Agenda Sheet for City Council Meeting of: 04/12/2021		Date Rec'd	3/31/2021
		Clerk's File #	ORD C36034
		Renews #	
Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	
Contact Name/Phone	AMANDA BECK 625-6414	Project #	
Contact E-Mail	ABECK@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 - SHORELINE MASTER PROGRAM PERIODIC REVIEW		

Agenda Wording

An Ordinance to amend sections 17A.020.040 and 17A.020.060 and various sections of Chapter 17E.060 to complete the Spokane Shoreline Master Program Periodic Review mandated by state regulation.

Summary (Background)

The Washington Shoreline Management Act requires periodic review of the Shoreline Master Program. Proposed amendments to Chapter 17E.060 ensure compliance with state regulations but do not change the ecological baseline, shoreline jurisdiction, or environment designations.

Lease? NO Grant related? YES Public Works? NO

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	MEULER, LOUIS	Study Session\Other	The Urban Experience
Division Director	BECKER, KRIS	Council Sponsor	CM Lori Kinnear
Finance	DUFFEY, ANDREW	Distribution List	
Legal	RICHMAN, JAMES	abeck@spokanecity.org	
For the Mayor	ORMSBY, MICHAEL	tblack@spokanecity.org	
Additional Approvals		lmeuler@spokanecity.org	
Purchasing		jrichman@spokanecity.org	
GRANTS,	STOPHER, SALLY	sbishop@spokanecity.org	
		publicworkaccounting@spokanecity.org	

Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

The City received a $33,000 grant from the Dept. of Ecology for the Periodic Review, and staff is scheduled to complete work this June. Review has been completed with Ecology, internal staff, neighboring jurisdictions, and partner agencies. The Plan Commission and Ecology held a joint public hearing on February 24, 2021.

Fiscal Impact		Budget Account
Select	$	#
Select	$	#

Distribution List

Briefing Paper
Urban Experience Committee

Division & Department:	Business and Development — Planning Services
Subject:	Shoreline Master Program Periodic Review of SMC 17E.060
Date:	April 19, 2021
Author (email & phone):	Amanda Beck; abeck@spokanecity.org; 509-625-6414
City Council Sponsor:	CM Lori Kinnear
Executive Sponsor:	Louis Meuler, Planning Director
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	■ Consent ☐ Discussion ☐ Strategic Initiative
Alignment:	RCW 90.58, WAC 173-26, WAC 173-27, Shaping Spokane Comprehensive Plan Chapter 14, and City Council 2019 Strategic Plan.
Strategic Initiative:	Urban Experience - River Connection; Innovative Infrastructure - Resiliency; Safe and Healthy - Beautification.
Deadline:	June 30, 2021
Outcome:	Mandated periodic review of the Shoreline Master Program (SMP) Spokane Municipal Code 17E.060.

Background and History:

The Washington Shoreline Management Act (SMA) (RCW 90.58) requires periodic review of the Shoreline Master Program, which requires amending Chapter 17E.060, Shoreline Regulations.

- The SMA requires each SMP be reviewed on an eight-year schedule established by the Legislature.
- Spokane's shoreline jurisdiction includes Spokane River and Latah Creek; their associated wetlands and floodplains; and land within the 200-foot buffer zone of these waterbodies.
- The City received a $33,000 grant from Ecology to complete this Periodic Review.
- **The City is scheduled to complete the grant work and text amendment by June 30, 2021.**

The Shoreline Master Program Periodic Review will achieve the following goals:

- Comply with Dept. of Ecology applicable laws and guidelines;
- Be consistent with the Comprehensive Plan and City development regulations;
- Respond to changed circumstances, new information, or improved data; and
- Allow appropriate use and enjoyment of shorelines while protecting shoreline ecosystems.

Executive Summary:

The Shoreline Master Program Periodic Review is state mandated and proposed amendments focus on compliance with state legislative changes. The proposed amendments have been through review with Ecology, internal staff, neighboring jurisdictions, and partner agencies. The Plan Commission held a public hearing on the item on February 24, 2021 and recommends approval of the amendments. This item was last at Urban Experience on February 8, 2021.

Budget Impact:

Approved in current year budget? ■ Yes No ☐

Annual/Reoccurring expenditure? ☐ Yes ■ No

Other budget impacts: Not applicable

Operations Impact:

Consistent with current operations/policy? ■ Yes No ☐

Requires change in current operations/policy? ☐ Yes ■ No

Specify changes required: City Council legislative action → Dept. of Ecology final approval.

Known challenges/barriers: None.

Background/History (cont.):

This Periodic Review will **not** re-evaluate the ecological baseline that was established as part of the last Shoreline Master Program update in 2011, nor will it change shoreline jurisdiction or environment designations, or result in changes to the Comprehensive Plan.

Planning Services utilized the Joint State-Local 30-day Public Comment Period and Joint Public Hearing permitted under WAC 173-26-104. This allows for a shorter timeline overall to complete Ecology review and legislative approvals.

The public engagement process entailed:

- Urban Experience Committee briefing on March 9, 2020
- Community Assembly briefed November 5, 2020
- Notice of Intent to Adopt sent to Dept. of Commerce November 6, 2020
- Two virtual public open houses held via Webex on December 1, 2020
- Joint State-Local 30-day Public Comment Period published in the Spokesman Review on December 23, 2020 and January 5, 2021, emailed to distribution lists of agencies and parties of interest, and coordinated with separate notification by the Dept. of Ecology.
- Joint State-Local 30-day Public Comment Period ran from January 5 – February 5, 2021.
- SEPA comment period ended January 19, 2021. No comments.
- Plan Commission briefed January 13 and 21, 2021
- Urban Experience Committee briefed February 8, 2021
- Public notice for Joint Public Hearing published in the Spokesman Review on February 10 and 17, 2021
- Plan Commission public hearing February 24, 2021; recommended approval of proposed amendments.

Following City Council legislative action, staff must coordinate with the Dept. of Ecology for the state's final approval of the amendments to complete the grant deliverables, due by June 30, 2021.

Attachments:

- Draft Ordinance
- Draft ECY Period Review Checklist
- February 24 Plan Commission Findings of Fact, Conclusions, and Recommendations

ORDINANCE NO. C36034

AN ORDINANCE relating to the Shoreline Master Program Periodic Review overseen by the Washington State Department of Ecology; amending the Spokane Municipal Code (SMC) Chapter 17A.020 Definitions, sections 17A.020.040 and 17A.020.060; and various portions of Chapter 17E.060 Shoreline Regulations, sections 17E.060.110, 17E.060.150, 17E.060.290, 17E.060.300, 17E.060.340, 17E.060.690, 17E.060.770, 17E.060.790, 17E.060.800, 17E.060.810, 17E.060.820, 17E.060.830, 17E.060.840, and 17E.060.380.

WHEREAS, the Shoreline Master Program (SMP) Periodic Review is state mandated and led by the City of Spokane in close collaboration with the Department of Ecology (Ecology). This periodic review is narrowly focused to achieve City SMP compliance with changes to state legislation concerning Shorelines; and

WHEREAS, authority for the Periodic Review is based on Washington's Shoreline Management Act (Ch. 90.58 RCW) and related rules. These amendments were developed by the City to comply with WAC 173-26-090, which requires all local governments to review their SMPs on an eight-year schedule set in state law and to revise it if necessary; and

WHEREAS, the periodic review ensures the SMP keeps up with changes in state laws, changes in other local jurisdictions' plans and regulations, and other changed circumstances. This periodic review does not re-evaluate the ecological baseline established as part of the 2011 SMP Update; change shoreline jurisdiction or environment designations; or result in changes to the comprehensive plan; and

WHEREAS, this action is categorically exempt from the State Environmental Policy Act (SEPA) RCW 43.21 as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b); and

WHEREAS, the City SMP was reviewed against Ecology's Periodic Review checklist as required, and analysis submitted to Ecology, necessary amendments were identified. A Draft Amendment Proposal incorporating the necessary amendments was prepared, shared with agencies for review, and made available for public review on the Planning and Development Services website at https://my.spokanecity.org/projects/shoreline-master-program-periodic-update/; and.

WHEREAS, information on the Periodic Review was presented to the public, neighboring jurisdictions, and partner agencies in two virtual Open House sessions via Webex on December 1, 2020; and

WHEREAS, the City elected to use the optional Joint Review Process to combine the local and Ecology comment periods and public hearing, as allowed under WAC 173-26-104; and

WHEREAS, a notice of Joint Public Comment Period and Public Hearing with Ecology and the City of Spokane was published in the Spokesman-Review December 23 and January 5; the comment period commenced January 5 - February 5, 2021 and all comments were recorded, responded to, and provided to Ecology. Ecology provided separate notification to interested Tribal, State, and Federal entities; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2019 (b) Spokane is not one of the nine jurisdictions with shoreline permitting for Dredged Material Management Program sites and 2019 (c) Spokane has no marine appellation waters; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2017(d), 2017 (e), 2017(f), 2017(g), 2017(h), 2017(i), and 2017(j) as these items are codified in Spokane Municipal Code chapter 17E, consistent with state law, or not required local amendments as active state policy; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2016(a) as SMC 17E.060.300 incorporates ADA compliance RCW 90.58 by reference, and 2016(b) with critical areas updates 2014; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2015(a) is an optional amendment and not included in this action; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2014(a) is not applicable to City of Spokane as SMC 17E.060.570(F) prohibits over-water residences; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2012(a) as SMP appeal procedures follow RCW 90.58 as amended; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2011(a) SMC 17E,070.030 outlines the requirement for wetland delineation to use the Federal Manal for Identifying and Delineating Jurisdictional Wetlands; 2011(b) is not applicable to City of Spokane as no saltwater shorelines exist in the jurisdiction; 2011(c) SMC 17E.060.570 prohibits over-water residences; 2011(d) SMC 17E.060.380 identifies and regulates non-conforming structures consistent with state law; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2010(a) SMC 17E.060.170 includes RCW 90.58 and associated WACS by reference - all provision for critical areas that area not consistent with RCW and WAC are void; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2009(a) the City of Spokane does not include this optional provision which is available without adoption; 2009(b) SMC 17E.070.140 allows wetland mitigation banking consistent with state rules; and 2009(c) moratoria procedures are not required to be included in the SMP and the RCW itself is relied upon; and

WHEREAS, after review, finding of adequacy is entered for the following SMP Periodic Review Checklist items 2007(a) SMC 17A.020.060 adopts the associated RCW definition of floodway be reference; 2007(b) Shoreline lists and maps are included in SMC 17E.060.060, no new shorelines with state jurisdiction are present; and 2007(c) SMC 17E.060.300 includes, by reference, the exemptions provided under WAC 173.27.040; and

WHEREAS, prior to the Plan Commission hearing, staff requested comments from agencies and departments and the required public notices were published in the Spokesman Review on February 10 and 17, 2021; and

WHEREAS, following a public hearing, the Plan Commission recommended approval of a number of text amendments to the SMP, following the procedures set forth in SMC 17G.025.010; and

WHEREAS, the City Plan Commission held a public hearing on February 24, 2021 to obtain public comments on the proposed SMP Periodic Review; and

WHEREAS, the Plan Commission reviewed all public testimony received during the public hearings and made appropriate changes to the draft SMP amendments during its deliberations; and

WHEREAS, consistent with SMC 17G.025.010, the Plan Commission found (i) that the proposed SMP amendments are consistent with applicable provisions of the City of Spokane Comprehensive Plan, and (ii) that the proposed SMP amendments bear a substantial relation to public health, safety, welfare, and protection of the environment; and

WHEREAS, the Plan Commission's Findings of Fact, Conclusions, and Recommendations Regarding the Shoreline Master Program (SMP) Periodic Review, together with the Plan Commission's entire files relating to the same, are hereby incorporated into this ordinance; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its amendments to the Spokane Municipal Code as cited.

Now, Therefore, The City of Spokane does ordain:

Section 1. That SMC section 17A.020.040 is amended to read as follows:

17A.020.040 Administration; Definitions; "D" Definitions.

Section 17A.020.040 "D" Definitions

A. Day.
A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.

B. Debris Flow.
Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.

C. Debris Slide.
A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.

D. "Decibel (dB)" means the measure of sound pressure or intensity.

E. Dedication.
The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City's option, by the City recording such dedication deed with the Spokane County auditor.

F. Degraded Wetland.
A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.

G. Demolition or Partial Demolition.
The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 17C.040 SMC.

H. Density.
The number of housing units per acre as permitted by the zoning code.

I. Denuded.
Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.

J. Department.
Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.

K. Design Departure.
Any change that is sought to modify or waive a design requirement (R) or waive a design presumption (P) contained within the design standards. The design departure process is found in chapter 17G.030 SMC, Design Departures.

L. Design ((~~Guidelines~~)) Criteria.
A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The ((~~guidelines~~)) provisions are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

M. Design Review Board.
The design review board is defined in chapter 4.13 SMC. The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.
The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.
The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design ((~~guidelines~~)) criteria for an area.

P. Detailed Site Plan.
A general site plan to which the following detailed information has been added:
1. Natural vegetation, landscaping, and open spaces.
2. Ingress, egress, circulation, parking areas, and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands, and drainage.
7. Berms, buffers, and screening devices; and
8. Such other elements as required in this chapter.

Q. Developable Area.
Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.
Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.

S. Development – Shoreline.

"Development" for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

((~~S~~)) T. Development Activity – Floodplain.

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

((~~T~~)) U. Development Approval.

Any recommendation or approval for development required or permitted by this code.

((~~U~~)) V. Development Codes.

The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.

((~~V~~)) W. Development Permit.

Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.

((~~W~~)) X. Development Plan, Site.

The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.

((~~X~~)) Y. Dike.

An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.

((~~Y~~)) Z. Direct Impact.

An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.

((~~Z~~)) AA. Directional.

Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.

((~~AA~~)) AB. Directional Sign.

See SMC 17C.240.015.

((~~AB~~)) AC. Director.

The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.

((~~AC~~)) AD. Discharge (n).

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.

((~~AD~~)) AE. Discharge (v).

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.

((~~AE~~)) AF. Discharger.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

((~~AF~~)) AG. District.

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

((~~AG~~)) AH. Disturbance Area.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

((~~AH~~)) AI. Dock.

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

((~~AI~~)) AJ. Documented Habitat.

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

((~~AJ~~)) AK. Domestic Animal.

1. Large Domestic Animals.
    a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
    b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
    c. Bovines under ten months in age.
    d. Sheep, goats, and swine under three months in age are not included when counting large animals.

2. Small Domestic Animals.
    a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
    b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
    c. Small livestock are defined as:
        i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (sus scrofa vittatus),
        ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
        iii. all breeds of goats excluding mature large meat breeds such as Boers, and
        iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
        v. No horned rams shall be permitted as a small livestock.
        vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
    d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

((~~AK~~)) AL. Drainage Ditch.

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

((~~AL~~)) AM. Dredge Spoil.

The material removed by dredging.

((~~AM~~)) AN. Dredging.

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

((~~AN~~) AO. Drift Cell.

Or "drift sector" or "littoral cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

((~~AO~~)) AP. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

((~~AP~~)) AQ. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

((~~AQ~~)) AR. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

Section 2. That SMC section 17A.020.060 is amended to read as follows:

17A.020.060 Administration; Definitions; "F" Definitions.

Section 17A.020.060 "F" Definitions

A. Facade.
All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.
A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.
The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.
    1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.]
    2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

E. Fair Market Value.
The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

F. Fascia Sign.
See SMC 17C.240.015.

G. Feasible (Shoreline Master Program).
1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
   a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
   b. The action provides a reasonable likelihood of achieving its intended purpose; and
   c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.
To give special prominence to.

I. Feeder Bluff.
Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

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

K. Financial Guarantee.
A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.
A complex of physical, chemical, and biological conditions that provide the life-supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic

components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.
See SMC 17C.240.015.

N. Float.
A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.
The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).
The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.
A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

R. Flood-proofing.
Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

S. Floodway.
((~~The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As defined under Section 90.58.030 RCW, or as amended.~~)) <u>The area, as identified in the shoreline master</u>

program, that either: (a) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (b) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

T. Floor Area.
The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:
    1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
    2. Roof area, including roof top parking.
    3. Roof top mechanical equipment.
    4. Attic area with a ceiling height less than six feet nine inches.
    5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
    6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

U. Floor Area Ratio (FAR).
The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

V. Focused Growth Area.
Includes mixed-use district centers, neighborhood centers, and employment centers.

W. Frame Effect.
A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

X. Freestanding Sign.
See SMC 17C.240.015.

Y. Frontage.
The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 3. That SMC section 17E.060.110 is amended to read as follows:

17E.060.110 Environmental Standards; Shoreline Regulations; Article II. Administration: Part II. Administrative Authority and Legal Provisions; Shoreline Master Program Amendments.

Section 17E.060.110 Shoreline Master Program Amendments

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

Section 4. That SMC section 17E.060.150 is amended to read as follows:

17E.060.150 Environmental Standards; Shoreline Regulations; Article II. Administration: Part II. Administrative Authority and Legal Provisions; Reference to Plans, Regulations, or Information Sources.

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

Where the shoreline regulations reference any RCW, WAC, or other local, state, or federal law or regulation, or ((~~any~~)) source of information, the most recent adopted amendment or adopted current edition shall apply.

Section 5. That SMC section 17E.060.290 is amended to read as follows:

17E.060.290 Environmental Standards; Shoreline Regulations; Article IV. Shoreline Permits and Exemptions; Shoreline Substantial Development Permit.

Section 17E.060.290 Shoreline Substantial Development Permit

A. Purpose.
To ensure that substantial development within the shoreline area is accomplished in a manner that protects the shoreline ecology consistent with the comprehensive plan and the Shoreline Management Act, this section establishes criteria for determining the process and conditions under which a shoreline substantial development permit may be acted upon by the director.

B. A shoreline substantial development permit is subject to the specific review procedure established in chapter 17G.060 SMC, Land Use Application Procedures, and the conditions which may be imposed to assure compliance with all applicable regulations. A request for a shoreline substantial development permit use may be disapproved if the director finds the shoreline development is inconsistent with these shoreline regulations, the comprehensive plan or the Shoreline Management Act.

C. No use, modification, or development, except for those listed in SMC 17E.060.300, Use, Modifications, and Developments Exempt or Excepted from Shoreline Substantial Development Permit Requirement, shall be undertaken in the shoreline jurisdiction without first obtaining a shoreline substantial development permit from the director. Substantial developments include any development with which the total cost or fair market value, whichever is higher, does exceed ((~~five-thousand seven hundred eighteen dollars or~~)) seven thousand forty seven dollars ($7,047) or the adjusted amount per WAC 173-27-040, or if such development does materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For the purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of use, modification, or development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

D. Where a substantial development is proposed which would be partly within and partly outside of the shoreline jurisdiction, a shoreline substantial development permit shall be required for the entire development.

E. An application for a shoreline substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of these shoreline regulations and shall follow the time period for public comment in SMC 17G.060.130, Public Comment Period. For purposes of this section, a limited utility extension means the extension of a utility service that:

    1. is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;
    2. will serve an existing use in compliance with these shoreline regulations; and
    3. will not extend more than two thousand five hundred linear feet within the shoreline jurisdiction.

Section 6. That SMC section 17E.060.300 is amended to read as follows:

17E.060.300 Environmental Standards; Shoreline Regulations; Article IV. Shoreline Permits and Exemptions; Uses, Modifications, and Developments Exempt from Shoreline Substantial Development Permit Requirement.

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

A. Application and Interpretation of Exemptions.
    1. Exemptions shall be construed narrowly. Only those uses, modifications, or developments that meet the precise terms of one or more of the listed exemptions may be exempt from the shoreline substantial development permit process.
    2. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of these shoreline regulations, or from any other regulatory requirements. To be authorized, all uses, modifications, and developments must be consistent with the policies and regulations of the entire SMP and the Act.
    3. Pursuant to WAC 173-27-160, a use, modification, or development that is listed as a shoreline conditional use pursuant to these shoreline regulations or is an unlisted use, must obtain a shoreline conditional use permit even though the use, modification, or development does not require a shoreline substantial development permit.
    4. When a use, modification, or development is proposed that does not comply with the bulk, dimensional and performance standards of these shoreline regulations, such use, modification, or development can only be authorized by approval of a shoreline variance pursuant to SMC 17E.060.330, Shoreline Variance Permit, and SMC 17E.060.340, Procedures.
    5. The burden of proof that a development or use is exempt from the permit process is on the applicant.
    6. If any part of a proposed use, modification, or development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed project.
    7. All permits or statements of exemption issued for a use, modification, or development within the shoreline jurisdiction shall include written findings approved by the director, including compliance with bulk and dimensional standards and policies and regulations of the entire SMP. The director may attach conditions to the approval of exempt uses, modifications, or developments as necessary to assure consistency of the project with the Act and these shoreline regulations.
    8. The department of ecology must approve all exemptions requiring permits from the U.S. Army Corps of Engineers section 10 permit under the Rivers

and Harbors Act, and any project involving a section 404 permit under the Clean Water Act.

9. Use, modifications, and developments proposed within the shoreline jurisdiction may require permits from other governmental agencies other than the department of ecology.

B. Exemptions.

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

1. Any use, modification, or development of which the total cost or fair market value, whichever is higher, does not exceed ((~~five thousand dollars~~)) seven thousand forty seven dollars ($7,047) as of September 2, 2017 or the adjusted amount per WAC 173-27-040 determined by the office of financial management periodically for inflation, if such use, modification, or development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the use, modification, or development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within twelve months after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
3. Construction of the normal protective bulkhead common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high-water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high-water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead

must be located at or near the actual ordinary high-water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State department of fish and wildlife.

4. Emergency construction necessary to protect property from damage by the elements. An emergency means an unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow full compliance with these shoreline regulations. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW or these shoreline regulations shall be obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the entire SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
5. Construction and practices normal or necessary to maintain existing farming and irrigation activities, including agricultural service roads and utilities in the Latah Creek shoreline jurisdiction presently zoned for agricultural use.
6. Construction or modification, by or under the authority of the coast guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency having jurisdiction thereof or the City of Spokane, other than requirements imposed pursuant to chapter 90.58 RCW. “Single-family residence” means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are normal appurtenance. An “appurtenance” is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high-water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high-water mark. Construction authorized under this exemption shall be located landward of the ordinary high-water mark.
8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or

contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances. ((~~The fair market value of the dock shall not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of these shoreline regulations.~~)) This exemption applies if either:

a. In fresh waters the fair market value of the dock does not exceed:
    1. Twenty-two thousand five hundred dollars ($22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or
    2. Eleven thousand two hundred ($11,200) dollars for all other docks constructed in fresh waters.

However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
11. Operation and maintenance of any system of dikes, ditches, drains, or other public facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
12. Any project with a certification from the governor pursuant to chapter 80.50 RCW.
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under these shoreline regulations if:
    a. the activity does not interfere with the normal public use of the surface waters;
    b. the activity will have no significant adverse impact on the environment, including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
    c. the activity does not involve the installation of any structure and, upon the completion of the activity, the vegetation and land

configuration of the site are restored to conditions existing before the activity;

d. a private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the City of Spokane to ensure that the site will be restored to preexisting conditions; and
e. the activity is not subject to the permit requirements of RCW 90.58.550.

14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW.
15. Watershed restoration projects as defined in chapter 17A.020 SMC and RCW 89.08.460. The City of Spokane shall review the projects for consistency with these shoreline regulations pursuant to procedures in chapter 17G.060 SMC. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
16. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:
    a. The project has been approved in writing by the department of fish and wildlife.
    b. The project has received hydraulic project approval (HPA) by the department of fish and wildlife pursuant to chapter 77.55 RCW; and
    c. The City of Spokane has determined that the project is substantially consistent with these shoreline regulations. The City shall make such determination and provide it by letter to the project proponent.
17. All other uses, modifications, and developments exempted by WAC 173-27-040.

C. Exceptions

Developments not required to obtain shoreline permits or local reviews. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

Section 7. That SMC section 17E.060.340 is repealed as follows:

17E.060.340 Environmental Standards; Shoreline Regulations; Article IV. Shoreline Permits and Exemptions; Shoreline Design Review.

((~~Title 17E Environmental Standards~~
~~Chapter 17E.060 Shoreline Regulations~~
~~Article IV. Shoreline Permits and Exemptions~~
~~Section 17E.060.340 Shoreline Design Review~~

A. ~~Design Review Board Process.~~
~~The following are subject to the design review board process. Shoreline design review is subject to the procedures established in chapter 17G.030 SMC, chapter 17G.040 SMC, and SMC 17G.060.060.~~
   1. ~~Shoreline development by a public agency.~~
   2. ~~Shoreline development on public property.~~
   3. ~~Shoreline development requiring a shoreline conditional use permit.~~
   4. ~~Other types of shoreline permits may also require review by the design review board at the request of the director.~~

B. ~~Administrative Design Review.~~
~~Projects not included in subsection (A) above shall follow procedures for design standards administration in SMC 17E.060.800.~~))

Section 8. That SMC section 17E.060.690 is amended to read as follows:

17E.060.690 Environmental Standards; Shoreline Regulations; Article VI. Environment Designations and Requirements for Modifications and Uses in Specific Environments: Part II. Modifications and Uses in Specific Environments; Shoreline Primary Use.

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		N	N	N	N	N	N
Boating Facilities							
Marinas		N	N	N	N	N	N
Launch ramps for small non-motorized watercraft		CU	CU	CU	CU	N	CU
Capital Facilities and Utilities							
Maintenance of existing utilities or facilities		P	P	P	P	P	P
New construction or expansion of existing utilities or facilities		L[2]/CU	L[2]/CU	L[2]/CU	L[2]/CU	L[2]/CU	L[2]/CU
Over-water or underwater utility crossings		CU	CU	CU	CU	CU	CU
New bridges solely for pipelines		N	N	N	N	N	N
Facilities which constitute the final termination or destination of a transmission line		N	N	N	N	N	N
Expansions or upgrades of existing wastewater treatment plant facilities and accessory uses		N	N	N	N	N	CU
New wastewater treatment plant facilities and pumping stations		N	N	N	N	N	L[2]/CU
New wastewater treatment outfall infrastructure		CU	CU	CU	CU	CU	P

New wireless communication support tower	N	N	N	N	N	N
Commercial Development						
Water-dependent commercial uses	N	P	N	P	P	N
Water-related commercial uses	N	P	N	P	P	N
Water-enjoyment commercial uses	N	P	N	P	P	N
Non-water-oriented commercial uses	N	L[3]	N	L[3]	L[3]	N
Forest Practices						
Forest practices	N	N	N	N	N	N
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	((~~N~~))<u>CU</u>
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 planned transportation networks	L[11]/CU	P	P	P	P	P
Maintenance roads, accessory to a permitted use	P	P	P	P	P	P
Railroads and Rail Corridors						
New rail lines	L[12]/CU	L[12]/CU	L[12]/CU	L[12]/CU	L[12]/CU	L[12]/CU
Expansion of existing rail lines	P	P	P	P	P	P

Section 9. That SMC section 17E.060.770 is amended to read as follows:

17E.060.770 Environmental Standards; Shoreline Regulations; Article VII. Shoreline Development Standards by District: Part II. Shoreline Development Standards; Visual Access Setback.

Section 17E.060.770 Visual Access Setback

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

TABLE 17E.060-5 DEVELOPMENT STANDARDS[1]					
	Shoreline District Dimensional Standards				
	Downtown (Alternatives)	**Campus (Alternatives)**	**Upriver**	**Great Gorge / Downriver**	**Latah Creek**
Shoreline Buffer	See Shoreline Buffers Map and SMC 17E.060.720				
Structure Setback from Shoreline Buffer[2]	25 feet[2]	15 feet[2]			
Visual Access Setback[5]	15 feet[3]				
Maximum Width of All Structures Parallel to OHWM	70% of the width of the site generally running parallel to the OHWM[4][5]				
Maximum Lot Coverage	70%[4]				
Tall Building Design ((~~Guidelines~~)) Standards	Buildings over 55 feet in height also follow SMC 17C.250.030 and SMC 17C.250.040				
Maximum Structure Height by Shoreline District[6][7]					
Distance from OHWM					
0 feet - 75 feet	30 feet				
Greater than 75 feet - 100 feet	40 feet	40 feet	35 feet		
Greater than 100 feet -200 feet	Alternative 1 = 55 feet Alternative 2 = 55 feet base with a Skinny Tower - 150 feet total height (See Shoreline Tall Building Standards for Alternative 2)				
Public Access Pathway Width					
Public Access Pathway Width	Minimum of 10 feet[8]				

Notes:

[1] Within the shoreline districts, the most restrictive development standards of both the underlying zone and the shoreline district apply.

[2] See the shoreline buffers map to determine the buffer width within the shoreline jurisdiction.

[3] Buildings shall be set back at least fifteen feet from property lines adjacent to public rights-of-way that intersect the shoreline district. This does not apply to structures below grade.

[4] See SMC 17E.060.770 for exceptions.

[5]	See SMC 17E.060.800 for pedestrian views and access for large buildings over three hundred feet.
[6]	No structures are allowed within the shoreline buffer and structure setback.
[7]	No structure shall exceed thirty-five feet above average grade level within the shoreline jurisdiction that will obstruct the view of a substantial number of residences on or adjoining such shorelines except where the SMP or underlying zoning does not prohibit such development and only when overriding considerations of the public interest will be served. See SMC 17E.060.290(Y), Physical and Visual Public Access.
[8]	Public access pathways within a shoreline buffer shall not exceed ten feet in width.

Section 10. That SMC section 17E.060.790 is amended to read as follows:

17E.060.790 Environmental Standards; Shoreline Regulations; Article VII. Shoreline Development Standards by District: Part II. Shoreline Development Standards; Pedestrian Views and Access for Large Buildings.

Section 17E.060.790 Pedestrian Views and Access for Large Buildings

A. Purpose.
   To limit the length and mass of large buildings within the shoreline jurisdiction and to provide ground level access between the shoreline and the landward side of the building.
B. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor.

The visual and pedestrian penetration shall not be less than thirty feet wide and shall meet the requirements of SMC 17E.060.290, Physical and Visual Access, and Article VIII, Design Standards ((~~and Guidelines~~)) Specific to Shoreline Districts.

Section 11. That SMC section 17E.060.800 is amended to read as follows:

17E.060.800 Environmental Standards; Shoreline Regulations; Article VIII. Design Standards and Guidelines Specific to Shoreline Districts; Design Standards Administration.

Section 17E.060.800 Design Standards Administration

Chapter 17E.060 Shoreline Regulations
Article VIII. Design Standards ((~~and Guidelines~~)) Specific to Shoreline Districts
Section 17E.060.800 Design Standards Administration

A. Purpose.
   To help ensure that development compliments the unique and fragile character of

the shoreline through careful consideration and implementation of site development and building design concepts.

B. The downtown, campus, and great gorge shoreline districts are subject to the shoreline design standards ((~~and guidelines~~)) in addition to the underlying design standards in Title 17C SMC. The downriver, Latah Creek, and Upriver Districts are subject to the underlying design standards in Title 17C SMC.

C. All projects must address pertinent design standards ((~~and guidelines~~)). A determination of consistency with the standards ((~~and guidelines~~)) will be made by the director ((~~following a design review process~~)). Design standards are in the form of requirements (R), presumptions (P), and considerations (C). Regardless of which term is used, an applicant must address each ((~~guideline~~)) <u>design criteria</u>. An applicant may seek to deviate from eligible standards ((~~and guidelines~~)) through the design departure process pursuant to chapter 17G.030 SMC, Design Departures.

1. Requirements (R).
   Requirements are mandatory in that they contain language that is not discretionary, such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. An applicant may seek a deviation from certain requirements through the design departure process, chapter 17G.030 SMC. Requirements are listed with an (R) after the standard.
2. Presumptions (P).
   Presumptions are ((~~guidelines~~)) <u>design criteria</u> that are meant to be applied, but with some flexibility. Presumptions indicate that the City is open to design features that are equal to, or better than, that stated—so long as the purpose is satisfied. A submitted plan is incomplete and will be rejected if it does not demonstrate that the presumptive elements have been in some way incorporated or overcome. Presumptions are listed with a (P) after the standard.
   a. Overcoming a Presumption
      A presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate to the director that there is a good reason why the presumption is inappropriate. The director may approve an alternative that achieves the intent of the presumption. At the discretion of the applicant, or in rare cases, the director may refer the permit to the design review board. A referral from the director would be in those cases where the complexity of the project and/or the cumulative impacts of deviations result in the project no longer meeting the overall intent of the design standards and the comprehensive plan.
   b. Appropriate ways to overcome a presumption include:
      i. demonstrating that for a specific project the underlying design principles will not be furthered by the application of the presumption;

ii. showing that another design principle is enhanced by not applying the presumption;
iii. demonstrating an alternative method for achieving the intent of the presumption; and
iv. explaining the unique site factors that make the presumption unworkable, such as lot size and shape, slope, natural vegetation, drainage, or characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

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

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

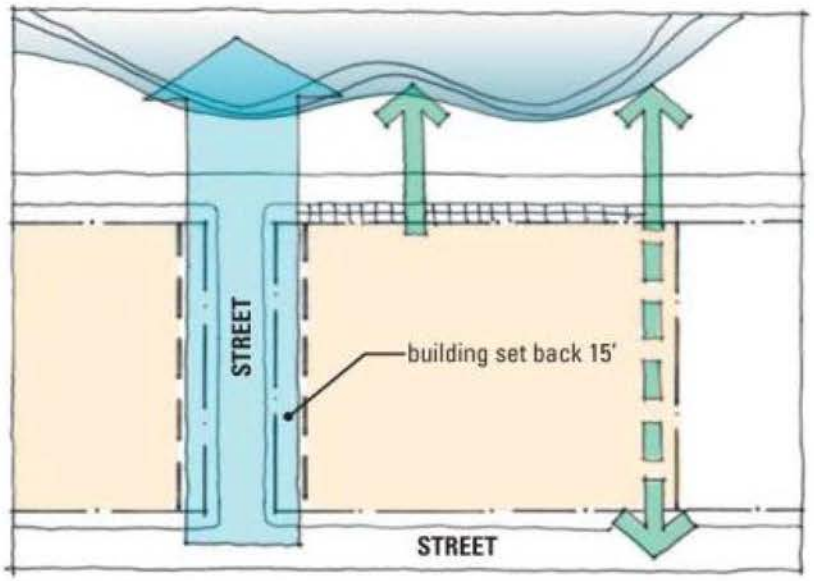
Section 12. That SMC section 17E.060.810 is amended to read as follows:

17E.060.810 Environmental Standards; Shoreline Regulations; Article VIII. Design Standards and Guidelines Specific to Shoreline Districts; Standards and Guidelines Applying to Downtown, Campus, and Great Gorge Districts.

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

Chapter 17E.060 Shoreline Regulations
Article VIII. Design Standards ((~~and Guidelines~~)) Specific to Shoreline Districts
Section 17E.060.810 ((~~Standards and Guidelines~~)) Design Standards Applying to Downtown, Campus, and Great Gorge Districts

A. Shoreline Relationships.
1. Public Access
a. Purpose.
To meet a basic objective of the Shoreline Management Act for public access to the shoreline.
b. When public access is required, it shall be provided pursuant to SMC 17E.060.290. (R)
c. Visual access shall be achieved by setting buildings back at least fifteen feet from property lines adjacent to public rights-of-way that intersect the shoreline jurisdiction. (R)



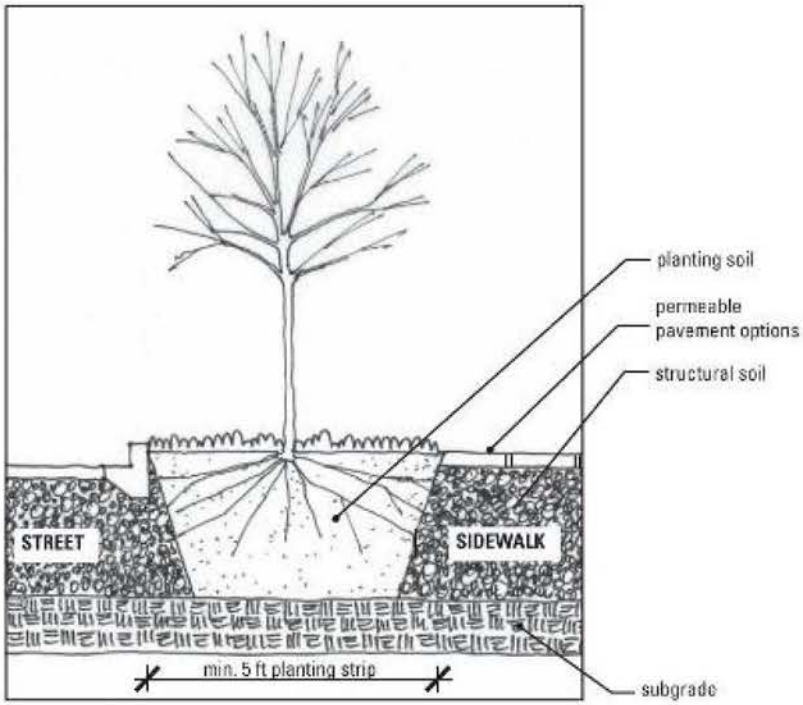
Example showing building set back 15 ft along public r-o-w to enhance a view corridor.

d. A pathway connecting to the nearest public right-of-way is the preferred type of public access. (P)
e. Physical access pathways shall be a minimum of ten feet clear width. (R)
f. The use of pervious materials is recommended for pedestrian surfaces (including pathways and patios) to absorb stormwater run-off. Options include permeable interlocking unit pavers, porous concrete, or porous asphalt. (C)
g. To prevent invasive weeds from colonizing along pathways in the shoreline buffer area, the design of any pathway shall include finished edges. Exposed gravel shoulders shall not be allowed in this area. Soil disturbance shall be minimized during construction and any disturbed soils shall be replanted consistent with native plant colonies in the immediate vicinity. (R)
h. Signs shall be installed to indicate that the pathway is open to the public and the hours during which the public can access the pathway. (R)

2. Site Design.
    a. Urban Green Streets and Urban Pathways.
        i. Street Trees and Planting Strips.
            A. Purpose.
            To supplement the urban forest with new trees and planting as development and redevelopment occur.
            B. New development shall include street trees, installed in planting strips located between the curb and sidewalk.

To promote tree health in order to gain the benefits associated with trees, consider opportunities when designing streets and sidewalks to provide as much uncompacted soil as possible. Designs shall allow for positive root growth using sustainable solutions that involve innovative means of structural support for the walking surface. (R)

C. Planting strips shall be at least five feet wide and planted with ground cover or native grasses. (R)
D. Native trees, such as evergreens, are encouraged when adequate space is available. (C)

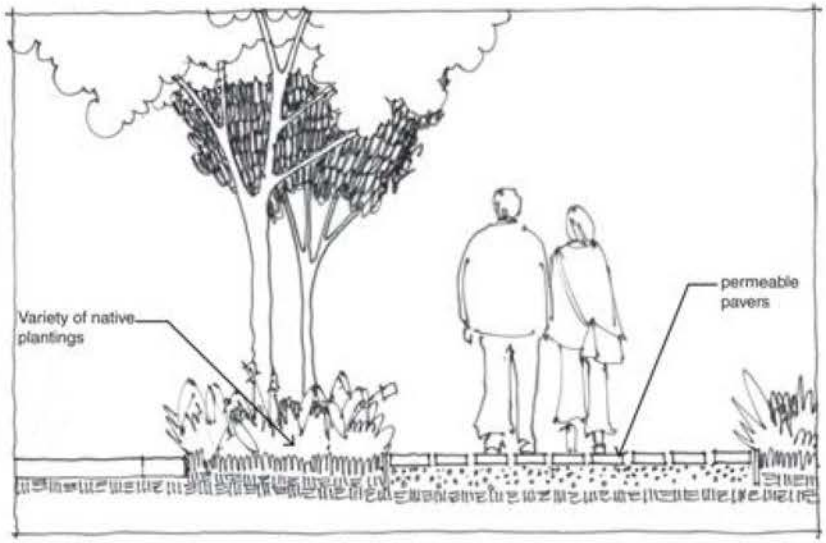


ii. Urban Green Streets and Urban Pathways.

A. Purpose.
To have streets add to the environmental quality of the shoreline environment.
B. Streets within the shoreline jurisdiction shall be planted with a variety of trees, shrubs and ground cover. (R)
C. Techniques for capturing and filtering stormwater run-off shall be incorporated into the design of streets, sidewalks, planting strips, and pathways. (R)
D. Permeable pavement options are encouraged on pedestrian surfaces. These may include permeable

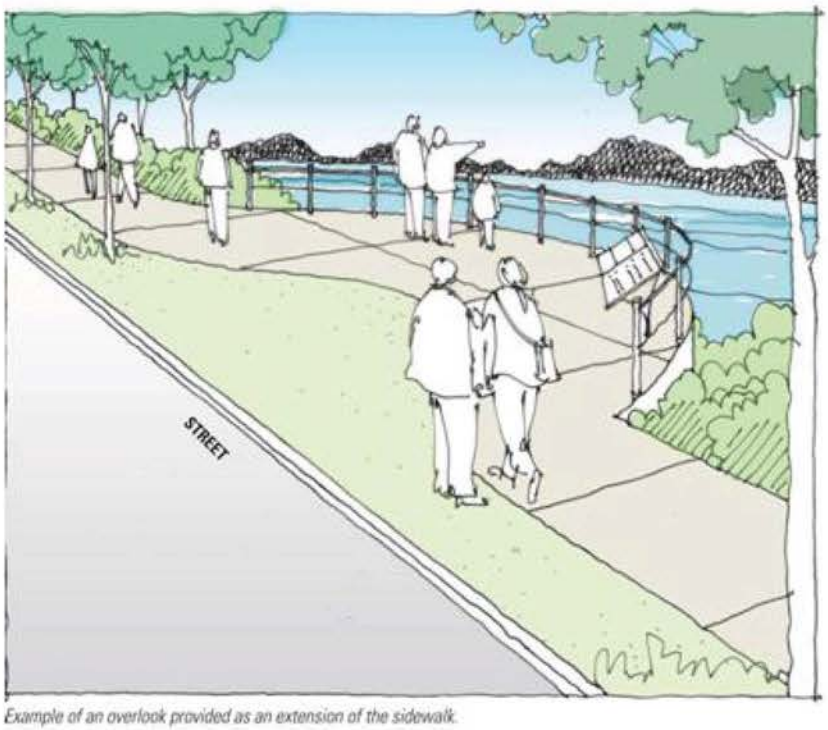
interlocking unit pavers, porous concrete, or porous asphalt. (C)

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



Example of a "green street" incorporating a combination of ground cover, native grasses, shrubs and trees, along with permeable pavers in the sidewalk area and curbless street to aid stormwater conveyance and infiltration.

iii. Overlooks in Public Development.



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

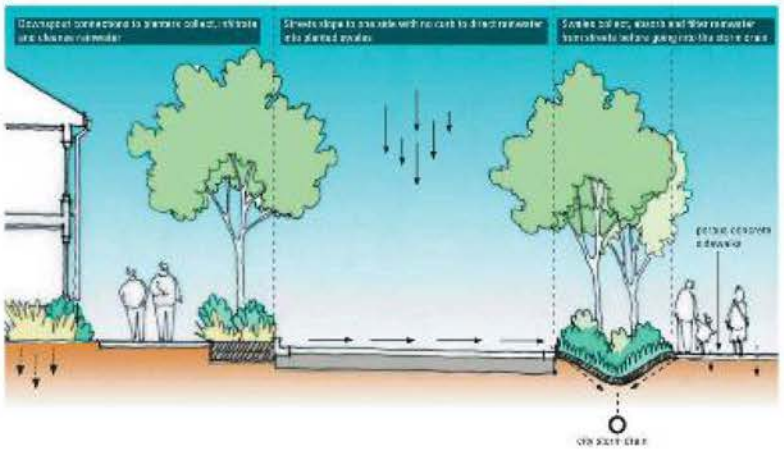
A. Purpose.
To make the public aware of the rich history and environmental systems associated with the river and the shoreline.
B. Along streets, pathways or within public parks, overlooks should be provided where views of historic and aesthetic features or landmarks of the river are available. (C)
C. Methods, such as signs, should be used to describe aspects of the river, such as geology, hydrology, history, or native cultures. Interpretations can be literal (pictures and words) or symbolic (artwork, shapes, colors, inlays). (C)

b. Overlooks in Private Development.
i. Purpose.
To encourage private development to incorporate features that help people understand the setting.
ii. Along pathways and public spaces, overlooks should be provided where views of the river are available. (C)
iii. Methods should be used to describe aspects of the river, such as geology, hydrology, history, or native cultures. Interpretations can be literal (pictures and words) or symbolic (artwork, shapes, colors, inlays). (C)

c. Best Management Practices (BMP).
i. Purpose.
To encourage site design to make use of state of the art techniques.
ii. Site design shall reflect nationally recognized Best Management Practices with respect to paving, erosion control, infiltration and filtration, retention and detention, and surface water quality. (R)
iii. A shoreline construction site plan indicating how construction BMP's will be applied on shoreline sites during construction shall be required, pursuant to SMC 17E.060.260. (R)

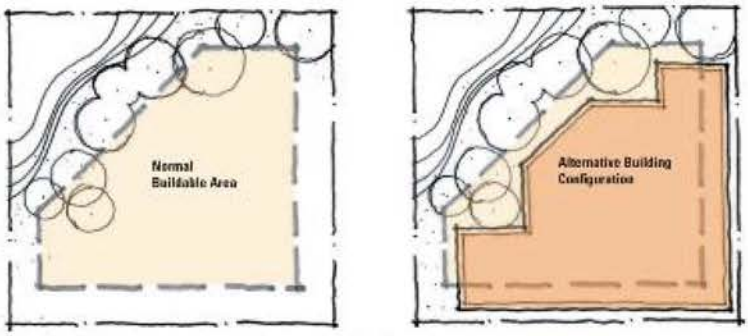
d. Low Impact Development (LID).
i. Purpose.
To encourage site design techniques that protects the environment and water resources by considering the site's pre-existing hydrologic conditions.
ii. A site plan and shoreline construction site plan shall be required that indicate ways of minimizing impact on existing features, pursuant to SMC 17G.060.070 and SMC 17E.060.260. (R)
iii. Site design consistent with LID principles is encouraged. Examples of LID techniques include site design to retain

existing trees and vegetation, impervious surface reduction, rain gardens, retention swales, permeable paving, green roofs, rain barrels, and downspout connections to planters. (C)



Techniques for capturing and filtering stormwater runoff, including curbless streets and swales as planting strips, in the design of streets, sidewalks, and building frontages.

B. Site Development.
   1. Vegetation Conservation/Tree Preservation.
      a. Purpose.
         To maintain vegetative cover that holds slopes, filters run-off and provides habitat.
      b. There shall be no net loss of vegetative cover within the shoreline jurisdiction. (R)
      c. At least twenty-five percent of existing healthy "significant trees" (over six-inches in caliper) as identified by a qualified professional and shown on a shoreline construction site plan shall be retained when a site is developed. Design and construction methods shall ensure the protection and health of retained trees during construction. (R)
      d. Within the designated shoreline buffers, native vegetation shall be preserved. Lawns shall not extend into this area. (R)
      e. Vegetation that is removed for development purposes shall be replaced on site. Alternatively, if a qualified professional determines that is not feasible, the applicant shall contribute an amount equal to replacing the vegetation on site to a shoreline restoration fund to be used to restore identified restoration sites pursuant to the City of Spokane shoreline restoration plan. (R)



Alternative site design can preserve vegetative cover and significant trees.

2. Clearing and Grading.
    a. Purpose.
    To carefully control the effects of land disturbance so that the natural systems immediately adjacent to the river are protected.
    b. Site design shall identify measures to protect the shoreline buffer from disturbance both during construction and throughout occupancy. (R)
    c. Limited removal of noxious species of non-native plants shall be allowed so that native species can thrive, pursuant to SMC 17E.060.270, Vegetation Replacement Plan. (R)
    d. Altering the natural flow of water to the river shall not be allowed, except during construction to prevent the flow of sediments or chemicals into the river. (R)

C. Building Design.
1. Sustainability.
    a. Purpose.
    To encourage new development to embody sustainable features.
    b. New development within the shoreline should be designed to reflect criteria for at least LEED Certification, if not higher. (C)
2. Green Roofs.
    a. Purpose.
    To encourage innovative, sustainable elements in new roofs.
    b. New commercial development should consider the appropriateness of incorporating green roof technology as a possible option to capture, retain, and filter rainwater. (C)
3. Building/Shoreline Compatibility.
    a. Purpose.
    To ensure building design that complements and blends with the natural character of the shoreline environment.
    b. Buildings shall incorporate a variety of features to reduce their bulk and scale. At least two of the following shall be employed (R):
        i. Bay windows.
        ii. Visible roofs such as pitched, sloped, curved, angled.

iii. Deep off-sets of facades.
iv. Projecting elements creating shadow lines.
v. Terraces or balconies

c. The upper floor(s) of building shall incorporate at least one of the following features (R):
i. A visible roof: Pitched, sloped, peaked, curved, angled.
ii. A stepping back of the top floor(s) by at least five feet.
iii. An overhanging roof form.
iv. A distinct change of materials on the upper floor(s).

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

D. Signs.
Signs within the shoreline jurisdiction shall be regulated pursuant to chapter 17C.240 SMC. (R)

E. Lighting – Cut-off.
    1. Purpose.
       To prevent glare and spillover.
    2. All site lighting, including parking lot lighting, shall be directed downward, using internal or external cut-off methods and must be contained on site. (R)

Section 13. That SMC section 17E.060.820 is amended to read as follows:

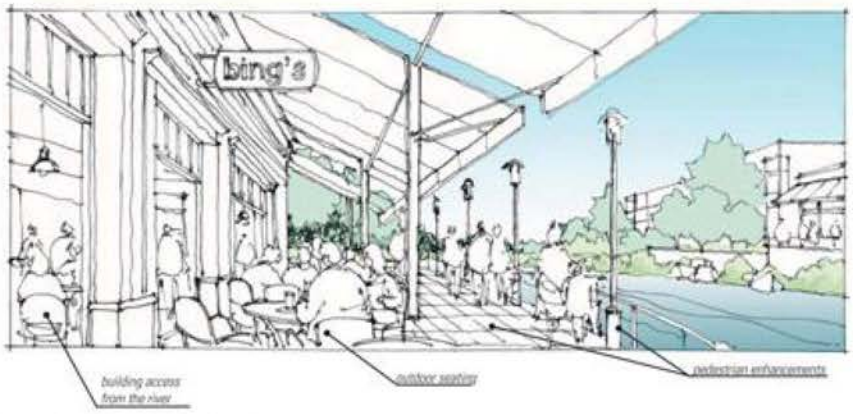
17E.060.820 Environmental Standards; Shoreline Regulations; Article VIII. Design Standards and Guidelines Specific to Shoreline Districts; Standards and Guidelines Specific to the Downtown District.

Section 17E.060.820 Standards and Guidelines Specific to the Downtown District

Chapter 17E.060 Shoreline Regulations
Article VIII. Design Standards ((~~and Guidelines~~)) Specific to Shoreline Districts
Section 17E.060.820 ((~~Standards and Guidelines~~)) Design Standards Specific to the Downtown District

A. Shoreline Relationships – Human Activity.
    1. Purpose.
       To recognize that people's relationship to the river and anticipated uses in each district will inform the design of the built environment. Downtown is an intense urban environment where people and views of the falls create much of the interest in being there. New development along the riverfront that will facilitate desired activities is encouraged. These include shopping, dining, walking, biking, jogging, people watching, viewing the falls, and learning the stories of the river through interpretive displays.
    2. Along the river, new buildings shall provide at least three of the following (R):
        a. Outdoor seating or opportunities for outdoor dining.
        b. Building entry from the river side.
        c. Benches along pedestrian trail.
        d. Outdoor balconies.
        e. Public plaza with seating.
        f. Public viewpoint with interpretive signs (see SMC 17E.060.810(A)(2)(a)(iii), Overlooks and Public Development, and SMC 17E.060.810(A)(2)(b), Overlooks in Private Development).
        g. Public art.

h. Opportunities for outdoor vending such as food or bicycle rental.

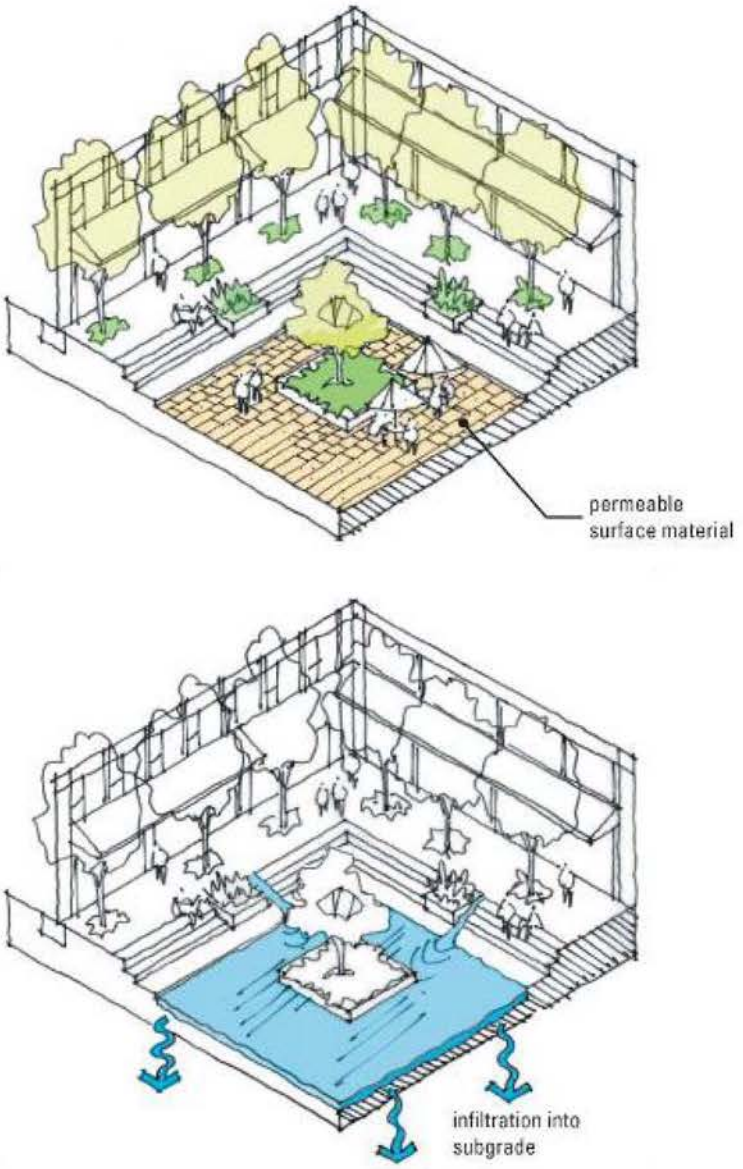


Example of an active, pedestrian-oriented building along the river.

B. Streets, Sidewalks, and Trails – Pedestrian Pathways.
   1. Purpose.
      To result in an urban pathway design reflecting the form and intensity of adjacent development, as well as a higher level of pedestrian activity.
   2. Pedestrian pathways shall be at least ten feet wide. (R)
   3. Pedestrian pathways shall be lighted either from nearby buildings or from pedestrian-scaled fixtures. (R)
   4. Seating should be provided at intervals. (C)

C. Site Design.
   1. Landscape Character Protection.
      a. Purpose.
         To ensure that development along the shoreline enhances the natural character of the river and falls including its geologic features and native vegetation.
      b. Parking and service areas shall be located so they are screened from views along the shoreline, from opposite shorelines, and from bridges. (R)
   2. Pervious Plazas and Spaces.
      a. Purpose.
         To create a system of spaces integrated with the ecological systems of the shoreline.
      b. Development shall include one or more of the following (R):
         i. Open spaces.
         ii. Courtyards.
         iii. Plazas.
         iv. Forecourts; or
         v. Other public spaces that allow for a seamless connection between streets and various uses.

c. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)



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

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

b. New development shall include at least ten percent pervious surfaces. This may be accomplished by using one or a combination of the following (R):
    i. At-grade planted areas.
    ii. Permeable paving systems in pedestrian surfaces such as pedestrian walkways or plazas.
    iii. Green roofs.
    iv. Each existing significant tree (over six inches caliper and in good health) protected during design and construction may reduce the total required pervious surface requirement by one percent per tree. The required pervious surface shall not be reduced to less than five percent. For example, an applicant retaining two significant trees shall be required to provide eight percent pervious surfaces; an applicant retaining six significant trees shall be required to provide five percent pervious surfaces. Please note that all landscape requirements shall be met regardless of pervious surface requirements.
c. Stormwater runoff from impervious surfaces shall be directed to treatment or detention areas. For non-pollution generating impervious surfaces (generally this includes most surfaces not traveled on by automobiles) this may include one or a combination of the following as approved by director of engineering services (R):
    i. Stormwater planters.
    ii. Tree box filters.
    iii. Water features.
    iv. Landscaped areas including swales or rain gardens.
    v. Cistern for later on-site irrigation.

vi. Other options as approved by engineering services.

Rain gardens with native plantings integrated into an urban streetscape

d. Raised curbs are discouraged in parking lots so that stormwater runoff can drain naturally into City approved percolation areas rather than be directed into a concentrated flow. At grade curb alternatives to finished asphalt edges are encouraged. (C)

4. Planting Palette.
   a. Purpose.
      To protect, enhance and restore native vegetation along the shorelines, while recognizing the more urban nature of vegetation in the downtown area.
   b. It is recognized that within downtown, there will likely be a somewhat more manicured and formal use of plantings to frame buildings, streets and spaces. However, landscape designs that rely upon lawns requiring fertilizers and herbicides, or vegetation that is highly consumptive of water should be avoided. (C)

c. Lawns should be limited to areas where a green walking surface is necessary and desirable, in picnic areas for example. Plants should be chosen for year round interest and grouped according to their water needs for good water efficiency. Drought tolerant species and native plantings are highly encouraged. Native trees, shrubs and groundcover plants should dominate the landscape. (C)

D. Building Design.

1. Character Related to the Setting.
    a. Purpose.
    To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls, including its geologic features and native vegetation.
    b. The dramatic nature of the river and the falls define the image of downtown Spokane in a way unlike any other city. Therefore, new buildings should respect the importance of this magnificent and unique centerpiece by not attempting to compete with it visually. Buildings should be designed with respect to location, form and color, so that the river continues to be the emphasis. (C)
    c. Building facades should also incorporate elements that strengthen the natural setting, such as local stone, bay windows, fine-grained articulation, lower floors that frame public spaces, surrounding vegetation. The preference is to have buildings that seem like a built extension of rock, embankments, and outcroppings. (C)
2. Building Orientation.
    a. Purpose.
    To ensure that buildings along the shoreline have two public faces – one along the street, the other along the riverfront.
    b. While it is expected that buildings will be primarily oriented toward public streets, there shall also be features such as windows, secondary entries, balconies, and public spaces that are oriented to the river. (R)
3. Ground Floor Animation.
    a. Purpose.
    To ensure that buildings take advantage of their unique shoreline setting and contribute to the vitality and activity of downtown.
    b. The ground floor of buildings shall incorporate a combination of at least three of the following features (R):
        i. Windows covering more than thirty percent of the ground level façade facing the shoreline.
        ii. Windows covering more than thirty percent of the ground level façade facing the street.
        iii. Masonry or stone covering the ground level façade and producing a “plinth” effect.
        iv. Ground level details such as accent lighting, decorative medallions, and canopies.

v. Sculpture, bas relief murals, art worked into paved surfaces.
vi. Retail uses, such as cafes and restaurants, bike rental, and brew pubs.
vii. Publicly accessible gardens, courtyards, or plazas.

E. Lighting – Dark Sky.
1. Purpose.
To reduce glare and spillover from lighting associated with parking lots or buildings.
2. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)

Section 14. That SMC section 17E.060.830 is amended to read as follows:

17E.060.830 Environmental Standards; Shoreline Regulations; Article VIII. Design Standards and Guidelines Specific to Shoreline Districts; Standards and Guidelines Specific to the Campus District.

Section 17E.060.830 Standards and Guidelines Specific to the Campus District

Chapter 17E.060 Shoreline Regulations
Article VIII. Design Standards ((~~and Guidelines~~)) Specific to Shoreline Districts
Section 17E.060.830 ((~~Standards and Guidelines~~)) Design Standards Specific to the Campus District

A. Shoreline Relationships – Human Activity.
1. Purpose.
To recognize that people's relationship to the river and anticipated uses in the Campus district will inform the design of the built environment. The Campus district is an area in which passive recreation is interwoven with academic, commercial, residential, and light industrial functions. New development along the riverfront should contribute to the campus-like setting, focus attention on the river as a community asset, and improve the natural aesthetics for recreational activities. These include rowing,

bicycling, walking, observing birds/wildlife, and learning the stories of the river through interpretive displays.

2. New buildings shall provide at least two of the following waterward (R):
    a. Outdoor seating areas.
    b. Benches along pedestrian trail.
    c. Outdoor balconies and decks.
    d. Public plazas or courtyards with seating.
    e. Public viewpoint with interpretive signs.
    f. Public art.

B. Streets, Sidewalks, and Trails – Pedestrian Pathways.
    1. Purpose.
    To result in a pathway design reflecting the form and intensity of adjacent development, as well as the moderate level of pedestrian activity.
    2. Pedestrian pathways shall be at least ten feet wide. (R)
    3. Lighting shall be provided, either from nearby buildings or from pedestrian-scaled fixtures. (R)
    4. Seating should also be provided at intervals. (C)

C. Site Design.
    1. Landscape Character Protection.
        a. Purpose.
        To protect, restore, and enhance the natural character of the river, including its geologic features and native vegetation.
        b. Within the Campus district, it is expected that there will be a soft, more "naturalistic" approach to landscape design. Developments will be loosely arranged on the landscape, with a considerable amount of planting, including ground covers, understory, and trees. However, landscape designs that include large lawn areas requiring fertilizers and herbicides, or vegetation that is highly consumptive of water, should be avoided. (C)
        c. Native vegetation should predominate. (C)
    2. Impervious Surfaces.
        a. Purpose.
        To recognize that the campus area will have more open development that can allow for pervious surfaces.
        b. Development shall incorporate ways of capturing and filtering run-off so that when it reaches the river, it has been moderately cleaned. This shall be accomplished through creative designs of courtyards, greens, planting areas, parking lots, roof scuppers, and other features. New development shall achieve at least fifteen percent pervious surfaces on the site. The installation of "green roofs" can substitute for ground level treatment. (R)
    3. Pervious Surfaces.
        a. Purpose.
        To create a system of spaces integrated with the ecological systems of the shoreline.

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

4. Planting Palette.
    a. Purpose.
    To recognize the softer landscape of campus settings.
    b. Native plant material is strongly encouraged, with non-natives being an occasional exception. Campus settings typically involve a more "natural" array of plantings, rather than a manicured or formal arrangement. However, there may be some locations where specimen trees and formal configurations of plantings are appropriate, such as framing a public space or a building entrance. (C)
5. Rain Gardens.
    a. Purpose.
    To incorporate innovative methods of capturing and filtering run-off, as a part of the overall campus site design and landscaping.
    b. Rain gardens should be integrated into planting strips along streets, as well as in public spaces and general landscaped areas. (C)
    c. Rain gardens shall not be adjacent to or within parking lots if it is determined that they will harm the aquifer. (R)

D. Building Design – Character Related to the Setting.
1. Purpose.
To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls including its geologic features and native vegetation.
2. Building design should not attempt to compete with the natural beauty of the river and the shoreline. Buildings should incorporate materials and colors that will be restrained and blend with native rock and vegetation. (C)

E. Lighting – Dark Sky.
1. Purpose.
To reduce glare and spillover from lighting associated with parking lots or buildings.
2. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)
3. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)

4. Parking lots shall be lighted with fixtures less than twenty two feet in height. Single, high masts with multiple fixtures shall not be allowed. (R)

Section 15. That SMC section 17E.060.840 is amended to read as follows:

17E.060.840 Environmental Standards; Shoreline Regulations; Article VIII. Design Standards and Guidelines Specific to Shoreline Districts; Standards and Guidelines Specific to the Great Gorge District.

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

Chapter 17E.060 Shoreline Regulations
Article VIII. Design Standards ((~~and Guidelines~~)) Specific to Shoreline Districts
Section 17E.060.840 ((~~Standards and Guidelines~~)) Design Standards Specific to the Great Gorge District

A. Shoreline Relationships – Human Activity.
    1. Purpose.
       To recognize that people's relationship to the river and anticipated uses in the Great Gorge district will inform the design of the built environment. The Great Gorge district is a rugged area of steep bluffs, fast water, native plants and wildlife. Passive recreational opportunities are interwoven with residential uses. New development along the riverfront that maintains the natural character of the river gorge as a backdrop for recreation activities is encouraged. These include walking, bicycling, fishing, kayaking, rafting, observing birds/wildlife, and learning the stories of the river through interpretive displays.
    2. Along the river, new buildings shall provide at least two of the following (R):
        a. Outdoor seating areas.
        b. Benches along pedestrian trail.
        c. Outdoor balconies and decks.
        d. Public viewpoint with interpretive signs.
        e. Public art.
B. Streets, Sidewalks and Trails – Pedestrian Pathways.
    1. Purpose.
       To result in a pathway design, reflecting the mostly residential, lower intensity of adjacent development, as well as the modest level of pedestrian activity.
    2. Pedestrian pathways shall be at least ten feet wide. (R)
C. Site Design.
    1. Landscape Character Protection.
        a. Purpose.
           To protect, restore, and enhance the natural character of the river including its geologic features and native vegetation.

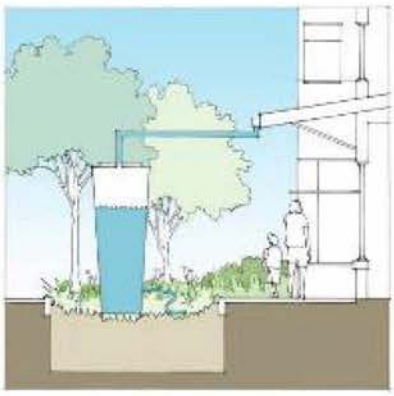
b. Within the Great Gorge district, it is expected that there will be a very soft, open, informal, "naturalistic" approach to landscape design that reinforces the shoreline environment. Developments will be loosely arranged on the landscape, with a considerable amount of planting, including ground covers, understory, and trees. Landscape designs that include large lawn areas requiring fertilizers and herbicides, or vegetation that is highly consumptive of water should be avoided. (C)
c. Native vegetation should predominate. (C)
d. If buildings require exposed pilings for support on hillsides, the ground under the building shall be planted with shade tolerant plantings. Exposed soil shall not be allowed. (R)
e. Exposed pilings should be colored to blend with native rock and the pilings and open space should be screened by tall vegetation. (C)

2. Impervious Surfaces.
   a. Purpose.
      To recognize that the Great Gorge area will have more open development that can allow for more pervious surfaces.
   b. Development shall incorporate ways of capturing and filtering run-off so that when it reaches the river, it has been moderately cleaned. This shall be accomplished through creative designs of courtyards, greens, planting areas, parking lots, and roof scuppers and other features. Generally, new development shall attempt to achieve at least twenty percent pervious surfaces on the site. The installation of "green roofs" can substitute for ground level treatment. (R)
3. Pervious Surfaces.
   a. Purpose.
      To create a system of spaces integrated with the ecological systems of the shoreline.
   b. Development shall include one or more of the following (R):
      i. Open spaces.
      ii. Landscaped courtyards.
      iii. Greenways.
      iv. Pathways; or
      v. Other spaces that allow for a seamless connection between streets and various uses.
   c. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)
4. Planting Palette
   a. Purpose.
      To recognize the dramatic natural landscape of the Great Gorge setting.
   b. Native plant material is strongly encouraged. Non-native, ornamental trees requiring large amounts of water and maintenance are strongly discouraged. Landscape designs should reflect a "natural" array of

plantings, rather than a manicured or formal arrangement. However, there may be a few locations where specimen trees and formal configurations of plantings are appropriate, such as framing a public space or a building entrance. (C)

5. Rain Gardens.
    a. Purpose.
    To incorporate innovative methods of capturing and filtering run-off.
    b. Rain gardens should be integrated into planting strips along streets, as well as in exterior landscaped spaces. (C)
    c. Rain gardens shall not be adjacent to or within parking lots if it is determined that they will harm the aquifer. (R)

swale/raingarden



Cistern for on-site irrigation

green roof

permeable paving system

D. Building Design – Character Related to the Setting.
    1. Purpose.
    To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls, including its geologic features and native vegetation.

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

E. Lighting – Dark Sky.
   1. Purpose.
      To reduce glare and spillover from lighting associated with parking lots or buildings.
   2. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)
   3. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)
   4. Parking lots shall be lighted with fixtures less than 22 feet in height. Single, high masts with multiple fixtures shall not be allowed. (R)

Section 16. That SMC section 17E.060.380 is amended to read as follows:

17E.060.380 Environmental Standards; Shoreline Regulations; Article V. General Requirements for Shoreline Use and Modifications: Part III. Nonconforming Shoreline Situations; Nonconforming Uses and Structures.

Section 17E.060.380 Nonconforming Uses and Structures

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

B. In accordance with the requirements of this section, structures that were legally established prior to the SMP or these shoreline regulations, or amendments thereto, and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height, or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

C. A nonconforming structure which is moved any distance must be brought into conformance with the applicable shoreline regulations and the Act.

D. If a nonconforming structure is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore

the structure within six months of the date the damage occurred, all permits are obtained, and the restoration is completed within two years of permit issuance, except that nonconforming single-family residences, manufactured homes, and mobile homes may be reconstructed regardless of the extent of damage so long as application is made within the times required by this subsection.

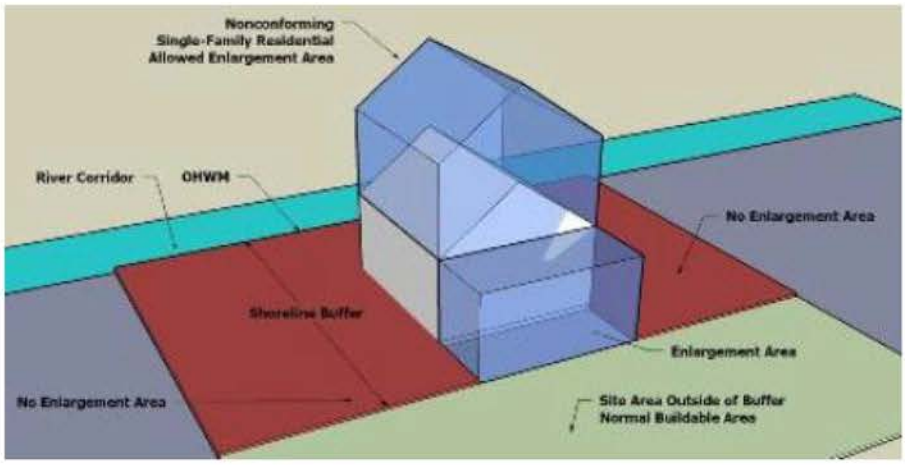
E. The replacement, expansion, or enlargement of nonconforming residential buildings (including single-family residences, manufactured homes, and mobile homes) shall achieve no net loss of shoreline ecological functions pursuant to SMC 17E.060.210 and adhere to the mitigation sequencing requirements in SMC 17E.060.220.

F. Existing nonconforming residential buildings may be replaced within the existing footprint upon approval of a shoreline substantial development permit.

G. For the replacement of manufactured homes and mobile homes, a greater building footprint than existed prior to replacement may be allowed in order to accommodate the conversion of single-wide manufactured homes to ((~~double-wile~~)) double-wide manufactured homes, upon approval of a shoreline conditional use permit.

H. Existing nonconforming single-family residences may be enlarged or expanded in conformance with applicable bulk and dimensional standards upon approval of a shoreline conditional use permit and by conformance with the following requirements:

    3. An expansion or enlargement to the main structure or the addition of a normal appurtenance as defined in WAC 173-27-040(2)(g) and chapter 17A.020 SMC, Definitions, to the main structure shall only be accomplished by addition of space:
        a. above the main structure's building footprint; and/or
        b. onto or behind that side of the main structure which is the farthest away from the ordinary high-water mark.



2. If the requirements in SMC 17E.060.380((F))H((3))1(a) and (b) cannot be accomplished without causing significant harm to shoreline vegetation or other shoreline ecological functions, the director may require additional site analysis to determine if an alternative location for the expansion or enlargement of the structure is feasible.

I. Existing residential buildings have a change in use to another legal, conforming use shall conform to the buffer and structure setback requirements and all other requirements of the entire SMP and Title 17C SMC, Land Use Standards.

J. A use which is listed as a conditional use but which existed prior to adoption of these shoreline regulations or any amendment thereto, and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

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

L. A structure which is being or has been used for a nonconforming use shall not be used for a different nonconforming use, except as provided below, and only upon the approval of a shoreline conditional use permit.
   1. No reasonable alternative conforming use is practical.
   2. The proposed use will be is as consistent with the policies and provisions of the Act and these shoreline regulations and as compatible with the uses in the area as the preexisting use; and
   3. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of these shoreline regulations and the policies in the Act and to assure that the use will not become a nuisance or a hazard.

M. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming.

N. An undeveloped lot, tract, parcel, site, or division of land which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or the applicable shoreline regulations but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the City so long as such development conforms to all other requirements of the applicable shoreline regulations and the Act.

PASSED by the City Council on April 19, 2021.

Council President

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

Mayor

4/23/2021
Date

May 23, 2021
Effective Date

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the "periodic review" of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at RCW 90.58.080(4). Ecology's rule outlining procedures for conducting these reviews is at WAC 173-26-090.

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned Ecology regional planner for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
Melissa Wittstruck and Amanda Beck	City of Spokane	March 2021

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the **cost threshold for building freshwater docks.**	SMC Section 17E.060.300 item B-8 outlines the cost threshold for a permit exemption when building a freshwater dock.	Amend the section to reflect the new dollar thresholds and periodic cost reviews referred to in ECY requirements: (XX) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if: (i) In fresh waters the fair market value of the dock does not exceed: (A) twenty-two thousand five hundred dollars ($22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) Eleven thousand two hundred ($11,200) dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

b.	**The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites *(applies to 9 jurisdictions)***	Not applicable.	Spokane is not one of the 9 jurisdictions - Not Applicable Finding of Adequacy
c.	The Legislature added **restoring native kelp, eelgrass beds and native oysters** as fish habitat enhancement projects.	Not Applicable.	This applies to marine waters. Spokane has no marine appellation waters. Not applicable. Finding of Adequacy
2017			
d.	OFM adjusted the **cost threshold for substantial development** to $7,047.	SMC subsection 17E.060.290(C) outlines the cost threshold requiring a substantial development permit.	Amend cost threshold in SMC 17E.060.290(C). Further amend this section to reference statute, including reference to period of review/consideration for inflation. "Substantial developments include any development with which the total cost or fair market value, whichever is higher, does exceed seven thousand forty seven dollars ($7,047) or the adjusted amount per WAC 173-27-040"
e.	Ecology permit rules clarified the **definition of "development"** does not include dismantling or removing structures.	"Development" is defined as "Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code." SMC 17A.020.040 "D" Definitions.	Adopt the ECY definition of development, specific to shorelines in SMC Chapter 17A.020, Section 17A.020.040 "D". "Development" for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing

			structures if there is no other associated development or re-development.
f.	Ecology adopted rules clarifying **exceptions to local review under the SMA.**	Those exceptions (a new creation) adopted by the State do not exist under SMC Section 17E.060.300. The City of Spokane has "exemptions."	Added a new clause to 17E.060.300(C) Exceptions as consolidated by WAC 173-27-044, in SMC Section 17E.060.300 (XX) Developments not required to obtain shoreline permits or local reviews. Amend 17E.060.300 to clarify exemptions and exceptions. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following: (i) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. (ii) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit. (iii) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a

			substantial development permit, conditional use permit, variance, letter of exemption, or other local review. (iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045. (v) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.
g.	Ecology amended rules clarifying **permit filing procedures** consistent with a 2011 statute.	SMC Section 17G.060.210 is consistent with the 2011 statute.	No action. Finding of Adequacy
h.	Ecology amended **forestry use regulations** to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	According to the Article V Part V, SMC Section 17E.060.510: "Forest practices are not presently conducted within the shorelines, nor are they an anticipated activity within the shoreline jurisdiction."	No action Finding of Adequacy
i.	Ecology clarified the SMA does not apply to lands under **exclusive federal jurisdiction.**	It is not necessary to amend the SMP.	No action. Finding of Adequacy.
j.	Ecology clarified "default" provisions for **nonconforming uses and development**.	City of Spokane has adopted its own nonconforming use provisions under SMC Section 17E.060.380.	No action. Finding of Adequacy.
k.	Ecology adopted rule amendments to clarify the scope and process for conducting **periodic reviews**.	No periodic review procedures.	No action. Finding of Adequacy.
l.	Ecology adopted a new rule creating an **optional SMP amendment process** that allows for a shared local/state public comment period.	City of Spokane Amendment procedure already includes WAC 173-26-090 to WAC 173-26-160.	Amend SMC Section 17E.060.110(A) to strikethrough WAC 173-26-090 to WAC 173-26-160 and insteas cross-reference WAC 173-26. Finding of Adequacy with citations.

m.	**Submittal** to Ecology of proposed SMP amendments.	SMC does not include SMP submittal process. SMC 17E.060.110 cites WAC 173-26 consistency for amendments.	No action and Finding of Adequacy with citation.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the **Americans with Disabilities Act**.	SMC Section 17E.060.300 includes by reference RCW 90.58 which states that permits fulfilling ADA requirements are exempt.	No Action. Finding of Adequacy with citations.
b.	Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system.	SMC Section 17E.070 includes ecology updated critical areas guidance including implementation guidance for the 2014 wetlands rating system. Section 17E.070.020 amends that wetlands are designated in accordance with the most current edition of the federal wetland delineation manual and applicable regional supplements.	No Action Finding of Adequacy with citations.
2015			
a.	The Legislature adopted a **90-day target** for local review of Washington State Department of Transportation (WSDOT) projects.	Optional amendment.	No action. Finding documenting the optional provision.
2014			
a.	The Legislature created a new definition and policy for **floating on-water residences** legally established before 7/1/2014.	According to SMC Section 17E.060.570(F): "Over-Water residences shall be prohibited."	Not applicable. No action - Spokane does not have **floating on water residences.** Finding of Adequacy with citations.
2012			
a.	The Legislature amended the SMA to clarify **SMP appeal procedures**.	No SMP appeal procedure.	No action And Finding of Adequacy.

2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved **federal wetland delineation manual**.	SMC Section 17E.070.030 outlines the requirement for wetland delineation to use the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.	No action. Finding of Adequacy supported by citation and ECY correspondence.
b.	Ecology adopted rules for new commercial **geoduck aquaculture**.	City of Spokane does not have saltwater shorelines.	Not applicable. No action. Finding of Adequacy – cite no saltwater shorelines.
c.	The Legislature created a new definition and policy for **floating homes** permitted or legally established prior to January 1, 2011.	According to SMC Section 17E.060.570(F): "Over-Water residences shall be prohibited."	Not applicable. No action – Spokane does not have **floating homes.** Finding of Adequacy with citations.
d.	The Legislature authorizing a new **option to classify existing structures as conforming**.	SMC 17E.060.380 identifies nonconforming structures as allowed but does not allow them to increase their extent of nonconformity.	No action. Finding of Adequacy – supported by SMC citation.
2010			
a.	The Legislature adopted **Growth Management Act – Shoreline Management Act clarifications**.	SMC Section 17E.060.170 includes RCW 90.58 and associated WACs by reference. All provisions for critical areas in the SMC that are not consistent with the RCW and WAC are void.	No action. Finding of Adequacy – supported by SMC citation.

2009			
a.	The Legislature created new "relief" procedures for instances in which a **shoreline restoration project within a UGA** creates a shift in Ordinary High Water Mark.	SMC does not include a provision for restoration project and relief from shoreline regulations that precludes a land owner from using their property for its intended use. (X) The [CITY] may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215. Local governments may want to include this option in local SMPs – though the process may be used even if the provision is not in the SMP.	No Action. Finding of Adequacy. The provision is optional and available without adoption.
b.	Ecology adopted a rule for certifying **wetland mitigation banks**.	SMC Section 17E.070.140 allows mitigation banking.	No action. Finding of Adequacy.
c.	The Legislature added **moratoria authority** and procedures to the SMA.	Moratoria procedures are not required to be include in the SMP, the statute itself can be relied upon.	No action. Finding of Adequacy.
2007			
a.	The Legislature clarified **options for defining "floodway"** as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	SMC Section 17A.020.060 adopts the associated RCW and its definition of floodway by references.	No action. Finding of Adequacy – supported by SMC citation.

b.	**Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.**	Maps are included in the SMC in Section 17E.060.060.	No action. Finding of Adequacy – supported by SMC citation. No new streams or lakes within shoreline jurisdiction.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	SMC Section 17E.060.300 includes, by reference, exemptions under WAC 173-27-040.	No action. Finding of Adequacy – supported by SMC citation.

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

SMP section	Summary of change	Review	Action
	Conflict between Boating Facilities and Water-Enjoyment Recreational Facilities for launch ramps in WWTP Environment.	17E.060, Primary Use Table.	In Section 17E.060.690 Table 17E.060-04, Shoreline Primary Uses – change "recreational development > water enjoyment recreation" in the Wastewater Treatment Plan Environment from "N" to "CU."
Section 17E.060.340, Article IV: Shoreline Design Review	Delete section in total (A and B) to better align with Design Review board procedures.	SMC Chapter 17G.060, Land Use Application Procedures, Sections 17G.060.030, 17G.060.040, and 17G.060.060 provide design review board process that shoreline design review is subject to.	Repeal Section 17E.060.340 Shoreline Design Review, subsections(A) Design Review Process and (B) Administrative Design Review as in Summary of Change.

SMP Section	Summary of change	Discussion
SMC Sections 17E.060.800, 17E.,060.810, 17E.060.820, 17E.060.830, and 17E.060.840, Article VIII: Design Standards and Guidelines to Shoreline Districts	Strikethrough use of "and guidelines" in all five sections of the SMC, and where applicable "design criteria" is used instead. The Downtown, Campus, and Great Gorge shoreline districts are subject to the shoreline design standards in addition to the underlying design standards in Title 17C. The Downriver, Latah Creek, and Upriver Districts are subject to the underlying design standards in Title 17C as well.	Strikethrough "and guidelines" and amend to "design criteria" as documented in Summary of Change.
SMC Section 17A.020.040 "D" Definitions	The "D" definitions were amended to strikethrough "design guidelines" with "design criteria" in subsections 17A.020.040(L) and (O).	For SMC document consistency with the above change the "D" definitions were updated to "design criteria" as well.
SMC Section 17E.060.770, Table 17E.060-5 Development Standards	Strikethrough "and Guidelines" in addition to striking all references to "guidelines." The Downtown, Campus, and Great Gorge shoreline districts are subject to the shoreline design standards in addition to the underlying design standards in Title 17C. The Downriver, Latah Creek, and Upriver Districts are subject to the underlying design standards in Title 17C as well.	Table 17E.060-05 amends guidelines by striking or using standards: "Tall Building Design ~~Guidelines~~ Standards." This provides SMC document consistency. All other use of "guidelines" in the document is not in reference to "design guidelines."
SMC Section 17.060.790	Strikethrough "and Guidelines" in cross-reference to Section Article VIII, Design Standards and ((~~Guidelines~~)) Specific to Shoreline Districts	This provides SMC document consistency. All other use of "guidelines" in the document is not in reference to "design guidelines."
Section 17E.060.150 Reference to Plans, Regulations, or Information Sources	Strikethrough and amend to: "Where the shoreline regulations reference any RCW, WAC, or other local, state, or federal law or regulation, or ~~any~~ source of information, the most recent adopted amendment or adopted current edition shall apply."	Apply limiter language to the references of new sources of information to clarify that only promulgated sources will be accepted as sources to be relied on for decision points.

CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE SHORELINE MASTER PROGRAM PERIODIC REVIEW

A recommendation of the City of Spokane Plan Commission to the City Council to approve the amendments to the Spokane Municipal Code proposed by the Shoreline Master Program Periodic Review (SMP PR). The SMP PR proposed amending Spokane Municipal Code (SMC) Title 17A Administration, Chapter 17A.020 Definitions, Sections 17A.020.040(R)(2) "D" Definitions, and Section 17A.020.060(S) "F" Definitions, Title 17E, Chapter 17E.060, Article II, Part II sections 17E.060.110 and 17E.060.150, Article IV17E.060.290, 17E.060.300, 17E.060.340, Article VI Part II 17E.060.690, Article VII Part II 17E.060.770, 17E.060.790, Article VIII 17E.060.800, 17E.060.810, 17E.060.820, 17E.060.830, 17E.060.840, and Article V Part III 17E.060.380.

FINDINGS OF FACT:

A. The Shoreline Master Program (SMP) Periodic Review (PR) is state mandated and led by the City of Spokane in close collaboration with Dept of Ecology. This project is narrowly focused to achieve City SMP compliance with changes to state legislation concerning Shorelines.

B. Authority for the periodic review is based on Washington's Shoreline Management Act (Ch. 90.58 RCW) and related rules. These amendments were developed by the City to comply with WAC 173-26-090, which requires all local governments to review their SMPs on an eight-year schedule set in state law and revise it if necessary.

C. The periodic review ensures the SMP keeps up with changes in state laws, changes in other local jurisdictions' plans and regulations, and other changed circumstances.

D. Shaping Spokane, the 2017 adopted City of Spokane Comprehensive Plan Chapter 3 Land Use policy 7.1, Regulatory Structure, supports regulations that are predictable, reliable, and adaptable to changing living and working arrangements brought about by technological advancements and Land Use policy 7.2 calls out a continuing review process to periodically re-evaluate and direct city policies and regulations consistent with chapter 3 Vision and Values.

E. The City elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period occurs during the state review process, however additional city review and comment periods have been provided. Comments provided to the City of Spokane are reviewed by both the City and Ecology.

F. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.

G. A State Environmental Protection Act (SEPA) Determination of Non-Significance was issued by Planning Services on December 23, 2020 and a 14-day comment period commenced January 5 - January 19, 2021. No comments were received during the comment period.

H. The City SMP was reviewed against Dept of Ecology Periodic Review checklist as required; analysis submitted to Ecology. Necessary amendments were identified, and the Draft Amendment Proposal prepared, shared with agencies for review, and uploaded online. An email database of interested parties is maintained for regular communications. Information on the Periodic Review was presented to the public, neighboring jurisdictions, and partner agencies in two virtual Open House sessions via Webex on December 1, 2020. The Community Assembly was briefed on December 3, 2020.

I. A notice of Joint Public Comment Period with Ecology and City of Spokane was published in the Spokesman-Review December 23 and January 5; the comment period commenced January 5 - February 5, 2021 and all comments were recorded, responded to, and provided to Ecology. Ecology provided separate notification.

J. Plan Commission hearing legal notices were published in the Spokesman-Review February 10, and February 17, 2021.

K. The Plan Commission held a public hearing on February 24 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

A. The Plan Commission has reviewed all public testimony received during the public hearing.

B. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the comprehensive plan and that the proposed amendments bear a substantial relation to the public health, safety, welfare, and protection of the environment.

RECOMMENDATION:

In the matter of the amendments to the Spokane Municipal Code proposed by the Shoreline Master Program Periodic Review, by unanimous vote, the Plan Commission recommends to the City Council the approval of the proposed amendments to the Spokane Municipal Code, as mandated by the State of Washington Shoreline Management Act RCW 90.58 eight year cycle of review.

Todd Beyreuther (Mar 2, 2021 16:48 PST)

Todd Beyreuther, President
Spokane Plan Commission
March 3, 2021

Plan Commission Findings-ConclusionsFinal - SMP Periodic Review.20210301

Final Audit Report 2021-03-03

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Document e-signed by Todd Beyreuther (tbeyreuther@spokanecity.org)
Signature Date: 2021-03-03 - 0:48:48 AM GMT - Time Source: server- IP address: 107.77.205.67

Agreement completed.
2021-03-03 - 0:48:48 AM GMT

ns	Tribal Historic Preservation Officer PO Box 100 Wellpinit, WA 99040	Spokane Tribe use of this area was extensive prior to Euro-Americans. Recommendation is case by case review on each project & may require cultural surveys or monitoring.	Non-specific	Acknowledged receipt of letter.	
	Diana Washington 509-325-3519; diana.washington@ecy.wa.gov	Re: SEPA Concern Period Review would affecting Discharge Permitting, impacts to river. WQP has no comment.	Not Applicable	Discussed over the phone that Review focused on compliance with State changes, not affecting Discharge Permitting.	
ns	Randy Abrahamson Tribal Historic Preservation Officer PO Box 100 Wellpinit, WA 99040	Re: 30-day Joint Comment Period Recommend case by case review; may require cultural surveys or monitoring.	Non-specific	Acknowledged receipt of letter.	
d Tribes	Marc Gauthier 509-795-9714; blackriverpro@hotmail.com	Re: 30-day Joint Comment Period Wildlife biologist, concerned Period Review altered the ecological baseline, thinks ecosystem approach more appropriate.	Non-specific	Discussed over the phone that Review has narrow scope and does not alter ecological baseline. Referred to 2030 Comprehensive SMP Update.	
	Robin Bekkedahl robin.bekkedahl@avistacorp.com 1411 E Mission Ave MSC-21 Spokane, WA 99202	RE: 30-day Joint Comment Period Senior Enviro Scientist, SMC 17C.060.300(B) should be updated with current OFM $ amount. The new threshold was effective September 2, 2017 and outlined in RCW 90.58.030(3)(e).	Draft SMP Text & ECY Checklist	Noted via email in response to open house that the City would coordinate with Ecology.	
nt of	Leslie King Leslie.King@dfw.wa.gov 2315 N Discovery Place Spokane Valley, WA 99216	RE: 30-day Joint Comment Period DFW Habitat Biologist, Priority Habitats and Species (PHS) publications finalized in Dec. 2020. DFW looks forward to working with City to ensure that future updates of the SMP include PHS Best Available Science.	Draft SMP Text & ECY Checklist	Discussed over the phone that the SMP addresses updates to BAS and management recommendations.	

Spokane Tribe of Indians
Tribal Historic Preservation Officer
P.O Box 100 Wellpinit WA 99040

December 28, 2020

To: Melissa Wittstruck, Planner

RE: Shoreline Master Program Periodic review 2020

Ms. Wittstruck,

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 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.

Most kind,

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

From: Wittstruck, Melissa
To: Meuler, Louis
Cc: Black, Tirrell
Subject: Ecology msg DWashington
Date: Tuesday, December 29, 2020 9:47:19 AM
Attachments: image002.png
image003.png
image004.png

Hi Louis –

I just spoke with Diane at Ecology. She was looking for more context around the SMP Periodic Review checklist and the scope of the proposed amendments. I outlined the narrow scope of the Periodic Review, which is confined to reaching City SMP compliance with changes at the State level in SMA. Ms. Washington manages the City wastewater permits for Ecology (effluent start point to treatment facility). She stated that due to the narrow scope of meeting compliance she has no comment on the SMP Periodic Review SEPA checklist as submitted for review.

I will be working remotely until further notice and will respond to emails as quickly as possible. Thank you for your patience!

Sincerely,

Melissa

Melissa Wittstruck | City of Spokane |Assistant Planner II

509.625-6087| *main* 509.625-6500 | mwittstruck@spokanecity.org |spokanecity.org

Spokane Tribe of Indians
Tribal Historic Preservation Officer
P.O Box 100 Wellpinit WA 99040

January 6, 2021

To: Melissa Wittstruck, Planner

RE: Joint State-City Shoreline Master Program

Ms., Wittstruck,

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 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.)

From: Wittstruck, Melissa
To: Wittstruck, Melissa
Subject: 1/12 UCUT Marc Gautier phone call - SMP PR
Date: Tuesday, January 12, 2021 1:36:02 PM
Attachments: image002.png
image003.png
image004.png

I returned a call to Mark Gauthier, UCUT wildlife biologist, this morning at 10 AM. Marc has not yet prepared comments on the SMP PR documents but wanted to check in on the project scope as well as future City of Spokane SMP update (more extensive). We discussed the narrow scope of the current periodic review (seeking compliance with state legislative changes). Also the opportunity to address broader concerns from the wildlife biologist purview for future efforts being welcome comments as well. I emphasized the invitation to broadly disseminate the online project page links and proposed scheduling for the city periodic review to his professional community and interested personal contacts. I explained that the 30-day public comment period is joint with city and state.

I will be working remotely until further notice and will respond to emails as quickly as possible. Thank you for your patience!

Sincerely,
Melissa

Melissa Wittstruck | City of Spokane | Assistant Planner II
509.625-6087| *main* 509.625-6500 | mwittstruck@spokanecity.org | spokanecity.org
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From:	Bromley, Lauren (ECY)
To:	Wittstruck, Melissa; Sikes, Jeremy (ECY)
Cc:	Palmquist, Tami; Brast, Ali
Subject:	RE: [External] FW: 1/21 Shoreline Joint Workshop - PC Shoreline public comment question. Exemption $
Date:	Monday, January 25, 2021 9:56:31 AM
Attachments:	image008.png image009.png image010.png

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good morning Melissa,
The most current dollar amount, as adjusted by OFM, can indeed be applied without a formal change to an SMP. When OFM publishes the new amounts within the State Register, the new dollar amounts become effective regardless of the language in an SMP. The current dollar amount went into effect on September 2, 2017. We still suggest that the dollar amount be changed universally throughout the SMP text during the amendment process for clarity.

Please let me know if you have additional questions.
Thank you,

Lauren Bromley
Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance
Eastern Region,4601 N. Monroe Street, Spokane, WA 99205
Work: (509) 329-3550 | Mobile: (509) 220-7750 | lauren.bromley@ecy.wa.gov

"The birds have vanished into the sky and now the last cloud drains away. We sit together the mountain and me, until only the mountain remains." - **Li Po**

DEPARTMENT OF ECOLOGY
State of Washington

To conserve paper please don't print this e-mail unless you really need to.

From: Wittstruck, Melissa <mwittstruck@spokanecity.org>
Sent: Friday, January 22, 2021 11:08 AM
To: Sikes, Jeremy (ECY) <JSIK461@ECY.WA.GOV>
Cc: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>; Palmquist, Tami <tpalmquist@spokanecity.org>; Brast, Ali <abrast@spokanecity.org>
Subject: FW: [External] FW: 1/21 Shoreline Joint Workshop - PC Shoreline public comment question. Exemption $

Good morning!
Robin Bekkedahl, Avista, sent a question this morning regarding exemption dollar amounts in SMC 17E.060.300(B). Please see the email chain below. Robin is wondering if Spokane can use the current OFM amount allowed (instead of what we have listed now) and then go forward from the amendment date with OFM adjustment. This seems reasonable as the 2017 legislative change amount on the Checklist for cost threshold for substantial development is $7,047.
Staff worked with this by amending to exceeds, and referencing the statute in **Article IV 17E.060.290(C)** previous sections with the same intent of updating the base and using OFM inflation adjustment going forward. I think we might have missed an opportunity to do the same in the section Robin is questioning, SMC 17E.060.300(B).

Reference to proposed amendment:
Title 17E Environmental Standards
Chapter 17E.060 Shoreline Regulations
Article IV. Shoreline Permits and Exemptions
Section 17E.060.290 Shoreline Substantial Development Permit
(C) No use, modification, or development, except for those listed in SMC 17E.060.300, Use, Modifications, and Developments Exempt from Shoreline Substantial Development Permit Requirement, shall be undertaken in the shoreline jurisdiction without first obtaining a shoreline substantial development permit from the director. Substantial developments include any development with which the total cost or fair market value, whichever is higher, ((~~does exceed~~)) exceeds ((~~five thousand seven hundred eighteen dollars or~~))the adjusted amount per WAC 173-27-040, or if such development does materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For the purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of use, modification, or development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

I am going to loop Tami Palmquist and Ali Brast in on the question – I'm not sure exactly how that is being administered today. If there is another contact (OFM?) I should reach out to, please let me know.

Section in question, not in proposed amendment draft:

SMC 17E.060.300(B)(1)

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

1. Any use, modification, or development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars or the adjusted amount per WAC 173-27-040, if such use, modification, or development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the use, modification, or development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

(Draft Responsive) Periodic Review Checklist

2017			
a.	OFM adjusted the **cost threshold for substantial development** to $7,047.	SMC Section 17E.060.290 item C outlines the cost threshold requiring a substantial development permit	Amend SMC 17E.060.290(C)to remove cost. Further amend this section to reference statute, including reference to period of review/consideration for inflation.

I appreciate your review – let me know if you need clarification from me. I've attached the draft documents.

Thank you!

I will be working remotely until further notice and will respond to emails as quickly as possible. Thank you for your patience!

Sincerely,

Melissa

Melissa Wittstruck | City of Spokane |Assistant Planner II

509.625-6087| *main* 509.625-6500 | mwittstruck@spokanecity.org |spokanecity.org

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From: Wittstruck, Melissa <mwittstruck@spokanecity.org>
Sent: Friday, January 22, 2021 8:29 AM
To: Bekkedahl, Robin <Robin.Bekkedahl@avistacorp.com>
Subject: RE: [External] FW: 1/21 Shoreline Joint Workshop - PC Shoreline public comment question

Robin,

Thank you for joining the PC workshop yesterday. That is a very good question – which I will have to check in with Ecology for. I'll email Jeremy and Lauren as well as touch base with OFM and get back to you asap. I've haven't been tracking state furlough days since December, so it could be early next week. There are also West side jurisdictions I can check code reviews for.

Have a good weekend

I will be working remotely until further notice and will respond to emails as quickly as possible. Thank you for your patience!

Sincerely,

Melissa

Melissa Wittstruck | City of Spokane |Assistant Planner II

509.625-6087| *main* 509.625-6500 | mwittstruck@spokanecity.org |spokanecity.org

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From: Bekkedahl, Robin <Robin.Bekkedahl@avistacorp.com>
Sent: Friday, January 22, 2021 6:09 AM
To: Wittstruck, Melissa <mwittstruck@spokanecity.org>
Subject: RE: [External] FW: Shoreline Joint Workshop - Corrected Plan Commission Agenda Pkt for Jan. 21, 2021

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Melissa:
Thank you for notifications on the SMA update. Just a question, could the dollar amount of the exemption be revised to reflect today's cost per the OFM? I believe it is approximately $7,000.

B. Exemptions. The following shall not be considered substantial development and are exempt from obtaining a shoreline substantial development permit from the director: 1. Any use, modification, or development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars or the adjusted amount per WAC 173-27-040, if such use, modification, or development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the use, modification, or development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials. 2. Normal maintenance or repair of existing structures or developments, including damage

Thank you,
Robin

Robin Bekkedahl Sr. Enviroinmental Scientist
1411 E Mission Ave MSC-21, Spokane, WA, 99202
P 509.495.8657 | C 509.994.4589 robin.bekkedahl@avistacorp.com
www.myavista.com

From: Wittstruck, Melissa <mwittstruck@spokanecity.org>
Sent: Wednesday, January 20, 2021 2:33 PM
Cc: Black, Tirrell <tblack@spokanecity.org>; Wittstruck, Melissa <mwittstruck@spokanecity.org>
Subject: [External] FW: Shoreline Joint Workshop - Corrected Plan Commission Agenda Pkt for Jan. 21, 2021

TO: Agencies and Interested Parties

Good Afternoon,
Attached is the Plan Commission Special Meeting agenda for January 21. The agenda includes the rescheduled Shoreline Master Program joint City & Dept of Ecology workshop (due to windstorm January 13, 2021).
The City project webpage for additional information and documents located here: https://my.spokanecity.org/projects/shoreline-master-program-periodic-update/ The 30-day joint agency public comment period is also in place and runs through February 5, although comments, feedback, and questions are always encouraged.
Thank you for your patience due to the weather emergency. Please contact me if you have any questions.

I will be working remotely until further notice and will respond to emails as quickly as possible. Thank you for your patience!

Sincerely,
Melissa

Melissa Wittstruck | City of Spokane | Assistant Planner II
509.625-6087| *main* 509.625-6500 | mwittstruck@spokanecity.org | spokanecity.org
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State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Eastern Region • Region 1 • 2315 North Discovery Place, Spokane Valley, WA 99216-1566
Telephone: (509) 892-1001 • Fax: (509) 921-2440

February 4, 2021

City of Spokane Planning Services Dept.
Attn: Melissa Wittstruck, Assistant Planner
6th Floor, 808 W. Spokane Falls Blvd.
Spokane, WA 99201-3333

RE: Shoreline Master Program Periodic Review Amendment

Dear Ms. Wittstruck,

Thank you for the opportunity to comment on this Periodic Review of the City of Spokane's Shoreline Master Program (SMP). The Washington Department of Fish and Wildlife (WDFW) provides our comments and recommendations in keeping with our legislative mandate to preserve, protect, and perpetuate fish and wildlife and their habitats for the benefit of future generations - a mission we can only accomplish in partnership with local governments.

We understand the City has elected to use the optional joint review process with the Department of Ecology and there will be no additional comment period during the state review process. WDFW would like to take this opportunity to inform the City that we recently finalized our updated Priority Habitats and Species (PHS) publications on riparian ecosystems. In May 2018, we published the manuscript for *PHS Riparian Ecosystems, Vol. 1: Science Synthesis and Management Implications* which meets the criteria of being an independently peer reviewed source of Best Available Science on what riparian ecosystems need in order to be fully functioning habitat for fish and other aquatic species. In December 2020, we finalized the companion *PHS Riparian Ecosystems, Vol.2: Management Recommendations* in which we recommend to local governments and other landowners and land managers how to apply the science summarized in Volume 1.

The *PHS Riparian Ecosystems* publications state that rather than simply serving as "buffers" for their adjacent waterbody, riparian areas are important as ecosystems in and of themselves, warranting levels of protection and management not based solely on a waterbody's typing according to fish use. While shoreline riparian areas do function as aquatic buffers by protecting and improving water quality, they also provide terrestrial habitat used by wildlife for movement, nesting, reproduction, foraging and refugia.

We look forward to working with you to ensure that future updates of the SMP include the review of Site Potential Tree Height at 200-years ($SPTH_{200}$) and the Channel Migration Zone (CMZ) as the method in which to determine the width of the Riparian Management Zone (RMZ). In locations where $SPTH_{200}$ information is not available, or is less than 100 feet, as indicated by this web map, the science informs us that a minimum 100- foot setback is still appropriate in most instances to ensure the RMZ can adequately provide its pollution removal function. (Certain site characteristics, including soil type and adjacent land uses, may require an even larger distance to ensure pollution removal.)

WDFW provides its recommendations through the lens of our agency's mandate. We appreciate that local governments must weigh many considerations when making decisions about land use plans and activities, and that

tradeoffs sometimes must be made. To that end, WDFW supports site-specific mitigation and decision making within the context of watershed and other landscape scales as appropriate. We recommend flexibility in mitigation requirements so that wildlife *and* human needs are accommodated; in locations where the level of riparian protection WDFW recommends cannot be observed, such as with setback distances, mitigation which preserves the functions and values of the RMZ should be developed and applied. WDFW is available and eager to assist the City of Spokane in these situations.

Thank you again for the opportunity to comment on this update process. WDFW understands that our new *PHS Riparian Ecosystem* volumes reflect some significant changes to the approach our state has taken to riparian ecosystem protection for decades, and that local jurisdictions may have additional questions about how best to implement the new guidance. Please do not hesitate to contact me to discuss these guidelines and future implementation.

Sincerely,

Leslie King
Washington Department of Fish and Wildlife
Leslie.King@dfw.wa.gov
509-892-1001 ext. 323

cc:

From: Wittstruck, Melissa on behalf of Planning & Development Services Shoreline Master Program
To: King, Leslie C (DFW)
Subject: RE: SMP Periodic Review Comment
Date: Friday, February 5, 2021 10:23:21 AM
Attachments: image002.png
image003.png
image004.png

Hello Leslie,
Thank you for the WDFW final comment letter. It is logged and in review/response mode.
I discussed with Tirrell Black, Principal Planner. She asked me to forward to the City Developer Services Center Tami Palmquist. I am waiting to hear from Tami (also Principal Planner, Permit Center). After my review of the SMP amendment proposal and current codes, point, we believe the SMC for both SMP and CAO are responsive to DFW provision of updated BAS Resource May 2018 and the Management Recommendations released December 2020 as the use of current BAS & Recommendations is supported in these sections of SMC Title 17E.
Once Tami has a chance to also review, I will update you again.
Spokane's SMP Periodic Review documents were uploaded to Planview in October 2020. Sometimes it is not always friendly to searching though

I will be working remotely until further notice and will respond to emails as quickly as possible. Thank you for your patience!

Sincerely,
Melissa

Melissa Wittstruck | City of Spokane |Assistant Planner II
509.625-6087| *main* 509.625-6500 | mwittstruck@spokanecity.org |spokanecity.org
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From: King, Leslie C (DFW) <Leslie.King@dfw.wa.gov>
Sent: Thursday, February 4, 2021 3:39 PM
To: Planning & Development Services Shoreline Master Program <erapdssmp@spokanecity.org>
Subject: SMP Periodic Review Comment

Hello,

Attached you will find the Washington Department of Fish and Wildlife's comment letter to the

current City of Spokane's Shoreline Master Program Periodic Review. I tried to attach the comment letter to the file in PlanView but I could not locate a file for this update.

Thank you for the opportunity to comment and we look forward to working with you in the future.

Kind Regards,

Leslie King
WDFW Habitat Biologist
2315 N. Discovery Place
Spokane Valley, WA 99216
(509) 892-1001 ext. 323