. This is proposed within the Shoreline Buffer and the 200' Shoreline Jurisdiction. This is a Type III application and there will be a Public Hearing in front of the City Hearing Examiner.

Recommendation: Staff recommends approval of this application with conditions.

**II. GENERAL INFORMATION:**

- A. Applicant: GVD Commercial  
c/o Jerry Dicker  
909 W 1st Ave, STE B  
Spokane WA 99201
  
- B. Property Owner: Facet NW  
c/o Hilary Hahn  
601 W Main Ave  
Spokane WA 99201  
(509) 991-2958
  
- C. Location of Proposal: The proposal is located on the Spokane River,  
adjacent to 700 N Division St. – Parcel No.  
35175.0031.
  
- D. Existing Zoning: Community Business (CB-150)
- E. Land Use Plan Designation: Conservation Open Space, Commercial
- F. Shoreline Designations: Campus/U-District Shoreline District  
Limited Urban Environment, 75' buffer
- G. Environmental Overlays: Fish & Wildlife Habitat Area (RHA-2)
- H. SEPA Status: A Determination of Nonsignificance (DNS) was  
issued on February 10, 2026, under the State  
Environmental Policy Act and SMC 17E.050
- I. Enabling Zoning: SMC 17C.120 Downtown Zones; SMC 17E.060  
Shoreline Regulations; 17E.020 Fish and Wildlife  
Conservation Areas

- J. Hearing Date: February 26, 2026 – 9:00AM
- K. Staff Contact: Donna deBit, Principal Planner – 509-625-6637



2024 Aerial Image

**III. FINDINGS OF FACT:**

1. Hilary Hahn with Facet NW has applied for a Shoreline Conditional Use Permit for a 2,200 square foot public dock to be used for non-motorized watercraft, sightseeing, and other recreational activities on the Spokane River. The dock would be accessed by the publicly available trail that runs adjacent to the Spokane River, and by the adjacent property to the north of the proposed dock's location. This project is located within the 200' Shoreline Jurisdiction, and 75' Shoreline buffer.
2. The subject property is located on the Spokane River. The Spokane River is designated by the Shoreline Management Act as a shoreline of statewide significance and therefore subject to the requirements of the City of Spokane Shoreline Master Program (SMP). The City of Spokane Shoreline Master Program designates this site as being located within the Campus/U-District Shoreline District, Limited Urban Environment, with a 75' buffer.

3. The subject property is located in the Land Use Category of *Conservation Open Space and Commercial* according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended September, 2023.
4. The subject property is in the base zone CB-150 (Community Business) Zone. SMC 17C.190 Use Category Descriptions does not explicitly list a public dock as a use. Guidance is provided in 17C.190.030 Classification of Uses on how to address such situations. If a use is not listed, the Planning Director may determine which listed category the proposed use is substantially similar to. Given the outdoor nature, and its proximity and relationship to the existing trail, it has been determined that this proposed use best fits in the use category of Parks and Open Areas as it relates to the Land Use Standards (see SMC 17C.190.460). Parks and Open Areas uses are permitted outright in the Community Business (CB) zone under Spokane Municipal Code (SMC) Table 17C.120-100-1, Commercial Zone Primary Uses.
5. Similar to SMC 17C, in the City of Spokane Shoreline Master Program 17E.060.360 Primary Permitted Uses, a public dock is not a specific use listed. The way 17E.060.360 defines Water-Dependent uses and Water-Enjoyment uses, it could be interpreted that a dock would fit in either category, however, it's the dependency for being located on the water "by reason of the intrinsic nature of its operations" (see 17E.060.360.D.1a) that leads staff (director) to analyze the proposal as a primarily Water-Dependent Use (see 17E.060.360.E).

Nevertheless, given the uniqueness of the proposal and the closely related definition, in this report staff has also provided some commentary analyzing the proposal for Water-Enjoyment uses for the purposes of applying the Shoreline Management Act in a liberally construed way to give full effect to the purposes, goals, objectives, and policies for which the SMP were enacted and adopted (see 17E.060.040).

Staff has also analyzed this proposal as Recreational Development 17E.060.560. 17E.060.430 Piers and Docks defines a dock as a structure built over or floating on the water used as a landing place for water transport or recreational purposes and shall only be allowed for Water-dependent uses or public access.

Recreational Water-Dependent Uses (and notably Recreational Water-Enjoyment uses) are a "CU" Conditional use in the Limited Urban Environment (LUE) SMC Table 17E.060.690-1, Shoreline Primary Uses. Pursuant to SMC 17E.060.310 a Shoreline Conditional Use Permit is required.

6. New docks shall be allowed only in reservoir areas identified in 17E 060.430. In the City of Spokane, the allowable reservoir areas include Division Street east to the Kardong Bridge, and Upriver Dam east to the City of Spokane City Limits. This proposal is located between the Division Street Bridge and the Kardong Bridge.
7. Land Use Procedures used for Shoreline Conditional Use Permits are located in Spokane Municipal Code Chapter 17G.061.
8. This site is located within the SMP Campus/U-District Shoreline District, and subject to the design standards as described in SMC Section 17E.060.810 Standards and Guidelines Specific to the Downtown, Campus, and Great Gorge Districts and SMC Section 17E.060.830 Design Standards Specific to the Campus District.

9. The subject property is located within the Riparian Habitat Zone 2 as designated in Spokane Municipal Code Chapter 17E.020, Fish and Wildlife Conservation Areas. The subject property is also located within a designated Riparian Habitat Area (250-feet from OHWM).
10. A Community Meeting was held on June 12, 2025, at 5:30p.m. at The Ruby River Hotel located at 700 N Division St.
11. The application materials pertaining to the Shoreline Conditional Use Permit were initially distributed to City Departments and other agencies with jurisdiction for comment on July 15, 2025. Subsequent routings occurred on October 20, 2025 and December 16, 2025. Comments received are on record with Planning & Development.
12. Pre-application meetings:
  - Staff met with the applicant and representatives from Avista Utilities, Department of Fish and Wildlife, Department of Natural Resources, and Bernardo Wills Architects on October 28, 2024.
  - Staff met with the Department of Ecology on January 22, 2025.
  - Staff met with the Department of Ecology and the applicant on March 5, 2025.
13. Meetings during application review:
  - Staff met with the Department of Ecology and the applicant on November 19, 2025.
  - Staff met with Avista Utilities and the applicant on November 24, 2025.
14. This application was deemed technically complete on January 14, 2026. Notice of Application and Public Hearing was provided to the applicant by email.
15. Notice of the Shoreline Conditional Use Permit application was posted on site, at the downtown library and City Hall by January 23, 2026. Notices were also mailed to surrounding property owners, taxpayers and occupants within 400 feet of the subject property, as specified on the Notification District Map, by January 23, 2026, initiating the 30-day public comment period per SMC 17C.061.
16. The public comment period for this Shoreline Conditional Use Permit ended on February 23, 2026. Twenty four (25) public comments were received – 11 opposed, 14 in support of.
17. A Determination of Non-Significance (DNS) was issued on February 10, 2026; Lead Agency, City of Spokane Planning and Development, Spencer Gardner, Planning Director, Responsible Official. The appeal period ends on February 24, 2026.
18. Additional permits/reviews required by other agencies include Joint Aquatic Resources Permit, Section 401 Water Quality Certification (DOE), Hydraulic Project Approval (WDFW) and Aquatic Use Authorization (DNR)

#### **IV. DEPARTMENT REPORTS**

Notice of this proposal was sent to City departments and outside agencies for their review and comments on July 15, 2025, October 20, 2025, and December 16, 2025. The follow departments and agencies submitted comments on the project, and their comments are included with the file and are made part of this application by reference:

- U.S. Army Corps of Engineers
- Avista Utilities
- Department of Fish and Wildlife (WDFW)
- Department of Ecology (DOE)
- City of Spokane Fire Department
- Spokane River Keeper
- Spokane Regional Clear Air Agency
- City of Spokane Streets Department

#### **V. CONCLUSIONS**

*SMC 17G.061.310 Decision Criteria – Type II and Type III permit applications.*

1. *The proposal is allowed under the provisions of the land use codes;*

Relevant Facts:

SMC Title 17 Land Use Standards does not prohibit new public docks. As previously mentioned above, the subject property is in the base zone CB-150 (Community Business) Zone. SMC 17C.190 does not explicitly list a public dock as a use. Guidance is provided in 17C.190.030 Classification of Uses on how to address such situations. If a use is not listed, the Planning Director may determine which listed category the proposed use is substantially similar to. Given the outdoor nature, and its proximity and relationship to the existing trail, it has been determined that this proposed use best fits in the use category of Parks and Open Areas as it relates to the Land Use Standards (see SMC 17C.190.460). Parks and Open Areas uses are permitted outright in the Community Business (CB) zone under Spokane Municipal Code (SMC) Table 17C.120-100-1, Commercial Zone Primary Uses.

Staff Discussion:

While this proposal is being facilitated by an adjacent private property owner, it's important to note that this proposal is not a commercial use. The initial concept did include commercial-like features, but those have been removed based on early feedback from staff and the Department of Ecology. The applicant is aware that new docks are only permitted for water-dependent uses or public access with no commercial activity.

**Staff finds that criterion 1 is met.**

2. *The proposal is consistent with the Comprehensive Plan designation and goals, objectives and policies for the property;*

Relevant Facts:

The subject area is located in the Land Use Category of *Conservation Open Space* and *Commercial* (directly north) according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended September, 2023. This proposal is consistent with the intent of several Comprehensive Plan Policies, a few listed below and also in the application materials.

***LU 2.1 Public Realm Features*** - Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.

***LU 4.4 Connections*** - Form a well-connected network which provides safe, direct and convenient access for all users, including pedestrians, bicycles, and automobiles, through site design for new development and redevelopment.

***LU 5.1 Built and Natural Environment*** - Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.

***LU 5.4 Natural Features and Habitat Protection*** - Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.

***PRS 2.3 Urban Open Space Amenities*** - Continue to develop urban open space amenities that enhance the local economy. Discussion: Urban open space amenities include trails, interpretive areas, plant materials, public squares, viewpoints and interpretive signage, and provide benefits to both residents and visitors.

***SMP 1.3 No Net Loss of Ecological Functions*** - Ensure that all shoreline uses and development are regulated in a manner that guarantees no net loss of shoreline ecological functions that are necessary to sustain shoreline natural resources.

***SMP 5.4 Provisions for Shoreline Protection*** - Require that new development provide adequate provisions for the protection of water quality, erosion control, landscaping, aesthetic characteristics, drainage systems, aquatic and wildlife habitat, views, archaeological sites, and normal public use of the water.

***SMP 8.2 Access and Shoreline Ecological Functions*** - Assure that public access improvements result in no net loss of shoreline ecological functions.

***SMP 8.8 Use and Access Priorities*** - Give priority to water-dependent shoreline uses or physical public access when either is in conflict with maintenance of views from adjacent properties.

***SMP 9.3 Recreational Opportunities for All*** - Ensure that recreational planning takes into account the differences in use groups, physical capabilities, and interests among the

public in order to provide opportunities for safe and convenient enjoyment of the shorelines.

**SMP 10.3 Landscaping with Native Plants** - Encourage the use of native plant communities for landscaping within the Shoreline Jurisdiction.

**SMP 11.35 Visual and Physical Access in Development** - Ensure that shoreline development includes, when feasible, visual and physical public access to the shorelines, while avoiding, minimizing, or mitigating negative impacts to the shoreline.

**SMP 11.8 Mitigation Sequencing** - Avoid and reduce significant ecological impacts from shoreline modification activities through mitigation sequencing.

**SMP 11.9 Limitations on Docks** - Allow new docks only for public water-dependent uses, single-family residences, and public access and only where they will not pose a public safety hazard.

**SMP 11.10 Restrictions on Dock Size** - Restrict the size of new docks to the minimum necessary to serve a proposed water-dependent use.

**SMP 11.14 Design and Construction** - Design and construct all piers and docks to avoid, minimize, and mitigate impacts to ecological processes and functions.

**Staff finds that criterion 2 is met.**

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

Relevant Facts:

The application was initially circulated on July 15, 2025, amongst all City departments and outside agencies with jurisdiction. Out of the facilities and services that must be evaluated for concurrency per 17D.010.010, the Spokane Fire Department and the Spokane Streets Department were the only departments to submit a comment, stating they had no concerns.

Other agencies that provided comments during department and agency review include U.S. Army Corps of Engineers, Avista Utilities, Department of Fish and Wildlife (WDFW), Department of Ecology (DOE), Spokane River Keeper, Spokane Regional Clean Air Agency. Their comments are made part of this record, and comments of substance are summarized below.

The Department of Ecology submitted comments on 7/30/25, 11/3/25, 1/12/26 in response to the initial and subsequent project routings. DOE determined the initial documents routed did not provide enough detail to ensure that the proposal met the criteria and definition of a public dock, per the SMP. Subsequent comments submitted on 11/3/25 also indicated that there would need to be dedicated parking to the public use. Staff facilitated a meeting between the applicant and DOE on 11/19/25 to discuss adding these missing elements to the scope. Updated documents were resubmitted and routed to DOE on 12/16/25, and on 1/12/26 DOE determined they had no other comments or concerns that will not be able to be covered by their shoreline permit review and/or conditions if needed.

Avista Utilities submitted comments on 7/30/25, 11/3/25, and 1/6/26 in response to the

initial and subsequent project routings. Throughout the project review, many of Avista's written comments and concerns focused on items that other agencies and the City review and have authority over, but they did have valid concerns on dam safety and their responsibility of being a license holder of the Federal Energy Regulatory Commission's (FERC) boundary at this location, given the proximity to their Dam operation to the west of the project site (about a ¼ mile). The applicant met with Avista Utilities on multiple occasions (one being with staff, on 11/24/25) to talk through their concerns. In staff's discussions with Avista, and basic knowledge of FERC's regulatory authority, it's understood that there are no federal regulations that would prohibit a public dock in this location. The applicant does understand that there could be a scenario that FERC, through Avista, could have additional requirements beyond the shoreline permitting process, but that would be outside the scope of this review.

The Department of Fish and Wildlife (WDFW) submitted comments on 8/5/25 letting staff know their concerns and Hydraulic Project Approval (HPA) requirements had been addressed prior to the applicant applying for the Shoreline Conditional Use Permit. WDFW provided additional comments on 11/7/25 requesting that the Habitat Management Plan be revised to add fish species being listed as known to occur within the project area. They missed this detail during their initial review.

The Spokane River Keeper organization submitted comments on 7/30/25 and 11/3/25. Based on their review of the application documents, they shared concerns about the dock having an appearance of being privately utilized by the adjacent hotel rather than open to the public. In addition to other items that other agencies and the City have authority over, concerns were expressed about the interference with existing active river and trail users and net loss of visual public access.

#### Staff Discussion:

Staff recognizes that there is significant interest in this project as it is located over waters of the United States (WOTUS). Most concerns raised throughout the agency and department review period were addressed by the applicant as the review progressed, however there are still agencies (not subject to concurrency) that have outstanding concerns. While it's ideal to have all departments and agencies concerns addressed before progressing the application to 'Technically Complete', staff has an obligation to move the project forward if compliance with State laws, ordinances, and concurrency regulations are shown to be met (17C.061.120). Regardless of differing opinions of whether this proposal meets the intent of the Shoreline Master Program, Planning staff and the Department of Ecology have the responsibility to interpret and apply the Shoreline Management Program, and both parties determined the application to be technically complete and will apply conditions of approval, to be included as part of this recommendation.

**Staff finds that criterion 3 is met.**

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features;*

Relevant Facts:

The project is located over the Spokane River, directly adjacent to a publicly used trail. As of right now, there is no documented public use agreement or easement for the portion of the trail that runs adjacent to the Ruby River Hotel, but documenting an agreement/easement is a recommended condition of approval from staff to ensure the public use and access to the dock is maintained on that stretch of the trail. Such easement or other legal instrument evidencing the public access conditions shall be recorded with the Spokane County auditor's office.

Section 17E.060.430 outlines specific requirements for dock design, including, but not limited to, constructing docks in a manner that avoids or minimizes, and mitigates impacts to ecological functions, and limiting their size to the minimum necessary to meet the needs of the proposed use. The original site plan and dock design that was submitted for review has since been revised after the applicant received feedback from staff and the Department of Ecology about the proposed configuration. In addition to being a viewpoint, the dock's main purpose is to accommodate non-motorized watercraft that navigate downstream from other river access points and serve as an end point or can serve as a starting point to paddle upstream. According to the City of Spokane Parks and Recreation, approximately 500-900 paddlers utilize the launch each season (July through August), equating to around 50-90 paddlers per week. Given the expected volume of watercraft users, the loading/unloading area is essential to provide sufficient space for safe navigation of the dock.

The dock will be constructed using 60% light-penetrable decking, as required by the Department of Fish and Wildlife to minimize impacts to aquatic species. Impacts are the result of a single, permanent action of constructing the concrete abutment and installing the anchors. Impacts to the shoreline will be reduced by planting native plants in the riparian area to help manage additional runoff from the additional impervious surface. The dock has been designed to allow floating debris and materials to pass through, thereby reducing the need for frequent maintenance.

**Staff finds that criterion 4 is met.**

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring properties or the surrounding area, considering the design and intensity of the proposed use.*

Relevant Facts:

As mentioned above, required studies were performed and reviewed by applicable departments and agencies. Their findings and recommendations will be incorporated into

the conditions of approval for this proposal The applicant submitted an Environmental Checklist that was routed and reviewed by internal departments and outside agencies. A Determination of Non-Significance was issued on 2/10/26 by the City of Spokane as lead agency.

The applicant (Facet NW) has prepared a Habitat Management Plan (HMP), that was subsequently revised during applicant review to better address existing conditions and proposed mitigation. As a condition of approval, the Habitat Management Plan and a Revegetation Placement Plan are required to be reviewed and approved prior to any building permits being issued for this project. The Habitat Management Plan identifies measures that will be taken to avoid or minimize the direct impacts to the environment as a result of the proposed project.

Per the HMP, the shoreline is currently degraded with large outpourings of concrete and riprap from past developments, along with trash and abandoned items. The project proposes to plant native vegetation in the riparian area to enhance the ecological functions of the shoreline from its current conditions. Mitigation measures taken by the adjacent property owner will include cleaning any existing debris at the site and planting native vegetation at a 1:1.5 ratio in areas where survivability will be at its highest potential.

The project will be required to meet shoreline design standards found in SMC 17E.060 as well as the Commercial design standards found in SMC 17C.120, when applicable.

#### Staff Discussion:

As mentioned previously, this portion of the trail is currently used publicly year-round, but no such documentation allowing the public use exists. It is not anticipated that this proposal will impact the use of the trail in an adverse way, but rather increase the usage of the trail and legally document the continued public use nature of the trail.

#### **Staff finds that criterion 5 is met.**

*SMC 17G.061.310(D)(2) Decision Criteria – The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.*

6. *The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.*

#### Relevant Facts:

This proposal is consistent with 90.58 RCW the Shoreline Management Act. This proposal

implements the Shoreline Management Act as enunciated in RCW 90.58.020. This proposal recognizes the interest of the public, while minimizing impacts to the physical shoreline and ecological functions. The proposal increases public physical access to the shoreline, and increases passive recreational opportunities for the public in the shoreline. The procedures of Chapter 173-27 of the WAC have been followed.

The HMP provided describes the applicant's intent and method of mitigation sequencing for the project, as required in 17E.060.220 Mitigation Sequencing to achieve no net loss of shoreline ecological functions for this development. The proposal was designed reduce shoreline and waterbody impacts to the minimum necessary while maintaining the functionality and purpose of the dock. Impacts to the shoreline shall be restored to preconstruction conditions including replanting of any removed or damaged vegetation. A revegetation plan will be required prior to any ground disturbing activities. Monitoring will commence the first year following planting. Monitoring of plantings requires annual inspections for a minimum of 5 years following installation. Annual inspections will be performed during the growing season of each year. Reporting results of the monitoring data to the director is the responsibility of the applicant.

This proposal is consistent with the map, goals and policies of the Shoreline Master Program. This site is located in the area designated by the Shoreline Master Program as Limited Urban Environment, Urban Conservancy Environment and the Campus/U-District Shoreline District.

As previously mentioned, in the City of Spokane Shoreline Master Program 17E.060.360 Primary Permitted Uses, a public dock is not a specific use listed. The way 17E.060.360 defines Water-Dependent uses and Water-Enjoyment uses, it could be interpreted that a dock would fit in either category, however, it's the dependency for being located on the water "by reason of the intrinsic nature of its operations" (see 17E.060.360.D.1a) that leads staff (director) to analyze the proposal as a primarily Water-Dependent Use (see 17E.060.360.E). Recreational Water-Dependent Uses (and notably Recreational Water-Enjoyment uses) are a "CU" Conditional use in the Limited Urban Environment (LUE) SMC Table 17E.060.690-1, Shoreline Primary Uses. Pursuant to SMC 17E.060.310 a Shoreline Conditional Use Permit is required.

#### Staff Discussion:

Given the unique nature of the proposed project and the absence of a comparable project locally, staff relied heavily on the policies and intent of the Shoreline Management Act (SMA) in conducting their analysis. The SMA provides authority for local jurisdictions to administer their Shoreline Management Programs (SMPs) and serves as the framework upon which the SMP is based. Accordingly, in areas where the SMP lacked clarity or could be interpreted multiple ways, staff consulted the SMA for guidance on intent. Areas in which staff found the SMP could be interpreted multiple ways are discussed below:

17E. 060.360 Primary Permitted Uses. Staff has reviewed this project as a Water-Dependent Use. One could argue that the nature of the project should be reviewed as a

Water-Enjoyment Use given its recreational nature, but further review of the examples provided for both types of primary uses, and 17E.060.430 (Piers and Docks) lead staff to review this as a Water-Dependent Use. 17E.060.430.A defines a dock as “..a structure built over or floating on the water used as a landing place for water transport or recreational purposes.”. It then states in 17E.060.430B “..docks shall be allowed only for water-dependent uses or public access.”. Furthermore, 17E. 060.360.F states, “...Primary uses which are not water-dependent shall not be permitted over water unless specifically stated otherwise in the regulations for the applicable shoreline environment.”. Whether intended or not, this would alleviate any opportunity for a public dock, as a dock is Water Dependent regardless of being public or not. Regardless of whether the proposed use is considered a Water-Dependent Use or a Water-Enjoyment Use, both primary uses are permitted by a Conditional Use Permit in the Limited Urban Environment of the Shoreline. It is evident in the SMA and SMP that public access and recreational opportunities are of utmost importance to the stated goals and policies, provided they are proposed in a manner that aligns with the protection of the shoreline and ecological environment

17E.060.430 Piers and Docks, as it relates to a “demonstrated need”: 17E.060.430.G states, “...dock construction, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.”. The SMP does not then specify the type “need”, so then it could be interpreted that this means an urgent need to protect public safety, or in contrast, a less prioritized need such as a public dock used for recreational purposes. Given the considerable number of ways this “need” could be interpreted, staff has taken the position that the intent is to declare at the time of application a need (or use) in which the dock would be utilized for, verses just erecting a dock for no purpose. The need demonstrated in the applicants’ materials is to facilitate active river users, specifically those who recreate with non-motorized watercraft. Access to the river is prohibited the west of the Division Street Bridge, so this dock would allow river users an accessible way to safely access the river in an area that allows for it.

**Staff finds this criterion is met.**

7. *The proposed use will not unreasonably interfere with the normal public use of public shorelines.*

Relevant Facts:

This project complies with 17E.060.280, Physical and Visual Public Access to the shoreline. The project improves and increases public physical access to the shoreline in a unique way, with viewing opportunities and recreational activity. It is not anticipated that this proposal will interfere with the existing normal public’s use of the shoreline, but rather enhance it with the certainty that public access shall be maintained.

Per 17E.060.280.I, “Maintenance of the public access shall be the responsibility of the

owner or developer over the life of the use or development unless otherwise accepted by public or private agency through a formal agreement recorded with the County auditor's office. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided." The applicant understands that it is their responsibility to maintain the public access, as this is not a project facilitated by a public entity. Approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner.

Staff Discussion: Per 17E.060.280.P, "Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority." Nevertheless, after review of the application materials, staff does not anticipate the proposal would cause a net loss of visual public access to trail users or neighboring properties.

**Staff finds this criterion is met.**

8. *The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.*

Relevant Facts: There are other Conditional Use Permits in the general vicinity, however, they all work together to improve the Spokane River Shoreline experience and implement the goals and policies outlined in the Shoreline Master Program. Recent redevelopment in the Downtown, Riverfront Park, and Peaceful Valley has all had a positive impact on our community and worked together to increased public access to the Spokane River.

**Staff finds this criterion is met.**

9. *The proposed use of the site and design of the project is compatible with other authorized uses within the area and with the uses planned for the area under the comprehensive plan and the shoreline master program.*

Relevant Facts:

As mentioned above, there is a very limited area on the Spokane River within the City limits that would allow for a publicly accessible dock. Given the limited publicly owned land on this stretch of the river, it is very unlikely that this proposed dock would eventually work in harmony with another dock. However, there is considerable interest by the Spokane Parks and Recreation Department and others in establishing multiple river access points upstream that would undoubtedly benefit from what one could call an "end or start point" to the accessible portion of the Spokane River.

17E.060.430.C2 requires docks to be engineered and constructed to withstand the seasonal high-water flows within the reservoir in which it is located. The applicant has expressed that they understand this requirement, especially given the proximity to the Dam operation downstream. A comprehensive engineering plan for the construction of the

dock will be required as part of the building permit review.

The project will be required to meet shoreline design standards found in SMC 17E.060 as well as the Commercial design standards (where applicable) found in SMC 17C.120 at the time of building permit.

**Staff finds this criterion is met.**

10. *The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying the physical and visual access suffers no substantial detrimental effect.*

Relevant Facts:

As previously mentioned, The Habitat Management Plan provided describes the applicant's intent and method of mitigation sequencing for the project, as required in 17E.060.220 Mitigation Sequencing to achieve no net loss of shoreline ecological functions for this development. Impacts to the shoreline shall be restored to preconstruction conditions including replanting of any removed or damaged vegetation. A revegetation plan will be required prior to any ground disturbing activities. Monitoring will commence the first year following planting. Monitoring of plantings requires annual inspections for a minimum of 5 years following installation.

Given the nature of the proposal, staff has determined that the public physical and visual access to the river will not be negatively affected and is expected to be enhanced. The adjacent trail, which currently provides views of the river, will remain in place. While temporary disruptions to public access and shoreline views may occur during construction phases, staff anticipates that the project will result in a positive long-term outcome.

**Staff finds this criterion is met.**

## **VI. RECOMMENDATIONS**

STAFF CONCLUSION: The proposal is located within the Shoreline Jurisdictional boundary. The proposal meets the intent of the Spokane Shoreline Master Program and is consistent with the policies of the Shoreline Management Act. The project will mitigate all adverse impacts on the shoreline area, its values or functions. As such, the City of Spokane Planning & Development Department recommends approval of The Ruby River Public-Recreational Dock Shoreline Conditional Use Permit subject to the conditions stated below and of the other agency permits required.

1. This Shoreline Conditional Use Permit is subject to the compliance of this proposal with all applicable codes and requirements including shoreline regulations, dock design, public access, building height, bulk, setbacks, and site coverage;
2. The site shall be developed in substantial compliance with the plans submitted with this application, as well as comments received on the project from City Departments and outside agencies with jurisdiction;
3. A Habitat Management Plan (HMP) was prepared by Facent NW for the GVD Commercial. A HMP and a Vegetation Replacement Plan are required to be reviewed and approved prior to any activity being permitted on the site. As requested by Avista Utilities, the HMP should include additional information to address debris management strategies. After approval, any changes to the vegetation management plan or HMP shall be in consultation with the City of Spokane, Department of Ecology, and the Department of Fish and Wildlife;
4. If the dock is not open to the public 24/7, approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. These signs shall be directly adjacent to or located on the dock.
5. A Public access easement and permit conditions shall be recorded on the deed of title as a condition running with the authorized land use. Such easement, or other legal instrument evidencing the public access conditions shall be recorded with the Spokane County auditor's office;
6. Dedicated public parking shall be made available to users of the dock, and shall be developed in substantial compliance with the plans submitted with this application. Revisions to the parking plan shall be in consultation with the City of Spokane and the Department of Ecology;
7. Maintenance of the public access shall be the responsibility of the owner or developer over the life of the use or development unless otherwise accepted by public or private agency through a formal agreement recorded with the County auditor's office. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided;
8. The Shoreline Master Program, SMC 17E.060 and SMC 17E.020 require no net loss of shoreline ecological functions that could result from the proposal. Pursuant to Section 17E.060.220 the applicant shall engage in the restoration, rehabilitation, or enhancement of

the shoreline environment in order to offset the impacts resulting from this proposal;

9. Public access to the Spokane River and river views shall be maintained and enhanced as part of the Shoreline Master Program and SMC 17E.060.280. The applicant is proposing to enhance visual access;
10. The contractor is required to have a Construction Stormwater Pollution Prevention Plan (SWPPP) in place prior to and during construction in order to prevent sediment laden stormwater run-off or other pollutants from entering the Spokane River;
11. Best Management Practices (BMPs) for erosion and sediment control must be used on the construction site and adjacent areas to prevent upland sediments from entering surface water. Refer to the 2024 Stormwater Management Manual for Eastern Washington. All ground disturbed by construction activities must be stabilized. When appropriate, use native vegetation typical of the site.
12. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County, Washington State, and any Federal agency;
13. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning & Development Department should be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington.