

Title 17A Administration  
Chapter 17A.020 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.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The guidelines 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 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.

1. 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.
2. 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. 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. Development Approval.  
Any recommendation or approval for development required or permitted by this code.
- U. 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. 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. 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. 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. Direct Impact.  
An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.
- Z. 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. Directional Sign.  
See SMC 17C.240.015.
- BB. 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.
- CC. 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.
- DD. 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.
- EE. 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.

FF. 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.

GG. 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.

HH. 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.

II. 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.

JJ. 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.

KK. 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.

LL. Dredge Spoil.

The material removed by dredging.

MM. 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.

NN. 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.

OO. Driveway.

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

PP. Duplex.

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

QQ. 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.

## Title 17A Administration

### Chapter 17A.020 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.))~~ The area, as identified in the shoreline master 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.

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article II. Administration: Part II. Administrative Authority and Legal Provisions

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.

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article IV. Shoreline Permits and Exemptions

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 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.

- 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.

#### Title 17E Environmental Standards

#### Chapter 17E.060 Shoreline Regulations

#### Article IV. Shoreline Permits and Exemptions

#### Section 17E.060.300 Uses, Modifications, and Developments Exempt 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 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 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 exception 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 per WAC/RCW (add this to the SMC for clarification). 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.

((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.))~~

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VI. Environment Designations and Requirements for Modifications and Uses in Specific Environments: Part II. Modifications and Uses in Specific Environments

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	<del>((N))</del> CU
Water-enjoyment recreation	L[7]/CU	CU	CU	CU	CU	CU
Non-water-oriented recreation	N	CU	CU	CU	CU	N
Residential Development						

Single-family residences	CU	P	P	P	P	N
Two-family residences	N	P	P	P	P	N
Three-family residences	N	P	P	P	P	N
Multi-family residences (4 or more dwelling units)	N	CU	CU	CU	CU	N
Accessory dwelling unit (ADU)	CU	P	P	P	P	N
Detached accessory structures	CU	P	P	P	P	N
Group living	N	CU	CU	CU	CU	N
Subdivision						
All subdivisions (including binding site plans)	L[8]/CU	CU	CU	CU	CU	N
Parking						
Commercial parking or parking facility as primary use	N	N	N	N	N	N
Parking, accessory to a permitted use	P	P	P	P	P	P
Transportation						
New streets or street expansions that are part of the City of Spokane designated regional arterial network	L[9]/CU	L[9]/CU	L[9]/CU	L[9]/CU	L[9]/CU	L[9]/CU
New local access streets or street expansions serving permitted shoreline uses	L[10]/CU	L[10]	L[10]	L[10]	L[10]	L[10]
Pedestrian and bicycle linkages to existing or 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

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VII. Shoreline Development Standards by District: Part II. Shoreline Development Standards

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 <sup>[1]</sup>					
	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 <sup>[2]</sup>	25 feet <sup>[2]</sup>	15 feet <sup>[2]</sup>			
Visual Access Setback <sup>[5]</sup>	15 feet <sup>[3]</sup>				
Maximum Width of All Structures Parallel to OHWM	70% of the width of the site generally running parallel to the OHWM <sup>[4]</sup> <sup>[5]</sup>				
Maximum Lot Coverage	70% <sup>[4]</sup>				
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 <sup>[6]</sup> <sup>[7]</sup>					
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 <sup>[8]</sup>		
<b>Notes:</b>			
<p>[1] Within the shoreline districts, the most restrictive development standards of both the underlying zone and the shoreline district apply.</p> <p>[2] See the shoreline buffers map to determine the buffer width within the shoreline jurisdiction.</p> <p>[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.</p> <p>[4] See SMC 17E.060.770 for exceptions.</p> <p>[5] See SMC 17E.060.800 for pedestrian views and access for large buildings over three hundred feet.</p> <p>[6] No structures are allowed within the shoreline buffer and structure setback.</p> <p>[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.</p> <p>[8] Public access pathways within a shoreline buffer shall not exceed ten feet in width.</p>			

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VII. Shoreline Development Standards by District: Part II. Shoreline Development Standards

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.
- C. 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.

Title 17E Environmental Standards

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))~~ design criteria. 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))~~ design criteria 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.

Title 17E Environmental Standards

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.

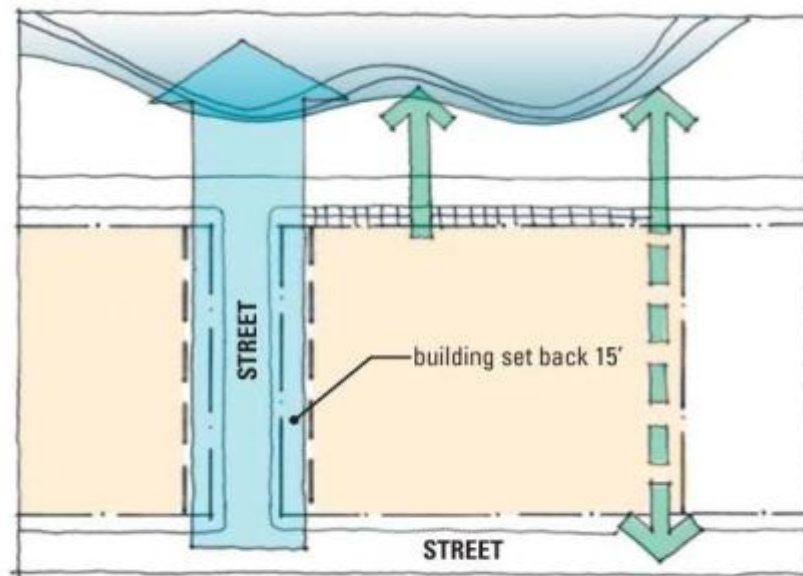
1. Public Access

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.

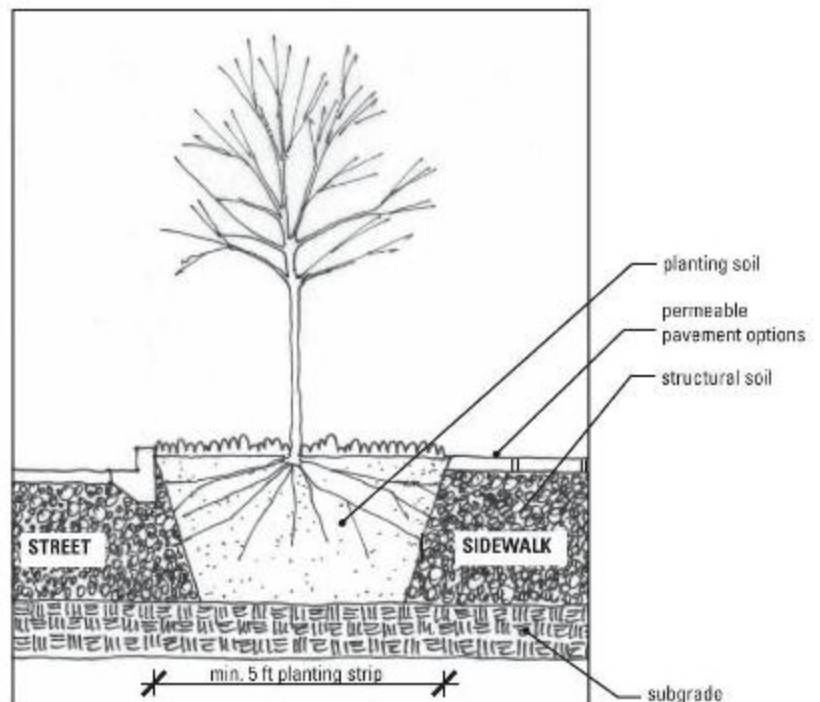
A. Purpose.

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)

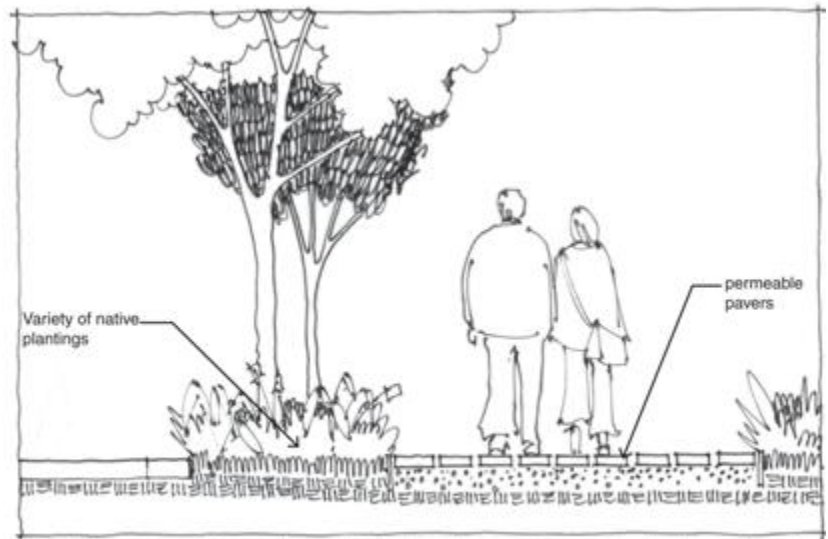
D. Native trees, such as evergreens, are encouraged when adequate space is available. (C)



ii. Urban Green Streets and Urban Pathways.

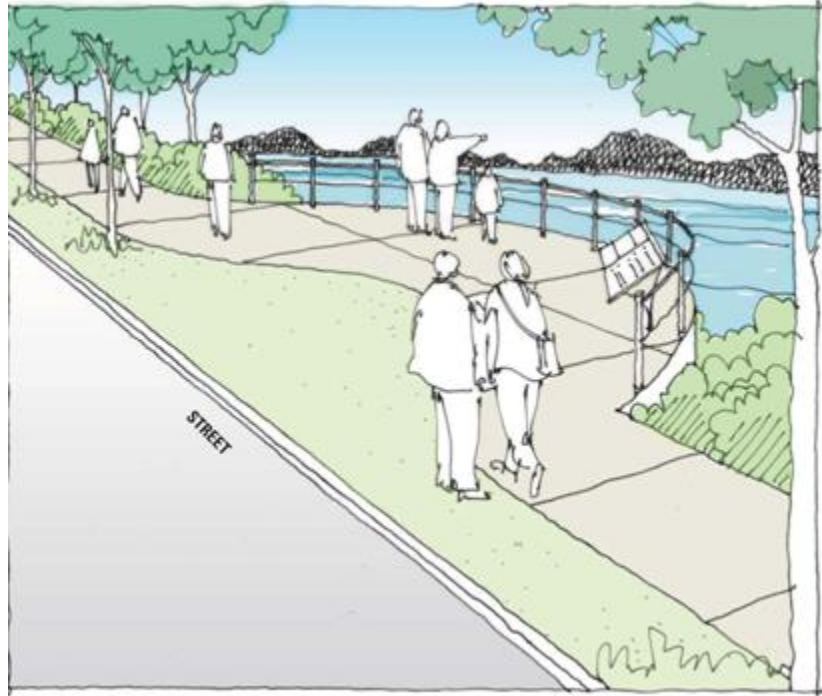


- A. Purpose.  
To have streets add to the environmental quality of the shoreline environment.
- B. Streets within the shoreline jurisdiction shall be planted with a variety of trees, shrubs and ground cover. (R)
- C. Techniques for capturing and filtering stormwater run-off shall be incorporated into 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.*

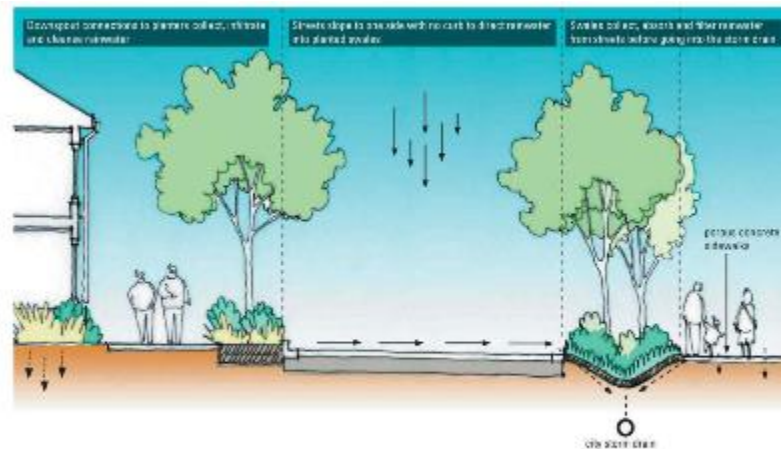
iii. Overlooks in Public Development.



*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)



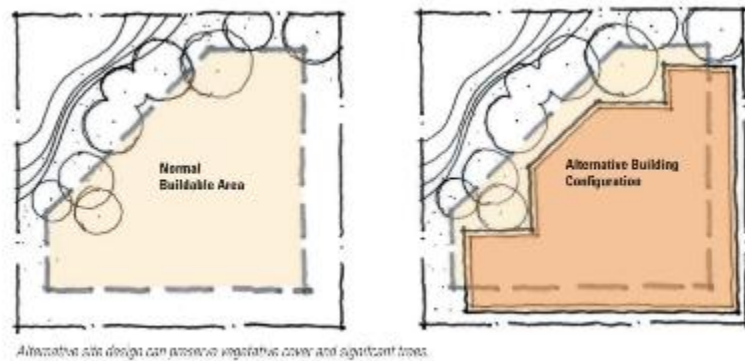
*Techniques for capturing and filtering stormwater runoff - including curbless streets and swales as planting strips - in the design of streets, sidewalks, and building frontages.*

## 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)



## 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)

Title 17E Environmental Standards

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



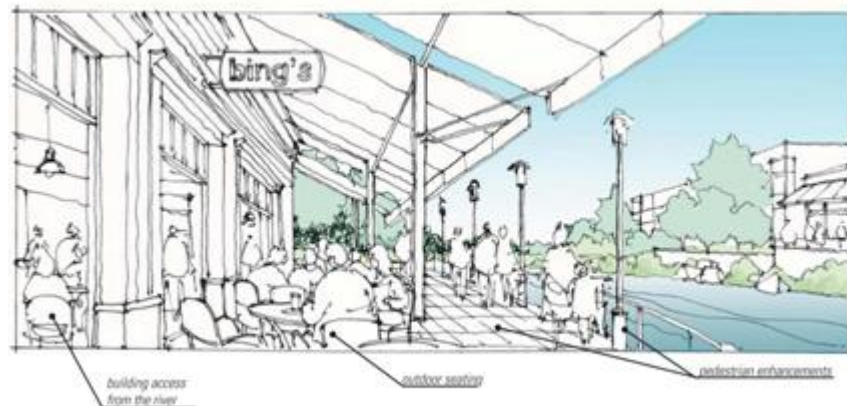
A. Shoreline Relationships – Human Activity.

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.

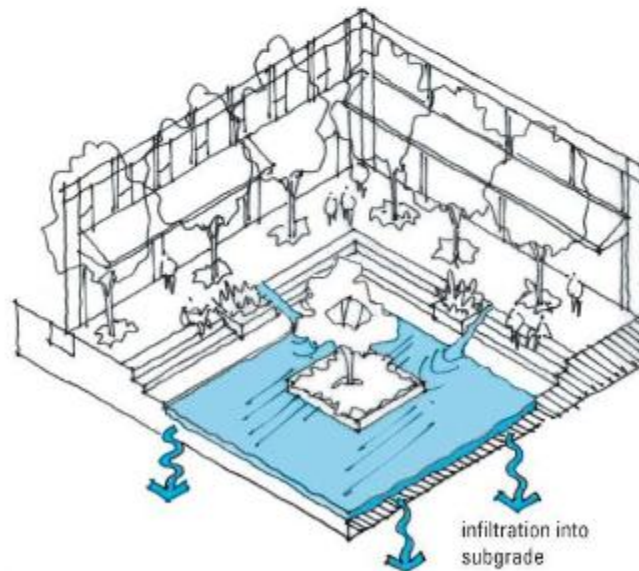
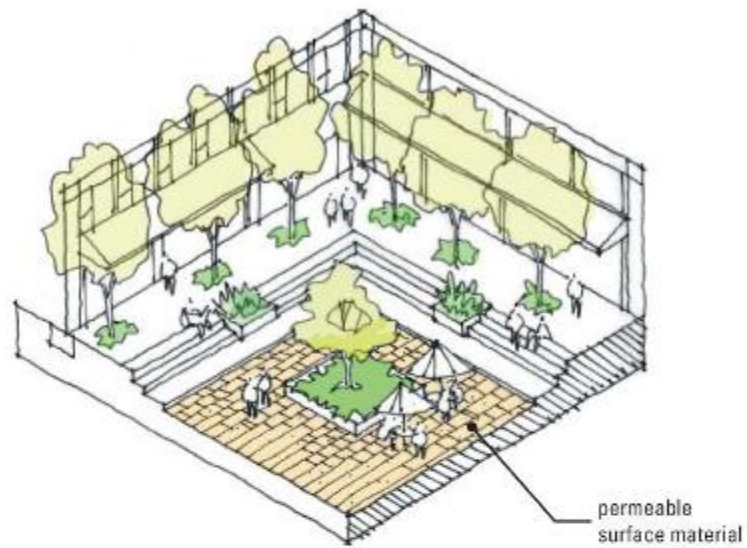
- 2. Pedestrian pathways shall be at least ten feet wide. (R)
- 3. Pedestrian pathways shall be lighted either from nearby buildings or from pedestrian-scaled fixtures. (R)

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)

### Title 17E Environmental Standards

#### 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)

Title 17E Environmental Standards

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.

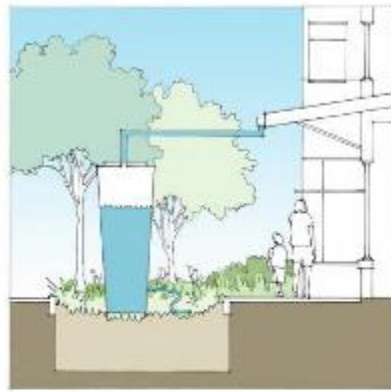
a. Purpose.

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/rain garden*



*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)

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article V. General Requirements for Shoreline Use and Modifications: Part III. Nonconforming Shoreline Situations

Section 17E.060.380 Nonconforming Uses and Structures

RR. 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.

SS. 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.

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

UU. 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.

VV. The replacement, expansion, or enlargement of nonconforming residential buildings (including single-family residences, manufactured homes, and mobile homes) shall achieve no net loss of

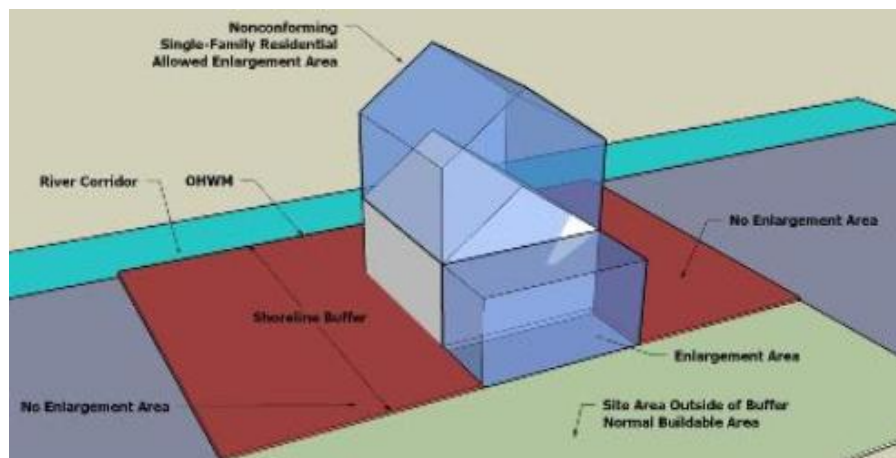
shoreline ecological functions pursuant to SMC 17E.060.210 and adhere to the mitigation sequencing requirements in SMC 17E.060.220.

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

XX. 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-wide manufactured homes, upon approval of a shoreline conditional use permit.

YY. 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:

1. 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))~~ G((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 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.