



### What is the Shoreline Master Program?

Spokane's shoreline regulations are mandated by the Washington State Shoreline Management Act (SMA) of 1971, as amended in Chapter 90.58 of the Revised Code of Washington (RCW). The SMA strives to achieve responsible shoreline use and development, environmental protection, and public access. Spokane's Shoreline Master Program (SMP) carries out the policies of the SMA at the local level and establishes a program consistent with the rules adopted by the Washington State Department of Ecology (Ecology) as amended in Chapter 173-27 of the Washington Administrative Code (WAC).

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

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

### Permit Requirements:

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

A **Shoreline Substantial Development Permit** is required for projects that propose to undertake a "substantial development" within the Shoreline Jurisdiction. Substantial development is generally defined by the WAC as any development, the total cost or fair market value of which exceeds five thousand dollars (\$5,000), OR any development that materially interferes with the normal public use of the water or shorelines of the City, unless it is exempt from the requirement.

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

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

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

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

### Other Permits Required:

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

### Predevelopment:

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

### Design Review:

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

### Evaluation Criteria:

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

### Filing a Shoreline Permit Application:

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

### Application Procedures:

#### **Step 1 - Notification District Map:**

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

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

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

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

#### **Step 3 - Traffic Study:**

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

#### **Step 4 - Application Submission:**

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

#### **Step 5 - Determination of Complete Application:**

1. Upon receipt of an application, staff will conduct a preliminary, immediate review to determine if the application contains the documents and information required by SMC 17G.060.070. If it does not, the application including fees shall be returned to the applicant.
2. If the application appears to contain all required documents it will be accepted, and within seven days a detailed review will take place. If staff determines that required components are missing or that the application is inadequate in other ways, the application packet, including fees, shall be returned to the applicant.

3. If all information is included, the application shall be forwarded to interested departments and agencies for analysis and concurrency review. They will be given fourteen days to provide comments on a permit application. For more information on this review see 17G.060.090.C.
4. Within seven days of the agency comment period, if no additional information is required, the application will be considered technically complete. City staff will notify the applicant in writing.
5. Any application that fails to complete the next application step for a period of 180 days after the determination of completeness or after City staff request additional information will expire by limitation and become null and void.

#### **Step 6 - Notice of Application:**

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

#### **Step 7 - SEPA Threshold Determination:**

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

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

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

#### **Step 9 - Staff Report:**

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

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

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

#### **Step 11 - Decision:**

- **Shoreline Substantial Development Permit** – The Planning Services Director makes a decision within ten days of the end of the public comment period.
- **Shoreline Conditional Use Permit and Shoreline Variance** - The Hearing Examiner makes a decision within ten days of the date the record is closed. The Hearing Examiner provides notice of the decision to the applicant, all parties of record and all persons who have requested to be given notice. The Hearing Examiner may approve, approve with conditions, or deny the conditional use permit application. See SMC 17G.060.190.
- For conditional use permit and variance applications, the Washington State Department of Ecology has 30 days from the date the City approves the complete application to review it, and to approve it, approve it with conditions, or deny it.
- Following a Decision, construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the “date of filing” by Ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).

#### Appeal:

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

#### Time Limit on Approvals:

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

# SHORELINE PERMIT APPLICATION

*Attach an additional sheet if needed*

## The proposed action requires approval of:

- Shoreline Substantial Development Permit (SSDP) - --Yes
- Shoreline Conditional Use Permit (SCUP) --- Yes
- Shoreline Variance (SV) --- Yes

## All Shoreline Permits must provide the following information:

1. Identify the name of the shoreline (water body) with which the site of the proposal is associated.  
Spokane River
2. Provide a general description of the proposed project, including the proposed use or uses and the activities necessary to accomplish the project.

The proposed project is the removal of concrete walls and slabs, site preparation, and construction of a new single-family house. (The single-family house that formerly occupied the was damaged by a tree-fall and was razed). The house that formerly occupied the site included a concrete basement (676 square feet), first floor (676 square feet), and partial second floor (300 square feet). The total interior area was about 1652 square feet. The remnants of the house include stone foundations, concrete slabs, and a concrete cistern that cover a surface area of about 1250 square feet.

That house would be replaced by a single-story single-family house with basement within a footprint of about 2300 square feet. The house would also include a garage. Landscaping would include native species appropriate to the site aspect.

3. Provide a general description of the property and adjacent uses, including physical characteristics, intensity of development, improvements, and structures.

The site is in a single-family neighborhood known as Lower Crossing. The site is presently the last developed lot at the end of West Falls Avenue. The existing lot, comprising about 13,100 square feet, fronts along the south side of Falls Avenue and backs to the Spokane River shoreline. The site is steeply sloping down to the river. Because of a wind-blown tree, the 1907 house that had occupied the site was razed, but the stone basement wall, stone and brick foundations and footings, a concrete cistern, and concrete slabs remain on the site. The basement wall butts against Falls Avenue and a gravel bank runs west and east of the concrete wall. This feature is a shallow bench about 4 to 5 feet below street grade on which the house and yard were situated. Beyond the edge of the bench, the slope drops steeply to the river shoreline. Vegetation is deteriorated domestic grass, lilac bushes, and black locust. At the eastern edge is a cluster of June Berry and cluster of Oregon Grape (each about 3 feet in diameter).

One undeveloped lot is adjacent to the west of the subject property (about 13,000 square feet). Adjacent to the east is a single-family home on a lot of about 5,000 square feet, and beyond it, a line of houses along West Falls Avenue and Lower Crossing. These houses along the south side of the street back to the steep slopes of the Spokane River gorge and Spokane River. North of West Falls Avenue is a steep, sparsely pine-forested hillside with the single-family houses on the crest of the gorge on lots fronting along West Ohio Avenue. These houses overlook the site and have views of the Spokane River below. Only one of the Lower Crossing houses fronts along the north side of West Falls Avenue at the intersection of Lower Crossing Street.

The houses along West Falls Avenue are generally one to two-stories in height, wood frame, and range from first floor areas of 502 square feet to 1,750 square feet, and total interior areas ranging from 778 square feet to

3,664 square feet. The landscape is characterized by the steep slope of the river gorge down from Ohio Avenue at the crest to the rocky and vegetated Spokane River shoreline below. West Falls Avenue roughly splits the slope in an east-west direction. Pines and grasses are the typical native vegetation and the developed yards have typical domestic shrubs, trees, flowers, and lawns. Cottonwood trees and shrubs are along the rocky river shoreline.

4. What is the estimated total Fair Market project cost within the Shoreline Jurisdiction?

5. \$350,000 plus or minus

6. Will the proposed development intrude waterward of the ordinary high water?  YES  NO X If yes, describe the intrusion:

No, it will expand to the east, parallel to West Falls Avenue.

7. Will the proposed use or development affect existing views of the shoreline or adjacent waters?  YES  NO X If yes, describe

No, single-family houses are not required to provide visual public access per U1 of Section 17E.060.280 Physical and Visual Public Access. The existing single-family houses, including the house on the lot adjacent to the east, have views to the south toward the river. Houses on the north rim of the river gorge are well above the existing house and its proposed replacement. The proposed house would not adversely impact their views of the river.

8. Explain how the proposed use will not unreasonably interfere with the normal public use of public shorelines.

There is no access across the property from Falls Avenue to the Spokane River because steep slope. Beyond, generally to the west, access through the area is via Falls Avenue and informal trails along the water's edge. The area below the site is rocky and heavily vegetated with trees, thus the public does not normally use this shoreline for recreation. Single-family houses are not required to provide visual public access per U.1. of Section 17E.060.280 Physical and Visual Public Access.

9. Please explain how the proposal is consistent with the map, goals, and policies of the Shoreline Master Program.

The site is designated in the Comprehensive Plan and zoned RSF, Residential Single-Family (4-10). At about 13,000 square feet in area, the lot meets the minimum size (4,350 square feet) and dimensional requirements of the zone.

Single-family houses on platted lots are allowed uses within the Spokane River shoreline, particularly in platted developed neighborhoods.

According to the Shoreline Master program: SMP 11.47 Single-Family Use Priority:

"Give priority to single-family residences only when they are developed in a manner consistent with pollution control and prevention of damage to the natural environment."

10. A detailed narrative of how the impacts of the proposal have been analyzed to achieve no net loss of shoreline ecological functions, including each step of the mitigation sequencing process, as defined in Section 17E.060.220 SMC. According to the definition of No Net Loss of Ecological Functions in the city of Spokane Comprehensive Plan states:

"The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting significant adverse impacts on shoreline ecological functions. Each project shall be evaluated based on its ability to meet the no net loss goal commensurate with the scale and character of the proposed development."

In the case of the subject site, the 100-foot shoreline buffer consumes almost the entire site. Further, the existing single-family house that was built in 1907, is partially within the Shoreline Buffer that was established

after construction of that house. The house which has been removed, leaving an area about 30-feet x 30-feet of concrete, stone and brick foundations, walls, and footings, sat on a flat bench along the south side of Falls Avenue. With the house gone, there is currently a 4-5-foot gravel bank along the street, consisting of the stone foundation of the former house and earthen bank on either side. Vegetation of the bench on which the house was sited is deteriorated domestic grasses, black locust, and lilac. Near the eastern edge are two June berry shrubs (about 3 feet in diameter) and a cluster of Oregon Grape (about 3 feet in diameter). Below the bench and out of the construction footprint is a pine tree and various shrubs.

With respect to the Lower Crossing neighborhood, Metropolitan Mortgage contributed to the city of Spokane several acres that were once occupied by housing and were slated for multi-family development. This area is now open space owned by the city of Spokane. Thus in the context of the overall Lower Crossing shoreline environment, the number of houses and intensity of future development has decreased over the years, providing more open space along the Spokane River gorge.

#### Section 17#.060.220 Mitigation Sequencing

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

The proposed action, replacement of an existing single-family residence in accordance with the bulk, size, and height requirements of the RSF zone, could not be accomplished, thus this potential impact cannot be avoided. In evaluating options for replacing and enlarging the footprint of the existing house, the extension of the house southerly toward the river was eliminated because of its potential impact. The footprint of the house will be expanded to the east and not encroach waterward of the present footprint, thus minimizing potential impacts to shoreline function.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

Although the footprint of the proposed replacement house will be larger than the existing house, it would be in an area landward of the ordinary high water mark of the Spokane River. The footprint would be east of the existing house and, if possible, be shifted northward away from the shoreline to toward the street, West Falls Avenue. The vegetation that is removed to accommodate the construction of the foundation and basement is domestic landscaping that has been allowed to deteriorate over recent years. No known native shoreline plants will be removed.

The area of surface disruption will be minimized to the degree possible, and required controls to avoid runoff, sedimentation, and migration of materials beyond the construction footprint will be implemented by the contractor.
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment.

The landscape of the remainder of the site is not maintained, and domestic landscape species are in poor condition. This plant material, where accessible without encroaching on the steep slope will be removed and replaced by plants native to the Spokane River gorge.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

The landscaping of the lot can include native vegetation at a denser cover than currently exists. The combination of replacing domestic with native species, increasing the number and variety of plants, and maintaining those plants over the life to the project would more than offset the removal of the existing deteriorated domestic vegetation.
5. Compensating for the impact by restoring, rehabilitating, or enhancing substitute shoreline environments; or  

The property owner can, as well as monitoring his own lot, work on the enhancement of the city-owned shoreline west of his and the adjacent lot to the west (currently undeveloped).
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.



The property owner will monitor the steep slope between the house and the river shoreline to maintain slope stability, avoid runoff down the slope toward the shoreline, and to minimize human encroachment on sensitive areas.

11. List of permits required from other than City of Spokane agencies, include name of agency, date of application, and number of application.

**In addition to Questions 1-10, all Shoreline Conditional Use Applications must ALSO provide the following information:**

12. List the provisions of the land use code that allows the proposal.

Section 17E.060.380, Nonconforming Uses and Structures provides the following:

Section 17E.060.380.H. Existing nonconforming single-family residences may be enlarged or expanded in conformance with applicable bulk and dimensional standards upon approval of a shoreline conditional use permit and by conformance with the following requirements:

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)(3)(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.

The existing house on the platted lot was constructed in 1907 and predates the Spokane Shoreline regulations. The frontage along West Falls Avenue is roughly parallel to the shoreline, thus the replacement house is proposed to be built parallel to the road, approximately parallel to the shoreline or ordinary high-water mark. The distance from the southeast corner of the existing house is about 90 feet from the ordinary high water mark (based on Spokane city-map). It is proposed that the new house be built over the footprint of the original 1907 house and extended easterly about 50 feet. The southeast corner of this extension is about 90 feet from the ordinary high-water mark. The new house would continue to encroach about 10 feet into the shoreline buffer. Because of its proximity to West Falls Avenue, the house cannot be expanded to the north, away from the shoreline.

13. Please explain how the proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.

Both the Comprehensive Plan and the Zoning Code designate the subject site and the surrounding neighborhood as Residential Single-Family 4-10 units per acre. The proposed project is a single-family house on a platted lot of around 13,000 square feet in area. The site is currently occupied by an existing single-family house that is serviced by city of Spokane water and sewer, and Avista utilities. This project is the expansion of an existing house on a platted lot within an established subdivision.

The Shoreline Master program SMP 11.47 Single-Family Use Priority states:

“Give priority to single-family residences only when they are developed in a manner consistent with pollution control and prevention of damage to the natural environment.”

The project construction will be managed in accordance with city of Spokane regulations to avoid runoff carrying materials beyond the immediate construction zone of the project. The area in which the new house would be built consists of domestic vegetation that is associated with the landscape of the existing house.

14. Please explain how the proposal meets the concurrency requirements of SMC Chapter 17D.010.

The existing single-family house is connected to city of Spokane water and sewer via West Falls Avenue, a public street. Stormwater would be disposed on site. It is serviced by the city of Spokane Solid Waste Department (recycling route 426, and trash route 845). Avista Utilities provides electrical and natural gas service. Spokane Fire Stations No. 4 at 1515 W. 1<sup>st</sup> (Maple), 1.2 miles, and No. 3 at 1713 W. Indiana Avenue, 1.3 miles. The Spokane Police is headquartered at 1100 W. Mallon Avenue, about 1 mile northeast of the site. Spokane School District No. 81 provides educational services. The house was occupied 100 years with occupants who used a variety of public services. The site is within walking distance, via the Centennial Trail to downtown shopping, employment, and entertainment, and the Spokane Public Library.

Public parks and open space surround the site, about 225 feet to the west, and the east side of Lower Crossing Street. The Centennial Trail is along the bluff just north of the site.

According to SMC Section 17D.010.030.D, “No Impact” “Development permits for development which creates no additional impacts on any concurrency facility are exempt from the requirements of this chapter. Such development includes, but is not limited to: 4. replacement structure with no change in use or increase in number of dwelling units;”

15. Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have and any necessary conditions that can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.

No significant adverse impacts are expected; the proposal is the replacement of an existing dilapidated 1907 house with a new single-family house that would meet area, height, and FAR requirements for the lot. The replacement house will be larger than the existing house and is essentially at the end of the road with one adjacent neighbor to the east and one vacant lot adjacent to the west.

16. Please explain how the cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

The cumulative impacts of additional development in the area would reasonably be assessed within an “area” that is limited to the platted lots of the Lower Crossing neighborhood, since that is the only developable land on the north bank between the Monroe Street Bridge and Sandifur Bridge. Within this area is only one undeveloped platted lot, the parcel immediately west of the subject site. In the specific neighborhood, Lower Crossing, in which the site is located, it is reasonable to assume that one other lot, the vacant one, could be developed. It is possible that a conditional use permit might be requested to develop this lot. Thus if we consider the entire length of shoreline on the north bank between the Monroe Street Bridge and the Sandifur Bridge, the potential cumulative impact would be insignificant. Given that this is pure speculation, I have no idea what the impact of one additional conditional use permit or any other number might be.

**In addition to Questions 1-15, all Shoreline Variance Applications must provide the following additional information:**



17. Fill out the following information for the variance being requested:

	<i>REQUIRED</i>	<i>PROPOSED</i>
Front yard setback	15' (20' for garage)	15' or greater
Rear yard setback	25'	greater than 25'
Side yard setback	5'	East side – 5'
Lot coverage percentage	2,250 + 35% over 5,000'	Less than 2,250
Lot size	4,350 s.f.	13,000 s.f. MOL
Lot width	40'	122' MOL
Height	35' roof height, 30' wall height	less than 35'
Other (specify):	100' shoreline buffer	about 90', no less than existing

18. What physical characteristics of the property interfere with your ability to meet the required standards?

The site on which the new house would be built is steeply sloping and wedged between West Falls Avenue on the north and the Spokane River on the south. Indeed, the footprint of and concrete foundation of a removed structure associated with the existing 1907 house have been encroached by the 100-foot shoreline buffer. The new house, even if constructed on the existing foundation and extended easterly and parallel to the shoreline, would remain within that buffer. The purpose of reducing the 20-foot front yard setback for the garage is to move it further from the shoreline and shoreline buffer.

19. How does this property physically differ from other similarly zoned properties in the area and how do the physical characteristics of the subject property prevent developing to the same extent?

The property, with a narrow flat bench along W. Falls Avenue, slopes steeply to the Spokane River shoreline. The existing houses to the east have a wider bench area before the slope steepens. Similarly to the subject property, the adjacent single-family property to the east and the single-family house adjacent to its east are encroached by the 100' shoreline buffer (buffer established after the houses were constructed). Additionally, for the subject site and parcel adjacent to the east, the distance from the front lot line of the parcel formed by W. Falls Avenue to the river shoreline is less than 150 feet. The houses further east have a greater distance from the street right of way to the river shoreline and, therefore, more room to site their houses.

Finally, the west boundary of the subject site is 133 feet measured from the front lot line along W. Falls Avenue to the river shoreline—the depth of the site decreases because of the convergence of the street and the shoreline. Given the 100-foot shoreline buffer and the 15-foot front yard setback, a total of 115 feet, the buildable depth ranges from about 18 feet on the west to about 35 feet on the east. (Note: dimensions are scaled from Citymap and accuracy is limited by the scale available on that website.)

20. What hardship will result if the requested variance is not granted?

In order to fit within the available area, outside the 100-foot shoreline buffer, the house would be long, narrow and oddly shaped; and a layout not conducive to a serviceable residential floor plan. Likewise, the reduction of the garage front yard setback from 20 feet to 15 feet, would allow the garage to move away from the shoreline boundary.

21. Does compliance with the requirement eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance? If yes, please explain.

No

22. Will surrounding properties suffer significant adverse effects if this variance is granted? Please explain.

No. The surrounding properties consist of a single-family house to the east, and single-family houses further east. The variance would allow the house to be built closer to West Falls Avenue and move it away from the shoreline. River views from these houses is predominantly to the south, with angular views through vegetation to the southwest and southeast. Neither the existing house on the site, nor the proposed house would adversely impact the view corridors to the river below from these houses. Views from the fronts of these houses is to the north up the steep slope of the river gorge to trees and the single-family houses on the summit of the gorge.

Houses on the summit of the gorge view the river over the tree and housetops. The proposed variance would not block existing views.

23. Will the appearance of the property be inconsistent with the development patterns of the surrounding property? Please explain.

No, the proposed project is the construction of a single-family house that, at about 1,750 square feet, would replace and be larger than the existing house. It is expected that the house will be one story with basement. The other houses in the Lower Crossing neighborhood as well as those along the summit range in area from 700 square feet to 3,500 square feet and are one to two stories in height.

24. Variance permits for development that will be located **landward** of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized; provided, the applicant can demonstrate all of the following:

- a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property.

Along the east boundary of the subject parcel, the distance measured from the front lot line of the parcel bounded by W. Falls Avenue to the river shoreline is less than 150 feet. The distance along the west boundary is 133 feet from the front lot line along W. Falls Avenue to the river shoreline—the depth of the lot decreases because of the convergence of the street and the shoreline. Given the 100-foot shoreline buffer and the 15-foot front yard setback, a total of 115 feet, the buildable depth ranges from about 18 feet on the west to about 35 feet on the east. (Note: dimensions are scaled from Citymap and accuracy is limited by the scale available on that website.)

- b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

The described hardship is caused by the physical dimensions of the platted parcel, the location of West Falls Avenue and front yard setback of 15 feet; and the location of the Spokane River shoreline and shoreline buffer of 100 feet. The shoreline buffer is a condition imposed by the implementation of the current Shoreline Master Program which did not exist when the existing house was constructed.

- c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment.

The replacement of the existing single-family house with the proposed single-family house is consistent with the single-family residential designation of the Lower Crossing residential neighborhood in the Comprehensive Plan and in the Municipal Code. The shoreline master program allows replacement of existing single-family houses by like properties as long as they are landward of the ordinary high water

mark. The expansion of the footprint of the house will be within the area, size and height requirements of the Municipal Code, and will not adversely impact native shoreline vegetation. Vegetation that will be removed by expansion of the house is domestic landscaping that has overgrown by lack of maintenance.

- d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

Most of the other houses in the Lower Crossing neighborhood are outside the 100-foot shoreline buffer and already setback 15 feet from West Falls Avenue thus do not need relief from the Municipal code in order to rebuild or expand. The size and height of the house that would be allowed by the variance are consistent with the established character of the neighborhood. It is also possible that existing houses have varied from the established setbacks in order to add garages or expand their houses.

- e. That the variance requested is the minimum necessary to afford relief.

The variance for the garage front yard setback would provide a greater distance from the shoreline and integrate into the main house. Additional distance would have no discernable impact to the shoreline or buffer.

- f. That the public interest will suffer no substantial detrimental effect.

The project is a replacement of a dilapidated house built in 1907. Because it has been vacant for several years and is presently uninhabitable, the house is a potential fire hazard and safety hazard. There are no views or public access points across the subject property that are unique or otherwise unavailable to the public. The vegetation on the property that would be impacted by redevelopment and expansion of the house is domestic plant material and not comprised of native shoreline plants. The development of a single-family house on the site is consistent with existing planning and zoning policy, and public utilities and services are available to the site. The project would be a continuation of a use that has occupied the lot for more than 100 years.

- 25. Variance permits for development that will be located **waterward** of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized; provided, the applicant can demonstrate all of the following:

- a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property.

- b. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f).

- c. That the public use of the shorelines will not be adversely affected.

**GENERAL SITE TOPOGRAPHY** (Provide site specific information, refer to maps and provide support data)

Describe the general site topography. Check all that apply.

- Flat (less than 5-ft elevation changes over entire site)
- Rolling (slopes on site generally less than 15% - a vertical rise of 10 ft over a horizontal distance of 66 ft).
- Hilly: (slopes present on site of more than 15% and less than 30% - a vertical rise of 10 ft over a horizontal distance of 33 to 66 ft).
- Steep (grades of greater than 30% present on site - a vertical rise of 10 ft over a horizontal distance of less than 33 ft).
- Other - please describe:

Is there any surface water body or indication of surface water bodies on or in the immediate vicinity (300 feet) of the proposed site or adjacent sites? Check all that apply.

- gullies
- drainage ways
- creeks
- rivers
- lakes ponds
- wetlands/potential wetland
- year-round or seasonal streams

Site is Primarily?

- forested
- meadow
- shrubs
- mixed
- agriculture
- disturbed and/or degraded
- urban landscaped (lawn, shrubs, etc)

List all major natural and manmade features:

**ACTIVITIES**

Types of Project Activities (within the Shoreline Jurisdiction, Critical Area or associated buffer):

The project will involve razing the existing house, including concrete basement and foundations, and construction of a new one-story single-family house, including a garage, set on a concrete basement cut into the hillside. The proposed house would overlap the existing approximately 700 square foot footprint and extend to the east, for an area of about 2300 square feet (building area of about 33' x 70')

Will activities alter man-made or natural drainage features? YES  NO

Does project involve any clearing, filling, grading, paving, surfacing, and/or dredging? YES  NO

If Yes, answer the following:

1. If activity includes paving indicate amount of new impervious areas: About 1800 square feet of roof top (net gain of 1100 square feet).
2. If activities include clearing and grading, indicate square feet: About 1800 square feet.
3. Will activities involve placing fill materials? YES  NO   
If yes, will fill materials exceed one foot in depth? YES  NO  Indicate Depth:
4. If fill materials exceed 50 cubic yards, indicate cubic yards - N/A
5. If activities involve earth removal exceeding 2 feet in depth excluding foundation excavation, indicate depth: None

**DISCLAIMER AND SIGNATURE**

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any approvals that it might issue in reliance upon this checklist.

Signature

Date

**FOR USE BY AGENCY**

Received By

Date

Reviewed By:

Date

Notes:

**GENERAL SITE TOPOGRAPHY** (Provide site specific information, refer to maps and provide support data)

Describe the general site topography. Check all that apply.

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- Other - please describe:

Is there any surface water body or indication of surface water bodies on or in the immediate vicinity (300 feet) of the proposed site or adjacent sites? Check all that apply.

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List all major natural and manmade features:

**ACTIVITIES**

Types of Project Activities (within the Shoreline Jurisdiction, Critical Area or associated buffer):

The project will involve razing the existing house, including concrete basement and foundations, and construction of a new one-story single-family house, including a garage, set on a concrete basement cut into the hillside. The proposed house would overlap the existing approximately 700 square foot footprint and extent to the east, for an area of about 2300 square feet (building area of about 33' x 70')

Will activities alter man-made or natural drainage features? YES  NO

Does project involve any clearing, filling, grading, paving, surfacing, and/or dredging? YES  NO

If Yes, answer the following:

1. If activity includes paving indicate amount of new impervious areas: About 1800 square feet of roof top (net gain of 1100 square feet).
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If yes, will fill materials exceed one foot in depth? YES  NO  Indicate Depth:
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