

**Chapter 17E.060 Spokane Municipal Code  
Shoreline Regulations**

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**Article I. General Provisions**

**17E.060.010 Authority**

Authority for enactment and administration of the City of Spokane Shoreline Master Program (SMP) is the Washington State Shoreline Management Act (SMA) of 1971, Chapter 90.58, Revised Code of Washington (RCW), also referred to herein as "the Act" or SMA; the Shoreline Master Program Planning Guidelines, WAC 173-26; and Shoreline Management Permit and Enforcement Procedures, WAC 173-27.

**17E.060.020 Title**

These regulations and amendments thereto shall be known and may be cited as Chapter 17E.060 of the Spokane Municipal Code and referred to as the "Shoreline Regulations," or "SMP Regulations."

**17E.060.030 Purpose**

The purpose of these Shoreline Regulations is to:

- A. Provide for the management of the City of Spokane shorelines by planning for and fostering all reasonable and appropriate uses of the shorelines.
- B. Ensure the development of the shorelines in a manner which, while allowing for the limited reduction of the rights of the public in shoreline areas, will promote and enhance the public interests.
- C. Provide protection against adverse effects to the public health and welfare while protecting, generally, public rights of navigation.
- D. Preserve, to the greatest extent feasible, consistent with the overall best interest of the state and its people, the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the state.
- E. Preserve and protect the ecological functions of the shoreline to assure maintenance of water quality, fish and wildlife habitat.
- F. Maintain and enhance the aesthetic characteristics and values of the shoreline.
- G. Recognize and protect property rights consistent with the public interest.
- H. Implement the following laws or the applicable elements of the following:
  - 1. Shoreline Management Act, RCW 90.58;
  - 2. Growth Management Act, RCW 36.70A;

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3. Shoreline Guidelines, WAC 173-26;
  4. Shoreline Management Permit and Enforcement procedures, WAC 173-27; and
  5. City of Spokane Comprehensive Plan.
- I. To administer protection of critical areas within Shoreline Jurisdiction that is equal to or more protective than the City of Spokane Critical Areas Ordinances.

**17E.060.040 Liberal Construction**

As provided for in RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction. The Act, the entire Shoreline Master Program, and these Shoreline Regulations shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act, the SMP and these Shoreline Regulations were enacted and adopted, respectively.

**17E.060.050 Shoreline Jurisdiction**

- A. The “Shoreline Jurisdiction” shall refer to the shoreline areas of the Spokane River and Latah Creek within the Spokane City limits where the Shoreline Regulations shall apply, the general boundaries of which are illustrated on the Shoreline Jurisdiction Map, SMC 17E.060.060. In the event that any of the boundaries on the Shoreline Jurisdiction Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control.
- B. The Shoreline Jurisdiction Map generally depicts the extent of the Shoreline Jurisdiction, but the extent of Shoreline Jurisdiction on an individual lot, parcel or tract is to be determined by field investigations and a survey and is the sole responsibility of the project applicant/owner. Said investigation/survey shall be included in shoreline permit application submittals to determine the extent of Shoreline Jurisdiction.
- C. The Shoreline Jurisdiction shall include:
1. All water bodies and land underlying these water bodies within the City of Spokane qualifying as “shorelines of the state,” pursuant to the SMA, RCW 90.58.030(2)(c). In the City of Spokane, shorelines of the state are the Spokane River and Latah Creek within the Spokane City limits;
  2. All upland areas, also referred to as “shorelands,” that extend 200 feet landward in all directions on a horizontal plane from the edge of the ordinary-high-water mark of the Spokane River and Latah Creek within the Spokane City limits; and

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3. Any associated wetlands, floodways, and some or all of the 100-year floodplain, including all wetlands within the 100-year floodplain of the Spokane River and Latah Creek within the Spokane City limits.
- D. All property located within the Shoreline Jurisdiction shall be subject to both the requirements of the applicable zone classification and to the requirements imposed by these Shoreline Regulations.
- E. The provisions of the City of Spokane Critical Areas Ordinances do not extend Shoreline Jurisdiction beyond the limits specified in the SMP.
- F. When a critical area, other than an associated wetland, overlaps into the Shoreline Jurisdiction or is partly within and partly outside of the Shoreline Jurisdiction, the buffer and/or setback from the portion of the critical area that is outside of the Shoreline Jurisdiction is subject to the Critical Areas Ordinances, but not these Shoreline Regulations.
- G. If a project includes land within the Shoreline Jurisdiction as well as adjacent lands, only the portion of the project within the Shoreline Jurisdiction must meet the SMA and SMP regulations and standards (e.g. height limit, lot coverage, etc). However, projects that include land in the Shoreline Jurisdiction as well as adjacent areas shall include consideration of the environmental impacts of the entire project.

### **17E.060.060 Shoreline Maps**

- A. The shoreline maps are the graphic representation of the City's shorelines that are regulated by these Shoreline Regulations. Boundaries depicted on these maps are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on these maps.

The shoreline maps include, but are not limited to:

1. Shoreline Jurisdiction;
  2. Shoreline Environment Designations;
  3. Shoreline Buffers; and
  4. Shoreline Districts.
- B. The shoreline maps are a regulatory overlay to the underlying zoning and provide a framework for allowing certain uses and implementing shoreline policies and regulations.
  - C. In cases where development on a shoreline crosses or overlaps two different shoreline regulatory overlays, the more protective requirements shall apply. If

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disagreement develops as to the exact location of a shoreline designation boundary line, the following rules shall apply:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed;
  2. Boundaries indicated as approximately following streets or railways shall be respectively construed to follow their centerlines;
  3. Boundaries indicated as approximately parallel to or extensions of features indicated in 1. or 2. above shall be so construed; and
  4. Boundaries indicated as approximately occurring at definite changes in topography, geology, soils, or vegetative cover shall be so construed.
- D. Whenever existing physical features are inconsistent with boundaries on the Shoreline Maps, the City shall interpret the boundaries. Appeals may be made from such interpretations pursuant to SMC 17G.060.210.

### **17E.060.070 Goal, Policy, and Criteria Guidance for Permit Decisions**

Shoreline Goals and Policies, Environment Management Policies, and the purpose and location criteria for each shoreline environment designation are contained in Chapter 14, Shorelines, of the City of Spokane Comprehensive Plan and shall be considered in making all discretionary decisions in the Shoreline Jurisdiction and adjacent lands. They shall also be considered in the promulgation of rules and interpretation of decisions. If there should be any inconsistency between the Shoreline Goals and Policies in Chapter 14 and other Comprehensive Plan goals and policies, the Shoreline Goals and Policies shall apply. The Shoreline Goals and Policies do not constitute regulations and shall not be the basis for enforcement actions.

## **Article II. Administration**

### **Part I. Regulatory Applicability**

#### **17E.060.080 Applicability**

- A. All proposed use, modifications, and development occurring within the Shoreline Jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this SMP, whether or not a permit is required, pursuant to WAC 173-26-191(2)(a)(iii)(A).
- B. As recognized by RCW 90.58.350, the provisions of these Shoreline Regulations shall not apply to shorelands (uplands within Shoreline Jurisdiction) held in trust by the United States or by Indian Nations/Tribes.

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**17E.060.090 Shoreline Overlay and Relationship to Other Regulations**

- A. Any use, modification, and development in the Shoreline Jurisdiction shall meet the use and development requirements of the shoreline environment and district in which it is located, the underlying zone, and any other zoning overlay in which it is located. In the case of irreconcilable conflicts between the regulations of the Shoreline Jurisdiction and the underlying zone classification, the most restrictive regulation shall apply.
- B. In addition to these regulations, other Washington State statutes that may be applicable to shoreline development or use include, but are not limited to:
1. Camping Resorts Act, RCW 19.105;
  2. Fish and Wildlife, RCW 77;
  3. Flood Control Zone Act, RCW 86.16;
  4. Forest Practices Act, RCW 76.09;
  5. Growth Management Act, RCW 36.70A;
  6. Land Subdivision Act, RCW 58.17;
  7. Pesticide Act, RCW 15.157
  8. Pesticide Application Act, RCW 17.21
  9. ((7.)) State Environmental Policy Act (SEPA), RCW 43.21C;
  10. ((8.)) State Hydraulic Code, RCW 77.55;
  11. ((9.)) Surface Mining Act, RCW 78.44;
  12. ((10.)) Washington Clean Air Act, RCW 70.94;
  13. ((11.)) Water Pollution Control Act, RCW 90.48;
  14. ((12.)) Water Resources Act of 1971, RCW 90.54.
- C. Federal statutes that may be applicable to shoreline development or use include, but are not limited to:
1. Clean Air Act, as amended;

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2. Coastal Zone Management Act of 1972, as amended;
  3. Endangered Species Act (ESA);
  4. Federal Water Pollution Control Act, as amended;
  5. Fish and Wildlife Coordination Act of 1958;
  6. Flood Insurance Act of 1968, as amended;
  7. National Environmental Policy Act of 1969, (NEPA);
  8. Rivers and Harbors Act of 1899.
- D. Compliance with the provisions of these Shoreline Regulations does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The applicant is responsible for complying with these requirements, apart from the process established in these Shoreline Regulations.
- E. Critical Areas Ordinances.

If there are any conflicts between these Shoreline Regulations and the Critical Areas Ordinances, the most restrictive regulations shall apply. The critical areas regulations include:

1. Chapter 17E.010 SMC, Aquifer Protection;
2. Chapter 17E.020 SMC, Fish and Wildlife Conservation Areas;
3. Chapter 17E.030 SMC, Floodplain Management;
4. Chapter 17E.040 SMC, Geologically Hazardous Areas; and
5. Chapter 17E.070 SMC, Wetlands Protection.

**Part II. Administrative Authority and Legal Provisions**

**17E.060.100 Administrative Authority**

- A. The planning services department director, referred to herein as the “director,” or his designated representative shall administer these Shoreline Regulations in accordance with the permit procedures specified in chapter 17G.060 of the Spokane Municipal Code (SMC); RCW 90.58.140, 90.58.143, 90.58.210 and 90.58.220; and WAC 173-27.
- B. The director shall have the following authority and responsibility in administering these Shoreline Regulations:

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1. Overall administrative responsibility for the Shoreline Regulations;
  2. Authority to determine submittal requirements in accordance with chapter 17G.060 SMC;
  3. Authority to determine if an application is complete or incomplete;
  4. Authority to grant or deny a letter of exemption; and
  5. Authority to grant or deny shoreline permits not requiring a hearing.
- C. Roles and responsibilities of the hearing examiner shall be in accordance with chapter 17G.050 SMC Hearing Examiner and chapter 17G.060 SMC Land Use Application Procedures.

**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 173-26-160.
- 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.

**17E.060.120 Penalties and Violations**

- A. Pursuant to RCW 90.58.210(2) and WAC 173-27-280, any person who fails to conform to the terms of a shoreline substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a use, modification, or development on shorelines of the state within the City without first obtaining appropriate authorization, or who fails to comply with a cease and desist order shall be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of violation shall constitute a separate violation. The penalty shall be imposed pursuant to the procedure set forth in chapter 01.05 SMC, Civil Infraction System, and WAC 173-27-280 and become due and recovered as set forth in WAC 173-27-290(3) and (4). Persons incurring a penalty may appeal the same pursuant to WAC 173-27-290(1) and (2) to the hearing examiner.
- B. In addition to incurring civil liability under (A) above, pursuant to RCW 90.58.220, any person found to have willfully engaged in activities on shorelines of the state within the City in violation of the provisions of the Act or of these Shoreline Regulations or other regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not

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more than ninety days, or by both such fine and imprisonment. The fine for the third and all subsequent violations in any five-year period shall be not less than five hundred or more than ten thousand dollars. Any person found to have willfully violated any court order or a cease and desist order issued pursuant to these Shoreline Regulations shall be subject to a fine of not more than five thousand dollars, imprisonment in the county jail for not more than ninety days, or both.

- C. Pursuant to RCW 90.58.210(1), the City, where authorized, shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state within the City in conflict with the provisions of this Program, the Act, or other regulations adopted pursuant thereto, and to otherwise enforce the provisions of this SMP.
- D. Pursuant to RCW 90.58.230, any person subject to the regulatory provisions of this SMP or the Act who violates any provision thereof, or permit or permit condition issued pursuant thereto, shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its conditions prior to violation. The city attorney shall bring suit for damages under this section on behalf of the City. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.
- E. Pursuant to WAC 173-27-270, the director shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state within the City is in violation of the Act or SMP, or of any permit issued pursuant thereto. The director shall follow the procedure set forth in WAC 173-27-270 in issuing a cease and desist order.
- F. Enforcement actions pursuant to this section do not preclude the Department of Ecology (Ecology) from engaging in any enforcement actions pursuant to the provisions in WAC 173-27-260 to 173-27-300. Furthermore, Ecology may join and assist the City in its enforcement actions.

### **17E.060.130 Severability**

The Act and Shoreline Regulations adopted pursuant thereto comprise the basic state and City law regulating use of shorelines in the City. In the event provisions of these Shoreline Regulations conflict with other applicable City policies or regulations, the more restrictive shall prevail. As provided for in RCW 90.58.911, should any section or provision of these Shoreline Regulations be declared invalid, such decision shall not affect the validity of these Shoreline Regulations as a whole.

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**17E.060.140 Property Rights**

- A. Decisions on shoreline substantial development permits and/or approvals shall recognize all relevant constitutional and other legal limitations on the regulation of private property. Findings shall assure that conditions imposed relate to the governmental authority and responsibility to protect the public health, safety, and welfare, are consistent with the purposes of the Act, and are roughly proportional to the expected impact.
- B. These Shoreline Regulations do not alter existing law on access to or trespass on private property and do not give the general public any right to enter private property without the owner's permission.
- C. City of Spokane staff shall observe all applicable federal and state laws regarding entry onto privately owned property.

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

Where the Shoreline Regulations reference any RCW, WAC, or other local, state, or federal law or regulation, or any source of information, the most recent amendment or current edition shall apply.

**Article III. General Provisions**

**Part I. General Development Requirements**

**17E.060.160 Archaeological and Historic Resources**

- A. Archaeological sites located within the Shoreline Jurisdiction are subject to chapter 27.44 RCW (Indian Graves and Records) and chapter 27.53 RCW (Archaeological Sites and Records).
- B. Any use, modification, or development that may impact archaeological sites shall comply with WAC 25-48, Archeological Excavation and Removal Permit, and the requirements within these Shoreline Regulations, where applicable.
- C. Developers and property owners shall immediately stop work and notify the City and City-County Spokane Historic Preservation Office and affected Indian tribes if archaeological resources are uncovered during excavation.
- D. Any use, modification, or development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes. The evaluation shall be submitted to the planning services department prior to the issuance of any shoreline permit required for the development.

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- E. Site development plans shall incorporate provisions for historic, scientific, educational, and archaeological site preservation, restoration, and education with open space or recreation areas whenever compatible and possible.

**17E.060.170 Critical Areas**

- A. The City of Spokane Critical Areas Ordinances in title 17E SMC and referenced in SMC 17E.060.090(E), effective January 6, 2008 as now constituted or hereafter amended, are herein incorporated into the Shoreline Master Program except as noted below:
1. If provisions of the Critical Areas Ordinances and other parts of the SMP conflict, the provisions most protective of the ecological resources shall apply, as determined by the City;
  2. Provisions of the Critical Areas Ordinances that are not consistent with the Act, chapter 90.58 RCW, and supporting WAC chapters shall not apply in Shoreline Jurisdiction; and
  3. The provisions of the City of Spokane Critical Areas Ordinances do not extend Shoreline Jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffer areas that are outside Shoreline Jurisdiction, see the City of Spokane Critical Areas Ordinances.
- B. The provisions of the City of Spokane Critical Areas Ordinances, title 17E SMC, shall apply to any use, modification or development within the Shoreline Jurisdiction whether or not a shoreline permit or letter of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the Critical Areas Ordinances and the entire SMP.
- C. For development within critical areas within Shoreline Jurisdiction, the following shall apply:
1. Any use, modification, or development within critical areas shall result in a no net loss of ecological functions;
  2. Project proposals shall adhere to the applicable submittal requirements as specified in the Critical Areas Ordinances and the Shoreline Regulations;
  3. Any use, modification, or development shall include the requirements for mitigation sequencing as specified in SMC 17E.060.220.
  4. Where mitigation is required, a mitigation plan shall be submitted pursuant to the submittal requirements described within Critical Areas Ordinances; and

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5. Any use, modification, or development within two or more critical area types shall be required to adhere to the standards that are the most protective of the ecological function of the subject shoreline or critical area.
- D. Any use, modification, or development within geologically hazardous areas shall comply with the requirements in Critical Areas Ordinances and the following:
1. New development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development shall not be allowed;
  2. New development or the creation of new lots that would require structural shoreline stabilization over the life of the development shall not be allowed. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and when no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231; and
  3. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

### **17E.060.180 Critical Freshwater Habitat**

Definition: Critical freshwater habitat includes those portions of streams, rivers, wetlands, lakes, their associated migration zones, and floodplains.

- A. A new use, modification, or development within stream channels, channel migration zones, wetlands, floodplains, and hyporheic zones shall not cause a net loss of ecological functions.

### **17E.060.190 Flood Hazard Reduction and Channel Migration Zone**

- A. When permitted, a use, modification, or development within flood hazard (frequently flooded) areas shall achieve a no net loss of shoreline ecological functions.
- B. A use, modification, or development within flood hazard (frequently flooded) areas shall not be allowed when it will require flood hazard reduction measures within the channel migration zone or floodway and shall comply with the applicable requirements in chapter 17E.030 SMC, Floodplain Management.

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- C. A use, modification, or development specified within shoreline buffers shall be allowed within the channel migration zone or floodway provided they are:
1. Actions and/or development that protect or restore the ecosystem wide processes or ecological functions;
  2. Forest practices in compliance with the Washington State Forest Practices Act, chapter 76.09 RCW, and its implementing rules;
  3. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur;
  4. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell;
  5. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses;
  6. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions;
  7. Developed where existing structures already prevent active channel movement and flooding; and
  8. Measures to reduce shoreline erosion when it can be demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, and that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
- D. New structural flood hazard reduction measures shall be allowed in the Shoreline Jurisdiction only when:
1. It can be demonstrated by an application for Floodplain Development Permit, pursuant to SMC 17E.030.060(C) that it is necessary to protect existing development;
  2. It can be demonstrated that nonstructural measures are not feasible;
  3. It can be demonstrated that there will be no net loss of shoreline ecological functions including any mitigation required; and

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4. Appropriate vegetation conservation actions are undertaken consistent with SMC 17E.060.230, Vegetation Conservation.
- E. New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration.
- F. Flood hazard reduction measures may be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to structural improvements, shall be documented through an application for Floodplain Development Permit, pursuant to SMC 17E.030.060(C).
- G. New structural public flood hazard reduction measures shall be subject to the mitigation sequencing specified in SMC 17E.060.220.
- H. New structural public flood hazard reduction measures shall include the ability for the general public to access the shoreline pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- I. Removal of gravel for flood management purposes shall only be allowed if all the following conditions can be met:
  1. The project is consistent with an adopted flood hazard reduction plan and these Shoreline Regulations;
  2. The project does not result in a net loss of ecological functions; and
  3. An application for Floodplain Development Permit, pursuant to SMC 17E.030.060(C), demonstrates that extraction has a long-term benefit to flood hazard reduction.

### **17E.060.200 Water Quality and Stormwater**

- A. Stormwater management facilities shall be developed in such a manner that there is no net loss of shoreline ecological functions or a significant impact to aesthetic qualities, or recreational opportunities.
- B. Low Impact Development (LID) techniques, as defined in chapter 17A.020 SMC, shall be considered and implemented to the greatest extent practicable throughout the various stages of development including site assessment, planning and design, vegetation conservation, site preparation, retrofitting and management techniques.
- C. Stormwater facilities shall be built to the standards in chapter 17D.060 SMC and other applicable city standards.

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**Part II. No Net Loss of Shoreline Ecological Functions and Mitigation**

**17E.060.210 No Net Loss**

A. Purpose.

As established in WAC 173-26-186(8), the City shall ensure, at a minimum, “no net loss” of shoreline ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological functions. Therefore, pursuant to WAC 173-26-186(8), the Shoreline Regulations apply to all shoreline areas, not just those that remain relatively unaltered.

B. To ensure that a project applicant achieves the no net loss of ecological functions standard, these Shoreline Regulations contain several development requirements designed to meet the no net loss requirement:

1. Shoreline environments are designated with appropriate use and development standards (See Article VI);
2. Critical areas are protected within the shorelines (See SMC 17E.060.170);
3. Shoreline buffers and structure setbacks are delineated to keep development away from the shoreline areas that contain the most sensitive ecology (See SMC 17E.060.720 and SMC 17E.060.730);
4. Mitigation sequencing requires shoreline project applicants to prioritize mitigation measures for their project (See SMC 17E.060.220); and
5. As a final requirement to achieve no net loss, the steps in Article III, Part III, SMC 17E.060.230 through SMC 17E.060.270, address the mitigation measures required of applicants to address the impacts of specific common shoreline uses, modifications, and development activities, including construction activities and removal and replacement of vegetation.

C. In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts shall be considered.

D. During permit review, the director shall consider the expected impacts when assessing compliance with the no net loss requirement.

**17E.060.220 Mitigation Sequencing**

A. Purpose.

To achieve no net loss of shoreline ecological functions, applicants for a proposed use, modification, or development within the Shoreline Jurisdiction shall analyze the impacts of the proposal on the shoreline ecological functions

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and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the Shoreline Regulations or other applicable regulations, including the Washington State Environmental Policy Act (SEPA).

- B. Mitigation shall occur in the following prioritized order:
1. Avoiding the impact altogether by not taking a certain action or parts of an action;
  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;
  3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
  4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
  5. Compensating for the impact by restoring, rehabilitating, or enhancing substitute shoreline environments; or
  6. Monitoring the impact and the compensation project and taking appropriate corrective measures.
- C. Mitigation may include a combination of the measures in (B)(1) to (B)(6) above.
- D. As a condition of any permit or approval allowing alteration of shoreline ecological functions, the applicant shall engage in the restoration, rehabilitation, or enhancement of the shoreline environment in order to offset the impacts resulting from the applicant's actions.

### **Part III. Vegetation Conservation and Replacement**

#### **17E.060.230 Vegetation Conservation**

- A. Purpose.  
To achieve a no net loss of shoreline ecological functions by protecting and restoring the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation also increases the stability of riverbanks, reduces the need for shoreline stabilization measures, improves the visual and aesthetic qualities of the shoreline, protects plant and animal species and their habitats, and enhances shoreline uses.
- B. There shall be no net loss of vegetative cover within the Shoreline Jurisdiction.

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- C. Removal of or alteration to any vegetation within the Shoreline Jurisdiction shall not be allowed unless such activity is approved by the director as part of a vegetation replacement plan.
- D. Proposed removal of vegetation for a permitted use shall be reviewed pursuant to the mitigation sequencing specified in SMC 17E.060.220. Avoidance of any impact to shoreline vegetative cover is the preferred method of mitigation.
- E. Vegetation conservation provisions also apply to those shoreline uses, modifications, and developments that are exempt from the requirement to obtain a shoreline substantial development permit.
- F. A tree or shrub may be removed if deemed hazardous by a certified arborist.
- G. Normal maintenance or repair of existing utilities and facilities within an existing degraded shoreline area shall be allowed if the activity does not further alter or degrade shoreline ecological functions or vegetative cover, and there is no increased risk to life or property as a result of the proposed operation, maintenance or repair.
- H. Vegetation management shall be in accordance with best management practices that are part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of a regular ongoing maintenance. These ongoing activities shall not be subject to new or additional mitigation when they do not expand further into the critical area, are not the result of an expansion of the structure or utility, or do not directly impact endangered species or result in no net loss of shoreline ecological functions. Whenever possible, maintenance activities shall be confined to late summer and fall.
- I. When an applicant is required to submit a Habitat Management Plan pursuant to SMC 17E.020.090 or other state and federal regulatory requirements, the requirements in SMC 17E.060.230 through SMC 17E.060.270 may be waived by the director or submitted as a component of the Habitat Management Plan.

### **17E.060.240 Shoreline Vegetation Inventory**

- A. Purpose.  
To achieve no net loss of shoreline vegetation, applicants will be required to identify existing vegetation on the project site to determine the type and amount of vegetation that may be impacted by the proposed development.
- B. A shoreline/critical areas checklist shall be required at the time of land use application for all regulated activities proposed within the Shoreline Jurisdiction.
- C. The shoreline/critical areas checklist shall include a vegetation inventory including the location, type, size, and condition of existing vegetation on the proposed project site.

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**17E.060.250 Shoreline Construction Site Plan**

- A. Purpose.  
The shoreline construction site plan includes a description and/or drawings that explain and illustrate the measures to be taken on the project construction site to control loss and/or damage to shoreline vegetation.
- B. When a shoreline use, modification, or development is proposed on a site determined to contain critical shoreline vegetation, the applicant for a shoreline permit shall be required to submit a shoreline construction site plan.
- C. The shoreline construction site plan shall be reviewed and approved by the director prior to any activity being permitted on site.
- D. The following information shall be described and/or illustrated in the shoreline construction site plan:
1. Property boundaries and lot lines;
  2. Proposed construction activity showing the location, width, depth, and length of all existing and proposed structures, roads, utilities, and equipment;
  3. Provisions to prevent disturbance or damage to vegetation, including trees, shrubs, grasses, and other plants, that will not be removed for development;
  4. Proposed areas of clearing and clearing limits to minimize the total amount of bare soil exposed to erosive forces by:
    - a. Controlling the amount of ground that is cleared and grubbed at one time in preparation for construction; and
    - b. Limiting the amount of time that bare ground may remain exposed before slope protection or stabilization measures are put into place.
  5. Location of silt fencing to serve as a temporary sediment barrier of permeable fabric designed to intercept and slow the flow of sediment-laden sheet flow runoff; and
  6. Other appropriate City or State Best Management Practices as determined by the director and/or director of engineering services.
- E. The director shall have the discretion to waive one or more of the requirements of subsection (D) above based on the following factors:
1. The project is subject to other regulatory procedures that fulfill the requirements of the shoreline construction site plan; or

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2. The project is not subject to a building permit application.
- F. If the project will require the removal of native vegetation within the Shoreline Jurisdiction, a vegetation replacement plan shall be required, pursuant to SMC 17E.060.260.

**17E.060.260 Vegetation Replacement Plan**

- A. Purpose.  
To ensure the replacement of damaged or degraded shoreline vegetation in order to achieve no net loss of shoreline ecological functions. Any person who degrades or removes shoreline vegetation must replace equivalent areas or greater areas than those altered in order to compensate for the loss.
- B. For a permitted use, modification, or development within the Shoreline Jurisdiction, a vegetation replacement plan shall be prepared when the director concludes from the shoreline/critical areas checklist that the project will damage or degrade shoreline vegetation.
- C. Shoreline vegetation replacement shall follow a vegetation replacement plan prepared by a qualified professional and contain the following components:
1. Inventory of existing vegetation on the proposed project site as documented in the shoreline/critical areas checklist and pursuant to SMC 17E.060.240;
  2. Overview of how mitigation sequencing was conducted and the justification for proposed mitigation activities;
  3. Detailed planting plan showing the location, type and size of all proposed replacement vegetation, pursuant to SMC 17E.060.260(E)(2);
  4. Methodology for removal of any noxious or nonnative vegetation, as necessary, to facilitate establishment of a stable community of native plants; and
  5. Proof of completion and performance bonding requirements, pursuant to SMC 17C.200.090, Completion and Bonding.
- D. The applicant shall receive written approval of the plan prior to commencement of any activity on site.
- E. The following standards shall apply for the replacement of removed native vegetation within the Shoreline Jurisdiction:

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1. At least twenty-five percent of existing healthy trees over six-inch caliper as identified in the vegetation replacement plan shall be retained when a site is developed.
2. Removed shoreline vegetation shall be replaced at the following ratios:

<b>TABLE 17E.060-1 Shoreline Vegetation Replacement Ratios*</b>	
<i>Vegetation Removed</i>	<i>Replacement Ratios</i>
Native Deciduous Trees Less than 6" caliper	1:1 replacement ratio; Replacement tree(s) must be a minimum 2.5" caliper
Native Deciduous Trees Over 6" caliper	2:1 replacement ratio; Replacement tree(s) must be at a minimum 2.5" caliper
Native Evergreen Trees Less than 6" caliper	1:1 replacement ratio; Replacement tree(s) must be a minimum 4" caliper
Native Evergreen Trees Over 6" caliper	2:1 replacement ratio; Replacement tree(s) must be a minimum 4" caliper
Native Shrubs	1:1 replacement ratio; Replacement shrub(s) must be at a minimum 12" - 18" in diameter (at head)
Native Groundcover	1:1 replacement ratio; Replacement groundcover(s) must be at a minimum 4" in diameter (at pot)
* For example, when a 10" caliper native deciduous tree is removed, the applicant may propose to replace with two (2) 5" caliper native deciduous trees or four (4) 2.5" caliper native deciduous trees. A qualified professional will determine the appropriate vegetation replacement size(s) for the project site.	

3. New plantings shall be native plant species or other approved species similar in diversity, type, density, wildlife habitat value, water quality characteristics and slope stabilizing qualities to the original vegetation.
- F. The Director shall have the discretion to waive one or more of the requirements of subsection (C) above when the project is subject to other regulatory procedures that fulfill the requirements of the Vegetation Replacement Plan.
  - G. Vegetation replacement shall be timed to reduce impacts to existing wildlife and flora, consistent with chapter 17E.020 SMC, Fish and Wildlife Conservation Areas.
  - H. Applicants shall consult with federal, state, and local agencies having expertise or interest in a shoreline vegetation replacement proposal.
  - I. Vegetation replacement shall equal or exceed the anticipated loss of vegetation resulting from the applicant's proposal. If a qualified professional determines that shoreline vegetation replacement is not feasible on the site, the applicant may be

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allowed to mitigate for impacts to shoreline vegetation in the form of a contribution to the City of Spokane Shoreline Restoration Fund, pursuant to SMC 17E.060.270.

### **17E.060.270 Shoreline Restoration Fund**

- A. Subject to approval from the director, project applicants may satisfy vegetation replacement requirements by contribution to the City of Spokane Shoreline Restoration Fund, if the following conditions apply:
  - 1. An analysis by a qualified professional determines that on-site shoreline vegetation replacement is not feasible and that contribution to the restoration fund is a more effective strategy.
  - 2. The City of Spokane has adopted a shoreline restoration program identifying and prioritizing the restoration of certain degraded shorelines.
- B. The required amount of contribution to the restoration fund shall be equal to the cost of on-site shoreline vegetation replacement, based on a cost estimate prepared by a qualified professional.

## **Part IV. Public Access**

### **17E.060.280 Physical and Visual Public Access**

- A. The provisions of this section recognize that there are two types of public access to the shoreline: physical public access and visual public access. Visual access is an important shoreline management objective. Consideration must be given to protecting the shoreline's visual quality to and from waterways and their adjacent shoreland features.
  - 1. With respect to development on private property, the physical access requirements of this chapter are not intended to require property owners to increase the public's physical access to the shorelines. With respect to future development on private property, the fundamental principle underlying this chapter's access provisions is that development on private property should not result in a net loss of the public's currently existing rights to visual and physical access to the shorelines.
  - 2. With respect to public property, the physical access provisions are intended to promote an increase in the public's visual and physical access to the shoreline in a balanced manner, through mechanisms such as the further improvement of existing public property and potential future acquisition of additional public property.
- B. When required under this chapter, public access shall be a physical improvement in the form of one or combination of the following: pathway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, or

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other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining the history and features of the Spokane River or Latah Creek.

- C. When public access is provided, it shall not result in a net loss of existing shoreline ecological functions.
- D. When public access is provided it shall be located outside of the shoreline buffer, with the exception of SMC 17E.060.720(F).
- E. Except as provided in SMC 17E.060.280(V) and (W), and subject to the limitations set forth in SMC 17E.060.280(A), public access shall be provided for any new development activity that requires a shoreline substantial development permit, conditional use permit, and/or variance permit where any of the following conditions are present:
  - 1. Where a new development activity will create increased demand for public access to the shoreline, the development shall provide public access proportional to the degree of impact as mitigation;
  - 2. Where a new development will interfere with an existing public access way, the development shall provide public access to mitigate this impact. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby accesses; or
  - 3. Where a new development will interfere with a public use of lands or waters waterward of the ordinary-high-water-mark, the development shall provide public access.
- F. When provisions for public access are required as a condition of project approval, public access provisions shall be consistent with all relevant constitutional and other limitations on private property. The provisions of these Shoreline Regulations shall not be construed so as to deprive a property owner of economically viable use of private property.
- G. Submerged public rights-of-way shall not be diminished. Public access provided by existing shoreline street ends and public rights-of-way shall be preserved, maintained and enhanced consistent with RCW 35.79.035. Vacation of shoreline street ends shall comply with the statutory provisions therein.
- H. Public access shall be fully developed and open to the public no later than the time of the director's final inspection of the proposed development.
- I. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of the plat or short plat as a condition running with the authorized land use. Such easement, plat, or other legal instrument evidencing

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the public access conditions shall be recorded with the Spokane County Auditor's Office.

- J. Maintenance of the public access shall be the responsibility of the owner or developer over the life of the use or development unless otherwise accepted by public or private agency through a formal agreement recorded with the County Auditor's Office. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- K. Minimum width of public access easements shall be ten feet, consistent with the dimensional standards for public access stated in Table 17E.060-5, unless the director determines that undue hardship will result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
- L. Shoreline public access shall:
  - 1. Be located adjacent to other planned or existing public areas, public and private accesses and trails, and connected to the nearest public street or public walkway;
  - 2. Consist of an area on the property from which the water and water activities can be observed and there shall be no significant obstruction of the view from this viewpoint; and
  - 3. Include provisions for handicapped and physically impaired persons where feasible.
- M. Where public access is required, a public pedestrian access pathway parallel to the ordinary high-water mark shall be preferred.
- N. If a parcel exceeds three hundred feet of shoreline frontage and a continuous public access pathway parallel to the river is not feasible, shoreline access points shall be provided at an average of every three hundred feet.
- O. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor. The visual and pedestrian penetration shall not be less than thirty feet wide.
- P. Pursuant to SMC 17E.060.720, public access may be provided within a required buffer area when said access demonstrates compliance with the Critical Areas Ordinances and mitigation sequencing in SMC 17E.060.220 and shall be reviewed and approved on a case by case basis.
- Q. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent

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properties, the water-dependent uses and physical public access shall have priority.

- R. Public access may be limited as to hours of availability and types of activities permitted. However, twenty-four hour availability shall be preferred and the access shall be available to the public on a regularly scheduled basis.
- S. Approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner.
- T. Access required for public projects shall include directional signage to points of interest and interpretive signage that describes shoreline features such as shoreline ecology, cultural history, and other site-specific information.
- U. Public access within the Shoreline Jurisdiction may be denied to any person who creates a nuisance or engages in illegal conduct on the property. The director may authorize public access to be temporarily or permanently closed if it is found that offensive conduct cannot otherwise be reasonably controlled.
- V. Physical and visual public access shall be provided for all new development activity in the Shoreline Jurisdiction, except for the following developments and uses:
  - 1. Residential single-family;
  - 2. Residential two-family;
  - 3. Residential three-family;
  - 4. Residential subdivision of land into four (4) or fewer parcels;
  - 5. Agriculture;
  - 6. Dredging;
  - 7. Forest Practices;
  - 8. Landfill and excavation;
  - 9. Mining;
  - 10. Private docks serving four or fewer dwelling units;
  - 11. In-stream structures;
  - 12. Shoreline stabilization; and

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13. Ecological restoration or enhancement activities not associated with development when the purpose of the project would be undermined.
- W. Public access shall not be required where one or more of the following conditions apply:
1. The City has adopted a public access plan that designates another preferred location in proximity to the project site;
  2. Environmental harm will result from the public access that cannot be mitigated;
  3. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means; or
  4. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
- X. In granting an exception to required public access, the director shall review all reasonable alternatives for public access. The alternatives shall include a:
1. Provision for access which is physically separated from a potential hazard or interference through barriers such as fencing and landscaping; and/or
  2. Provision of access at a site geographically separated from the development site but under the control of the applicant.
- Y. Except as provided in SMC 17E.060.280(V) and (W), applicants shall demonstrate that the proposed project will not decrease the existing level of physical and visual access to the shoreline. An increase in physical and visual public access is encouraged.
- Z. No permit shall be issued for any new or expanded building or structure more than 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. The applicant shall be responsible for providing sufficient information to the director to determine that such development will not obstruct the view of a substantial number of residences on or adjoining such shorelines.

### **Article IV. Shoreline Permits and Exemptions**

#### **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

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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 five thousand seven hundred and eighteen dollars (5,718) 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;

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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.

**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.060.320, Shoreline Variance Permit, and SMC 17E.060.330, 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

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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

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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

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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;
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;

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- 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.

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**17E.060.310 Shoreline Conditional Use Permit**

- A. Purpose.  
To allow greater flexibility in administering the use and modification regulations of these Shoreline Regulations in a manner consistent with the policy of RCW 90.58.020. In authorizing a shoreline conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to control any undesirable effects of the proposed use.
- B. Uses or modifications not listed in Table 17E.060-3, Shoreline Modifications, Table 17E.060-4, Shoreline Primary Uses, and title 17C SMC may only be authorized as a shoreline conditional use.
- C. Uses which are identified in these Shoreline Regulations as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline Jurisdiction, may be approved, approved with conditions or denied by the hearing examiner in specific cases based on the criteria in SMC 17G.060.170, Decision Criteria, as now constituted or hereafter amended, and any additional criteria given in these Shoreline Regulations. Upon transmittal of the hearing examiner's decision to the Department of Ecology (Ecology), the permit may be approved, approved with conditions, or denied by Ecology.

**17E.060.320 Shoreline Variance Permit**

- A. Purpose.  
To grant relief to specific bulk or dimensional requirements set forth in these Shoreline Regulations and any associated standards appended to these Shoreline Regulations such as critical areas or buffer requirements where there are extraordinary or unique circumstances relating to the property such that the strict implementation of these Shoreline Regulations would impose unnecessary hardships on the applicant/proponent or thwart the policy set forth in RCW 90.58.020. Use restrictions may not be varied.

**17E.060.330 Procedures**

Procedures for obtaining a shoreline substantial development permit, exemption from a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, permit and application revisions, and other procedures pertaining to shorelines are contained in chapter 17G.060 SMC.

**17E.060.340 Shoreline Design Review**

- A. Design Review Board (~~Committee~~) Process  
The following are subject to the Design Review Board (~~Committee~~) Process. Shoreline design review is subject to the procedures established in chapter 17G.030 SMC, chapter 17G.040 SMC and SMC 17G.060.060.

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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 (~~Committee~~) 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.

**Article V. General Requirements for Shoreline Use and Modifications**

**Part I. General Requirements for Shoreline Use**

**17E.060.350 General Provisions**

- A. All shoreline use and development in the Shoreline Jurisdiction shall be subject to the following general standards applicable to all environments, shall also meet the use standards for the specific environment in which the use is located (see Table 17E.060-4), and shall be subject to the standards of the underlying zone.
- B. All shoreline use and development shall be located, designed, constructed and managed to achieve no net loss of ecological functions.
- C. All shoreline use and development shall be subject to mitigation sequencing pursuant to SMC 17E.060.220.
- D. Within the Shoreline Jurisdiction, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.
- E. All shoreline use and development shall also be subject to the Shoreline District Standards identified in Article VII.

**Part II. Primary and Accessory Uses**

**17E.060.360 Primary Permitted Uses**

- A. To be permitted in the Shoreline Jurisdiction, a use must be allowed in both the shoreline environment and the underlying zone in which it is located and shall be subject to all applicable development standards.
- B. For purposes of these Shoreline Regulations, standards established in the use sections of each environment are not subject to variance.

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- C. Preference for shoreline permitted uses shall first be given to water-dependent uses, then to water-related and water-enjoyment uses.
- D. Definitions for water-dependent, water-related, water-enjoyment, and non-water oriented are:
  - 1. Water-Dependent Use.
    - a. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.
    - b. Examples of water-dependent uses may include, but are not limited to, boat ramps for rescue watercraft, seaplane docks, hydroelectric generating plants, and sewage treatment outfalls.
  - 2. Water-Related Use.
    - a. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
      - b. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
      - c. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.
    - d. Examples of water-related uses may include, but should not be limited to, warehousing, storage, or processing, where the goods are delivered to or shipped from the site by water.
  - 3. Water-Enjoyment Use.
    - a. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

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- b. Examples of water-enjoyment uses may include, but are not limited to, river and stream swimming beaches, fishing areas, boat ramps for recreation, parks, piers, view towers, restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, public markets, interpretive centers, and other improvements facilitating public access to shorelines of the state, provided that such uses conform to the above water-enjoyment specifications and the provisions of the entire SMP.

### **4. Non-Water Oriented Use.**

A use that is not water-dependent, is not water-related, and is not water-enjoyment. Non-water oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as non-water oriented.

- E. A determination of whether proposed uses not specifically listed above are water-dependent, water-related or water-enjoyment shall be made by the director, who shall follow the intent of the SMP.
- F. Primary uses which are water-dependent shall only be allowed over water if the over-water location is necessary for the operation of the water-dependent use. Primary uses which are not water-dependent shall not be permitted over water unless specifically stated otherwise in the regulations for the applicable shoreline environment. For purposes of these Shoreline Regulations, this regulation shall be considered a use standard not subject to variance.
- G. Shoreline modifications, including dredging, fill, landfill, and shoreline stabilization measures, shall be considered to be uses not subject to variance.

### **17E.060.370 Accessory Uses**

- A. Accessory uses shall be permitted based on the primary use permitting process. For example, if the primary use requires a shoreline conditional use permit, then the accessory use shall also require a shoreline conditional use permit.
- B. Accessory uses shall be allowed only if clearly incidental and necessary for the operation of a permitted primary use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking (subject to parking standards in SMC 17E.060.590, Parking Facilities), caretaker's quarters, residential garages, sheds, and gazebos.
- C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are not water-dependent and not water-related, even if accessory to water-dependent or water-related uses, shall be

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permitted over water only if the over-water location is necessary for the operation of the water-dependent or water-related use.

**Part III. Nonconforming Shoreline Situations**

**17E.060.380 Nonconforming Uses and Structures**

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

- A. In accordance with the requirements of this section, structures ((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.
- B. A nonconforming structure which is moved any distance must be brought into conformance with the applicable Shoreline Regulations and the Act.
- C. If a nonconforming structure is damaged to an extent not exceeding 75 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.
- D. 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.
- E. Existing nonconforming residential buildings may be replaced within the existing footprint upon approval of a shoreline substantial development permit,
- . ~~((Uses and developments that were legally established and are nonconforming with regard to the use regulations of these Shoreline Regulations may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that:))~~

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F. 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.

G. ~~((1. Upon approval of a shoreline conditional use permit, existing))~~ Existing nonconforming single family residences ~~((, manufactured homes, and mobile homes))~~ may be enlarged~~((,))~~ or expanded~~((, or replaced))~~ in conformance with applicable bulk and dimensional standards upon approval of a shoreline conditional use permit and by conformance with the following requirements:

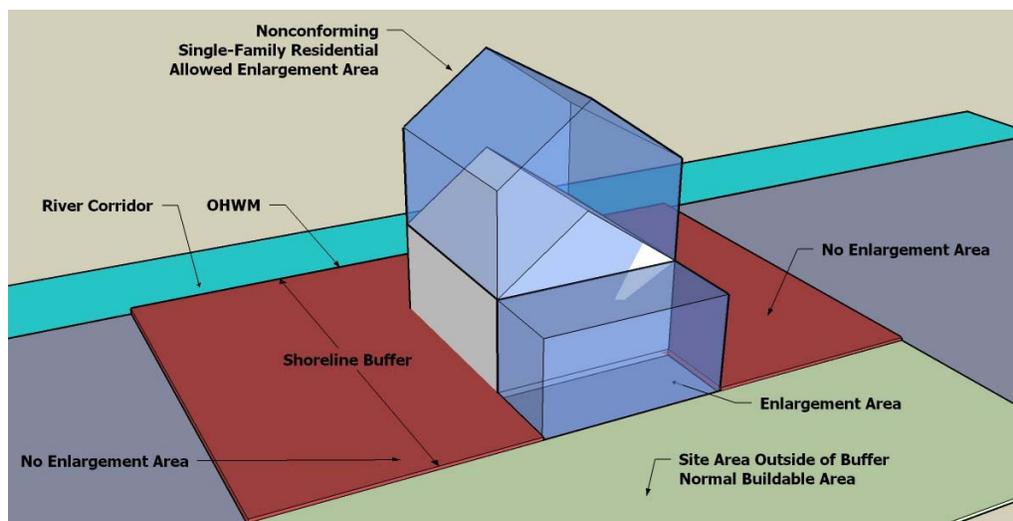
~~((a. The expansion, enlargement, or replacement shall achieve no net loss of shoreline ecological functions pursuant to SMC 17E.060.210, No Net Loss.~~

~~b. The expansion, enlargement, or replacement shall adhere to the Mitigation Sequencing Requirements in SMC 17E.060.220.)~~

1. ~~((c.))~~ 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:

a. ~~((i.))~~ Addition of space above the main structure's building footprint; and/or

b. ~~((ii.))~~ Addition of space onto or behind that side of the main structure which is the farthest away from the ordinary high-water mark.



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2. ~~((Single-family residences shall be replaced within the same building footprint that existed prior to replacement. If an applicant requests an expansion or enlargement of the building footprint, the requirements in SMC 17E.060.380(D)(1)(c)(i) and (ii) shall apply.))~~

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.

- ~~((3. 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.~~

- ~~4. If the requirements in SMC 17E.060.380(D)(1)(c)(i) and (ii) 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, enlargement, or replacement of the structure is feasible.))~~

H. ~~((E. An existing))~~ 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.

I. ~~((F.))~~ 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.

J. ~~((G.))~~ 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.

K. ~~((H.))~~ A structure which is being or has been used for a nonconforming use shall not be used for a different nonconforming use, except as provided below, and only upon the approval of a shoreline conditional use permit:

1. No reasonable alternative conforming use is practical;
2. The proposed use will be is as consistent with the policies and provisions of the Act and these Shoreline Regulations and as compatible with the uses in the area as the preexisting use; and

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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.
- L. ~~((I.))~~ 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.
- M. ~~((J.))~~ 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.

### **Part IV. General Requirements for Shoreline Modifications**

#### **17E.060.390 General Provisions**

- A. All shoreline modifications in the Shoreline Jurisdiction shall be subject to the following general standards applicable to all environments, shall also meet the modification standards for the specific environment in which the modification is located (see Table 17E.060-3), and shall be subject to the standards of the underlying zone.
- B. Structural shoreline modifications shall be allowed only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- C. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions and shall avoid and reduce significant ecological impacts, pursuant to SMC 17E.060.220, Mitigation Sequencing.
- D. Where an engineering/geotechnical analysis report is required, it shall be prepared by a qualified professional.
- E. Shoreline modifications, including dredging, fill, landfill, and shoreline stabilization measures, shall be considered to be uses not subject to variance.

#### **17E.060.400 Shoreline Stabilization**

Definition: Structural or non-structural modifications to the existing shoreline which are intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the ordinary high-water mark.

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- A. New uses or development shall be located and designed to avoid the need for future shoreline stabilization to the greatest extent feasible, including the following instances:
1. Subdivision of land shall not be allowed where lots are created that will require shoreline stabilization in order for reasonable development to occur. An engineering/ geotechnical analysis of the site and shoreline characteristics shall be required that provides evidence that shoreline stabilization measures will not be needed for the subdivision;
  2. New use or development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis; and
  3. New use or development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas, as demonstrated by an engineering/geotechnical analysis, shall not be allowed.
- B. New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
1. Protection of existing primary structures:
    - a. New or enlarged structural stabilization shall not be allowed unless the applicant provides conclusive evidence, documented by an engineering/geotechnical analysis that the structure is in danger from shoreline erosion. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without the analysis, is not demonstration of need. The engineering/geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization; and
    - b. The erosion control structure shall not result in a net loss of shoreline ecological functions.
  2. In support of water-dependent development when all of the conditions below apply:
    - a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
    - b. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;

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- c. The need to protect primary structures from damage due to erosion is demonstrated through an engineering/geotechnical report; and
    - d. The erosion control structure shall not result in a net loss of shoreline ecological functions.
  - 3. In support of new non water-dependent development, including single-family residences, when all of the conditions below apply:
    - a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
    - b. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;
    - c. The need to protect primary structures from damage due to erosion is demonstrated through an engineering/geotechnical report. The damage must be caused by natural processes, such as currents and waves; and
    - d. The erosion control structure shall not result in a net loss of shoreline ecological functions.
  - 4. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105 RCW, Hazardous Waste Cleanup-Model Toxics Control Act, when all of the conditions below apply:
    - a. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient; and
    - b. The erosion control structure shall not result in a net loss of shoreline ecological functions.
- C. When structural shoreline stabilization measures are demonstrated to be necessary, they shall meet the following requirements:
  - 1. Stabilization measures shall be limited to the minimum size necessary.
  - 2. Measures shall be designed to assure no net loss of shoreline ecological functions.
  - 3. Soft structural stabilization measures shall be preferred over hard structural measures as prioritized in WAC 173-26-231.
  - 4. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline, except where such

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access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions under SMC 17E.060.280. Where feasible, ecological restoration and public access improvements shall be incorporated into the project.

5. New erosion control measures, including replacement structures, shall ~~((minimize))~~ not result in adverse impacts to natural stream and river processes including sediment ~~((conveyance systems))~~ transport.
- D. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal structures from erosion caused by currents or waves.
1. Replacement of an existing stabilization structure shall be based on need, demonstrated by an engineering/geotechnical analysis report.
  2. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
  3. The replacement structures shall be designed, located, sized, and constructed to assure no net loss of ecological functions.
  4. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
  5. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
- E. An engineering/geotechnical report shall be required for all shoreline stabilization measures and shall:
1. Document the need to prevent potential damage to a primary structure; and
  2. Address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation, as determined by:
    - a. When a report confirms that there is a significant possibility that a stabilization structure will be damaged within three years as a result of shoreline erosion, hard armoring solutions may be authorized. The report must document that in the absence of such hard armoring measures, or where waiting until the need is immediate,

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the opportunity to use measures that avoid impacts on ecological functions would be lost; and

- b. When a report confirms that the need to prevent potential damage to a primary structure will occur beyond three years, erosion protection using soft armoring may be authorized.

F. For erosion or mass wasting due to upland conditions, the following shall apply to designated geologically hazardous areas pursuant to WAC 173-26-221(2)(c)(ii):

- 1. New developments shall conform to the minimum guidelines for geologically hazardous areas, WAC 365-190-080(4);
- 2. New development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development shall not be allowed;
- 3. New development that would require structural shoreline stabilization over the life of the development shall not be allowed. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. The stabilization measures shall conform to WAC 173-26-231; and
- 4. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 requirements and then only if no net loss of ecological functions will result.

**17E.060.410 Fill**

Definition: Fill is 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.

A. Fill waterward of the ordinary high-water mark shall:

- 1. Provide for no net loss of ecological functions;
- 2. Be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration; and
- 3. Be allowed only when necessary to support:
  - a. Water-dependent use;

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- b. Public access;
  - c. Cleanup and disposal of contaminated sediments as part of an agency approved environmental clean-up plan;
  - d. Disposal of dredged material considered suitable under, and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources;
  - e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible;
  - f. Mitigation action;
  - g. Environmental restoration; ~~((and))~~
  - h. Shoreline nourishment or enhancement; and
  - i. Shoreline Stabilization, pursuant to SMC 17E.060, 400.
- B. Fill landward of the ordinary high-water mark shall adhere to the following:
- 1. Ensure no net loss of ecological functions;
  - 2. Solid waste, refuse, and debris shall not be placed in the shoreline; and
  - 3. Stockpile of fill shall be allowed on-site only during the construction phase of the project.

**17E.060.420 Dredging and Dredge Material Disposal**

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

- A. Dredging and dredge material disposal shall achieve no net loss of shoreline ecological functions.
- B. Dredging and dredge material disposal shall be conducted consistent with mitigation sequencing requirements in SMC 17E.060.220.
- C. New use or development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

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- D. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high-water mark. The project must be either associated with the Washington State Model Toxics Control Act (MTCA) or Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
- E. Periodic dredging shall be allowed for existing hydroelectric facilities where dredging is an essential activity for operation and maintenance of the facility or where dredging is used to help maintain or provide important ecological functions or to facilitate sediment transport.
- F. Disposal of dredge material within a channel migration zone shall not be allowed. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.
- ~~((G. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.~~
- ~~H. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.))~~

### 17E.060.430 Piers and Docks

Definition: A pier or dock is a structure built over or floating on the water used as a landing place for water transport or recreational purposes.

- A. New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.
- B. New piers and docks shall be allowed only in reservoir areas (as defined in SMC 17A.020.180) behind dams where flow conditions least resemble the natural free-flowing river, except as necessary for dam maintenance.
  - 1. The reservoir areas within the Shoreline Jurisdiction where piers and docks shall be allowed are:
    - a. Division Street east to the Kardong Bridge; and

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- b. Upriver Dam east to the Spokane City Limits;
- 2. A new pier or dock shall be engineered and constructed to withstand the seasonal high-water flows within the reservoir in which it is located.
- C. New piers and docks shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions and critical areas resources such as fish habitat and processes such as currents and river flow.
- D. Piers and docks shall be required to adhere to the mitigation sequencing in SMC 17E.060.220.
- E. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
- F. New pier or dock construction, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.
- G. New residential development of two or more dwellings shall provide joint use or community dock facilities, when feasible.
- H. New pier or dock construction requires state and federal agency permits.

### **17E.060.440 Jetties, Groins and Weirs**

Definitions: Jetties are elongated artificial obstructions projecting into a stream from the bank to control shoaling or scour by deflection of current. Groins are bank of shore-protection structures in the form of a barrier oblique to primary motion of water, designed to control movement of bed material. Weirs are structures in a stream or river for measuring or regulating stream flow.

- A. Jetties, groins, and weirs located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or publicly owned and/or maintained projects which do not degrade natural channel morphology or river processes, or cause adverse impacts to aquatic and terrestrial wildlife (~~(other specific public purpose)~~).
- B. Jetties, groins, weirs and similar structures are allowed by a shoreline conditional use permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.
- C. Jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in SMC 17E.060.220.

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**17E.060.450 Shoreline Habitat and Natural Systems Enhancement Projects**

Definition: Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing wildlife and fisheries habitat in shorelines. Projects may include shoreline modifications such as re-vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

- A. The applicant shall provide documentation that the project addresses legitimate restoration needs and priorities and facilitates implementation of the City of Spokane Shoreline Restoration Plan.

**Part V. Requirements for Specific Shoreline Uses**

**17E.060.460 Agriculture**

Definition: Low-intensity agricultural use is defined as passive grazing and plant cultivation. High-intensity agricultural use includes such activities as feed lots, feed mills, packing plants, agricultural processing plants or warehouses for the purpose of processing, packing, and storage of agricultural products.

- A. Agricultural uses and development activities shall be located and designed to achieve no net loss of shoreline ecological functions.
- B. Agricultural uses and activities shall be limited to lands designated for agricultural use in the Comprehensive Plan.
- C. Conversion of agricultural land to non-agricultural uses shall achieve no net loss of shoreline ecological functions.
- D. Farm management techniques, operation, and control methods should be utilized in accordance with the guidelines and standards of the Soil Conservation Service.
- E. Agricultural use currently within the Shoreline Jurisdiction shall not extend farther waterward of existing activities.
- F. This section shall not be construed or applied in a manner that requires modification of and/or limits agricultural activities on land designated as agriculture in the Comprehensive Plan as of the date of the adoption of this SMP.
- G. New agricultural activities on land designated as agriculture in the Comprehensive Plan but not presently used for agricultural purposes, conversion of agricultural lands to other uses, and development not meeting the definition of agricultural activities shall comply with the entire SMP.

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- ~~((D. Pesticide application, aerial spraying, manure spreading within the Shoreline Jurisdiction shall not be allowed.~~
- ~~E. The disposal of inorganic farm wastes, chemicals, fertilizers, and associated containers and equipment shall not be allowed within the Shoreline Jurisdiction, except organic wastes may be used for fertilization or soil improvement.~~
- ~~F. The disposal of solid waste, including junk vehicles and equipment, debris, and brush, shall not be allowed within the Shoreline Jurisdiction.))~~
- ~~G. In grazed areas, fencing to protect shoreline buffers shall be required.))~~

### **17E.060.470 Aquaculture**

Aquaculture activities are presently not in use, nor are they an anticipated activity within the Shoreline Jurisdiction. Therefore, these activities are not applicable to the City of Spokane. If the City should determine in the future that aquaculture will be allowed in the Shoreline Jurisdiction, regulations will be established by amendment to the SMP and to all other applicable City of Spokane development regulations.

### **17E.060.480 Boating Facilities**

Definition: Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high water mark.

- A. Boating facilities shall meet the requirement for no net loss of shoreline ecological functions.
- B. Boating facilities shall not conflict with existing or planned public access opportunities.
- C. Boating facilities shall be located only on sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses.
- D. Preference shall be given to existing boat launch facilities that can be modified to accommodate multiple types of permitted non-motorized water craft uses.
- E. Location and design of boating facilities shall not obstruct use of the water.
- F. Launch ramps and accessory uses shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities from floods and destructive storms.
- G. Launch ramps and accessory uses shall be located where water depths are adequate to avoid the need for dredging.

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- H. Boating facilities shall be limited to the minimum size necessary to meet the needs of the use.
- I. Accessory parking facilities shall be located outside the Shoreline Jurisdiction.
- J. Live-aboard vessels shall not be allowed.

**17E.060.490 Capital Facilities and Utilities**

Definition: Utilities are services and facilities that produce, convey, store, or process such things as power, gas, sewage, communications, oil, and waste. Capital Facilities include wastewater treatment plants, bridges, water reservoirs, electrical substations, gas regulating stations and power generating facilities. On-site utility features serving a primary use such as a water, sewer, or gas line to a residence are “accessory utilities” and shall be considered a part of the primary use.

- A. New utilities and capital facilities shall be located, designed, and maintained in such a way that there is no net loss of shoreline ecological functions.
- B. New utilities shall be located in existing rights-of-way and corridors whenever feasible and not harmful to existing utilities.
- C. All new utility production and processing facilities such as power plants, or parts of those facilities that are non-water oriented, shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible alternative is available.
- D. Transmission facilities for the conveyance of services such as power lines, cables, and pipelines shall be located outside of the Shoreline Jurisdiction where feasible.
- E. Over-water utility crossings shall be allowed only when no feasible alternative exists.
- F. New utilities or the substantial expansion of existing utilities shall:
  - 1. Be located underground or under water, if feasible (feasible as defined by chapter 17A.020 SMC and WAC 173-26-020(13));
  - 2. Utilize low impact, low profile, design and construction methods; and
  - 3. Be consistent with all applicable federal, state, and local regulations.
- G. Maintenance and replacement of existing utilities shall be exempt from subsections (F)(1) and (F)(2) above.
- H. The construction of bridges solely for pipelines shall not be allowed.

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- I. Facilities which constitute the final termination or destination of a transmission line shall not be allowed in the Shoreline Jurisdiction.
- J. New utilities and facilities shall be located to eliminate the need for extensive shoreline stabilization measures.
- K. Upon completion of installation and/or maintenance projects, shorelines shall be re-vegetated pursuant to SMC 17E.060.260, Vegetation Replacement Plan.
- L. New wastewater treatment plant facilities and accessory uses, including pumping stations, shall be located outside of the Shoreline Jurisdiction, with the exception of outfall infrastructure, unless no other feasible alternative exists.
- M. Expansions or upgrades of existing wastewater treatment plant facilities shall be allowed in the Shoreline Jurisdiction.
- N. New wastewater treatment plant outfalls shall be located so they will not be visible at mean low water.
- O. New wastewater treatment plant outfalls shall be designed and constructed to prevent the entry of fish.
- P. Wastewater treatment plant facilities shall be required to mitigate the aesthetic impacts to the surrounding environment through Low Impact Development.
- Q. Wastewater treatment plant improvements shall incorporate mitigation measures for odor reduction.

### **17E.060.500 Commercial Development**

Definition: Commercial developments are those uses which involve wholesale and retail trade or business activity that meet the definition in SMC 17E.060.360, Primary Permitted Uses, for water-dependent, water-related, water-enjoyment, and non-water oriented uses.

- A. The location, design and construction of commercial uses and redevelopment shall achieve no net loss of shoreline ecological functions.
- B. Preference shall be given first to water-dependent commercial uses, then to water-related and water-enjoyment uses.
- C. All commercial uses shall provide public access pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- D. Non-water oriented commercial uses shall not be allowed unless the site is physically separated from the shoreline by another property or public right-of-way or the following criteria are met:

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1. The use is part of a mixed-use project (a combination of non-water oriented uses with any of the following: water-dependent, water-related, or water- enjoyment uses); and
  2. Provides public access and ecological restoration to achieve no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.
- E. Non-water-dependent commercial uses over water shall be prohibited except in existing structures and where necessary to support water-dependent uses.

### **17E.060.510 Forest Practices**

Forest practices are those activities not covered by the Forest Practices Act involving conversion to non-forest use. Forest practices are not presently conducted within the shorelines, nor are they an anticipated activity within the Shoreline Jurisdiction. Therefore, these activities are not applicable to the City of Spokane. If the City of Spokane determines in the future that forest practices should be allowed in the Shoreline Jurisdiction, regulations will be established by amendment to this SMP and to all other applicable City of Spokane development regulations.

### **17E.060.520 Industrial Development**

Definition: Industrial uses pertain to the manufacture or processing of goods or products that meet the definition in SMC 17E.060.360, Primary Permitted Uses, for water-dependent, water-related, water-enjoyment, and non-water oriented uses. Waste water treatment plant facilities for the purposes of these Shoreline Regulations are defined as utilities. Waste water treatment plant uses are listed in Table 17E.060-4 under Waste Water Treatment Plant Environment (WTPE).

- A. The location, design and construction of industrial uses and redevelopment shall achieve no net loss of shoreline ecological functions.
- B. Preference shall be given first to water-dependent industrial uses, then to water-related and water-enjoyment uses.
- C. All industrial uses shall provide public access pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- D. Non-water oriented industrial uses shall not be allowed unless the site is physically separated from the shoreline by another property or public right-of-way or the following criteria are met:
  1. The use is part of a mixed-use project (a combination of non-water oriented uses with any of the following: water-dependent, water-related, or water- enjoyment uses); and

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2. The use provides public access and ecological restoration to achieve no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.
- E. The preferred location of industrial uses and redevelopment shall be where environmental clean-up and restoration can be accomplished.

### 17E.060.530 Institutional Development

Definition: Institutions are primarily large, educational establishments of higher learning, technical trade schools, research centers, art galleries, museums, churches, scientific, historic, and cultural facilities, and related establishments that meet the definition in SMC 17E.060.360, Primary Permitted Uses, for water-dependent, water-related, water-enjoyment, and non-water oriented uses. It is intended that the natural features and setting of the shoreline will not be substantially altered by such institutional expansion or development, but rather enhanced and protected.

- A. The location, design and construction of institutional uses shall achieve no net loss of shoreline ecological functions.
- B. If the institutional use is categorized as a basic utility under SMC 17C.190.400, then the development shall also comply with SMC 17E.060.490, Capital Facilities and Utilities, and Table 17E.060-4, Shoreline Primary Uses.

### 17E.060.540 In-Stream Structures

Definition: In-stream structures are placed within a stream or river waterward of the ordinary high-water mark that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

- A. All in-stream structures and associated facilities shall achieve no net loss of shoreline ecological functions.
- B. ((A.)) Uses that adversely impact the ecological functions of freshwater habitats shall not be allowed except where necessary to achieve the prioritized objectives of RCW 90.58.020, and then only when their impacts are mitigated to achieve no net loss of ecological functions, pursuant to SMC 17E.060.220, Mitigation Sequencing.
- C. ((B.)) Proposed in-stream structures and associated facilities shall be ((analyzed for their ability to)) evaluated to assure that they protect and preserve ecosystem-wide processes, and shoreline ecological functions, including but not limited to:
  1. Aquatic life ((Fish)) and fish passage;

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2. Wildlife ~~((and water resources))~~;
  3. Shorelands and natural vegetation;
  4. ~~((3-))~~ Critical Areas;
  5. Cultural Resources;
  6. Normal and existing public uses, public access, and recreational uses;
  7. ~~((4-))~~ Natural channel hydrogeological and fluvial processes including flows, channel morphology and sediment transport ((Hydrogeological processes)); and
  8. ~~((5-))~~ Natural character and scenic vistas.
- D. ~~((C-))~~ Proposed in-stream projects shall be assessed ~~((analyzed))~~ for impacts to:
1. Watershed functions and processes;
  2. Ecological functions in the shoreline, including aquatic and shoreland vegetation, wildlife, and their aquatic life; and
  3. ~~((2-))~~ Priority habitats and species.
- E. ~~((D-))~~ All in-stream structures shall be located, ~~and~~ designed, and constructed to protect:
1. ~~((Minimize interference with surface))~~ Surface navigation and the public's use of surface water or shoreline areas;
  2. ~~((Consider impacts to))~~ Public views;
  3. Aquatic life and wildlife;
  4. ~~((Allow for the))~~ The safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration; and
  5. The natural channel morphology and river processes, including sediment transport and flows.
- F. ~~((E-))~~ New over-water structures shall be allowed only for public access, ecological restoration, or water-dependent uses when the over-water location is necessary for the operation of the water-dependent use.
- G. ~~((F-))~~ New over-water structures shall be limited to the minimum size necessary to support the structure's intended use.

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- H. ((G.)) Multiple uses of over-water facilities shall be considered in order to reduce the impacts of development and increase effective use of water resources, provided that use conflicts can be avoided.

### **17E.060.550 Mining**

Mining practices are not allowed within the Shoreline Jurisdiction. If the City of Spokane determines in the future that mining should be allowed in the Shoreline Jurisdiction, regulations will be established by amendment to the SMP and to all other applicable City of Spokane development regulations.

### **17E.060.560 Recreational Development**

Definition: Shoreline recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public. Water-enjoyment recreational uses include river or stream swimming areas, whitewater structures, boat launch ramps, fishing areas, boat or other watercraft rentals, and view platforms.

Recreational uses such as parks, golf courses, public squares, plazas, recreational trails, botanical gardens, and nature preserves are designated in chapter 17C.190 SMC as institutional uses and shall be categorized the same for these Shoreline Regulations.

- A. Recreation facilities shall be located and designed so that there is no net loss of shoreline ecological functions.
- B. Shoreline recreational development shall be given priority for shoreline location and shall be primarily related to access, enjoyment, and use of the water and shorelines.
- C. Commercial recreational development and public recreational development shall be oriented towards the shoreline and shall be subject to the requirements in SMC 17E.060.280, Physical and Visual Public Access.
- D. Shoreline recreational facilities shall be linked to other adjacent recreational attractions by pedestrian and/or bicycle trails wherever possible.
- E. Recreational facilities shall be located and designed in a manner consistent with the purpose of the environment designation in which they are located.
- F. Recreational development shall include interpretive displays describing cultural, historical and scientific information, where applicable.
- G. Non-water oriented recreational development uses shall not be located within the Shoreline Jurisdiction.

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**17E.060.570 Residential Development**

Purpose: Single-family residences are the most common form of shoreline development and are identified by the SMA as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, introduction of pollutants, and vegetation modification and removal. Residential development also includes two-family, three-family, and multi-family development and the creation of new residential lots through land division.

- A. Residential development shall be located and designed such that there is no net loss of shoreline ecological functions.
- B. Residential development within the Shoreline Jurisdiction shall be set back from steep slopes and eroding shoreline areas so that the shoreline is not further eroded and structural improvements are not required to protect property.
- C. New single-family, two-family and three-family residential development shall not be required to provide public access.
- D. New multi-family residential development shall provide public access, pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- E. Over-water residences shall be prohibited.

**17E.060.580 Shoreline Jurisdiction Residential Subdivision Requirements**

- A. New subdivided lots shall be designed, configured and developed to:
  - 1. Prevent the loss of ecological functions at full build-out of all lots;
  - 2. Prevent the need for new shoreline stabilization or flood hazard reduction measures.
- B. The subdivision of land into more than four parcels shall provide public access, pursuant to SMC 17E.060.280, Physical and Visual Public Access.
- C. The subdivision of land shall not be allowed where lots are created that will require shoreline stabilization in order for reasonable development to occur. An engineering/ geotechnical analysis of the site and shoreline characteristics shall be required that provides evidence that shoreline stabilization measures will not be needed for the subdivision, pursuant to SMC 17E.060.400, Shoreline Stabilization.
- D. All residential development shall meet the development standards of the underlying zone. In the case of a conflict between the requirements of the SMP and the underlying zone, the most restrictive shall apply.

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**17E.060.590            Parking Facilities**

Definition: Parking facilities include private and public accessory lots, structures, and loading and unloading areas.

- A.     Parking facilities as a primary use or stand-alone use shall not be allowed within the Shoreline Jurisdiction.
- B.     Parking facilities that are accessory to a permitted use shall be located and designed so that there is no net loss of shoreline ecological functions.
- C.     Parking facilities that are accessory to a permitted use within the Shoreline Jurisdiction shall not be allowed between the development and the adjacent shoreline.
- D.     Parking facilities that are accessory to a permitted use shall not extend beyond the building footprint on the shoreline side or one hundred feet from the ordinary high-water mark, whichever is greater.
- E.     Surface and structural parking facilities accessory to a permitted use within the Shoreline Jurisdiction shall include:
  - 1.     A pedestrian entry point to an established or proposed shoreline trail, pathway or viewing area for physical and visual access to the shoreline, pursuant to SMC 17E.060.280, Physical and Visual Public Access;
  - 2.     Landscape screening around the perimeter of the parking facility, pursuant to chapter 17C.200 SMC, Landscaping.
- F.     Refer to Table 17C.230-1, chapter 17C.230 SMC, Minimum Required and Maximum Allowed Parking Spaces by Zone, for parking requirements.

**17E.060.600            Transportation Facilities**

Definition: Roads, streets, highways, bridges, bicycle and pedestrian facilities and other related transportation infrastructure.

- A.     Transportation facilities shall be planned, designed, and located so that there is no net loss of shoreline ecological functions and so that there is not an adverse affect to unique or fragile shoreline features.
- B.     Transportation facilities shall not adversely impact existing or planned water-dependent uses.
- C.     Non-motorized transportation facilities shall be incorporated within planned transportation improvements.

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- D. New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network shall not be allowed within the Shoreline Jurisdiction unless no other options are available and feasible.
- E. New local access streets or street expansions serving permitted shoreline uses shall be allowed within the Shoreline Jurisdiction and located on the landward side of such permitted uses.
- F. Pedestrian and bicycle linkages to existing or planned transportation networks shall be allowed in the Shoreline Jurisdiction and shall incorporate scenic views, viewpoints, and the preservation of significant natural features in their design, if feasible.
- G. Maintenance roads shall be allowed within the Shoreline Jurisdiction. When feasible, maintenance roads shall be pervious and also serve as public access to the shoreline.
- H. Street or alley vacation shall not be allowed within the Shoreline Jurisdiction except in compliance with RCW 35.79.035.
- I. Transportation corridors crossing the shoreline environment shall be consolidated in order to minimize the number of crossings.

### **17E.060.610 Rail Lines and Rail Corridors**

Definition: A rail line is a linear passageway consisting of railroad track, roadbed, and accessory structures.

- A. New rail lines or the expansion of existing rail lines shall be planned, located and designed so that there is no net loss of shoreline ecological functions.
- B. New rail lines shall not be allowed in the Shoreline Jurisdiction unless necessary to connect to existing rail lines or existing rights-of-way or it can be demonstrated that no other feasible alternative exists.
- C. New rail lines in the Shoreline Jurisdiction shall use existing rail corridors where feasible.
- D. Existing rail lines may be expanded within existing rail corridors.
- E. All rail lines shall provide means for the public to overcome the physical barrier created by the line and gain access to the shoreline, where feasible.

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**17E.060.620 Natural Land Forms**

A. Islands.

1. Use or development shall not be allowed on undeveloped islands in the Spokane River and Latah Creek.
2. Islands shall not be damaged or degraded and shall be preserved for wildlife habitat and scenic and aesthetic qualities.

B. Shoreline Basalt Cliffs and Banks.

1. No development or use shall be allowed which:
  - a. Destroys or degrades the natural character of the shoreline basalt cliffs and banks.
  - b. Removes vegetation from the shoreline basalt cliffs and banks, unless the removal is to improve public safety.
  - c. Accumulates excessive amounts of water in any way at the top of a bank or cliff.
  - d. Increases the hazard of or causes cave-ins, landslides, and/or erosion.
  - e. Involves the use of explosives or mining.

C. Spokane River Falls and Rapids.

Any development or use that will destroy or degrade the falls and rapids area shall not be allowed.

**17E.060.630 Sign Standards**

Shoreline signs are regulated pursuant to chapter 17C.240 SMC.

**Article VI. Environment Designations and Requirements for Modifications and Uses in Specific Environments**

**Part I. Environmental Designations Established**

**17E.060.640 Environmental Designations Established**

- A. Purpose: The Environment Designations are a regulatory overlay to the underlying zoning and provide a framework for allowing certain uses.

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- B. The shoreline environments and the general boundaries of these environments are represented on the Shoreline Environment Designations Maps as authorized in chapter 17E.060 SMC and as adopted in chapter 14, Shorelines, in the Comprehensive Plan.
- C. A development in the Shoreline Jurisdiction shall meet the use and modification standards of the shoreline environment, the general use and modification provisions in Articles IV and V, any zoning overlay in which it is located, and those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline environment and the underlying zone, the most restrictive regulation shall apply.
- D. If a shoreline lot is split by a shoreline environment boundary line, each portion of the lot shall be regulated by the shoreline environment covering that portion.
- E. Shorelines that are undesignated shall automatically be assigned an Urban Conservancy Environment, pursuant to WAC 173-26-211(2)(e).

**17E.060.650 Shoreline Environment Designations**

- A. The six Shoreline Environments are listed below:

Natural	NE
Urban Conservancy	UCE
Shoreline Residential	SRE
Limited Urban	LUE
Intensive Urban	IUE
Wastewater Treatment Plant	WTPE

- B. The management policies are located in Chapter 14 of the City of Spokane Comprehensive Plan.
- C. The purpose and designation criteria for each shoreline environment designation are described below.
  - 1. Natural Environment (NE)
    - a. Purpose.  
The purpose of the "natural" environment is to protect shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. This environment allows only very low intensity uses in order to maintain the ecological functions and ecosystem-wide processes.

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- b. Designation Criteria.  
The "natural" environment designation is assigned to shoreline areas with any of the following characteristics:
  - i. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
  - ii. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
  - iii. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

The Natural Environment designation delineates those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments that are sensitive to human development. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, unstable bluffs, spits, and ecologically intact shoreline habitats.

Ecologically intact shorelines can include both large (covering multiple properties) and small (within one property) areas which retain the majority of their natural shoreline functions. Generally, these are free of structural shoreline modification, structures, and intensive uses, and can include forested areas which have native vegetation, diverse plant communities and large woody debris.

Location: Refer to Shoreline Environment Designations Maps for general locations of the Natural Environment.

- 2. Urban Conservancy Environment (UCE)
  - a. Purpose.  
The purpose of the "urban conservancy" environment is to protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.
  - b. Designation Criteria.  
The "urban conservancy" environment designation is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of

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the area and that are not generally suitable for water-dependent uses if any of the following characteristics apply:

- i. They are suitable for water-related or water-enjoyment uses;
- ii. They are open space, floodplain or other sensitive areas that should not be more intensively developed;
- iii. They have potential for ecological restoration;
- iv. They retain important ecological functions, even though partially developed; or
- v. They have the potential for development that is compatible with ecological restoration.

- c. Location: Refer to Shoreline Environment Designations Maps for general locations of the Urban Conservancy Environment.

### 3. Shoreline Residential Environment (SRE)

- a. Purpose.

The "shoreline residential" environment is designed to accommodate existing, small-lot residential development and accessory structures. The shoreline residential environment may also provide appropriate public access and recreational uses.

- b. Designation Criteria.

The "shoreline residential" environment designation is assigned to shoreline areas if they are predominantly small-lot single-family or multi-family residential development or are planned and platted for such residential development.

- c. Location.

Refer to Shoreline Environment Designations Maps for general locations of the Shoreline Residential Environment.

### 4. Limited Urban Environment (LUE)

- a. Purpose.

The purpose of the "limited urban" environment is to accommodate a range and mixture of water-oriented residential, commercial, and institutional uses at moderate intensity and density levels, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Water-dependent utilities and industrial uses are also accommodated. In addition, this designation provides for appropriate physical and visual public access and recreation uses. This environment is

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suitable for residential development, while allowing for non-residential uses with height limitations and at a significantly lower scale of intensity than is found in the Intensive Urban Environment. This environment is intended for development that creates a unique urban waterfront environment, enhances aesthetic appeal, provides public access, and allows compatible uses.

- b. Designation Criteria.  
The “limited urban” environment is assigned to shoreline areas that are intended to accommodate further urban growth and infill development and that are appropriate for a mix of water-oriented residential, institutional, and limited commercial uses. Water-dependent utility and industrial uses may be accommodated. This environment may include a range and mix of uses similar to those found in the Intensive Urban Environment, but at a significantly lower scale of intensity. This environmental designation may serve as a transition between higher intensity and lower intensity environmental designations.
- c. Location.  
Refer to Shoreline Environment Designations Maps for general locations of the Limited Urban Environment.

### 5. ~~((4))~~ Intensive Urban Environment (IUE)

- a. Purpose.  
The purpose of the “intensive urban” environment is to ensure optimum, intensive public utilization of shorelines by providing high-intensity public use and managing development so that it enhances and maintains the shorelines for a variety of urban uses. Existing ecological functions within the shoreline area must be protected, and areas that have been previously degraded must be restored. Urban use of shorelines in this environment should be limited to water-oriented uses in developed areas with adequate building setbacks from the top of the riverbanks. Priority will be given to public access, both visual and physical. Pedestrian paths and cycle paths should connect to access points. Public ownership of land should be maintained and expanded along both riverbanks.
- b. Designation Criteria.  
The “intensive urban” environment is assigned to shoreline areas at the heart of the city that are appropriate and planned for a multiplicity of high-intensity water-oriented urban, residential, commercial, office, and industrial land uses. The density and intensity of uses within this environment are balanced with a mix of open space and recreational and cultural facilities.

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- c. Location.  
Refer to Shoreline Environment Designations Maps for general locations of the Intensive Urban Environment.

### **6. ((5)) Wastewater Treatment Plant Environment (WTPE)**

- a. Purpose.  
The purpose of the “wastewater treatment plant” environment is to create a unique designation that specifically corresponds with and addresses wastewater treatment plants. This designation focuses on providing this essential public facility while at the same time addressing the concerns of mitigation measures, aesthetic enhancements, location, and restoration opportunities.
- b. Designation Criteria.  
This designation is assigned to Wastewater Treatment Plant properties within the Shoreline Jurisdiction.
- c. Location.  
Refer to Shoreline Environment Designations Maps for general locations of the Wastewater Treatment Plant Environment.

## **Part II. Modifications and Uses in Specific Environments**

### **17E.060.660 Shoreline Modifications and Uses Specific to Shoreline Environment Designations**

Definition: The Shoreline Management Act makes a distinction between a shoreline use and shoreline modifications. A shoreline use is an activity that is allowed within the Shoreline Jurisdiction. In some cases, the shoreline must be modified in order to allow for the proposed use. Shoreline modifications include such activities as dredging, fill, or construction of a stabilization structure, jetty, groin, or weir.

- A. Shoreline modifications and uses are regulated according to specific Environment Designations, pursuant to Tables 17E.060-3 and 17E.060-4, as well as the general use and modification provisions of Article IV and V.
- B. Table 17E.060-3, Shoreline Modifications, and Table 17E.060-4, Shoreline Primary Uses, display modifications and uses in each environment that are:
  - 1. Permitted outright with a shoreline substantial development permit or exemption;
  - 2. Permitted as a shoreline conditional use; or
  - 3. Permitted with specific limitations.

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- C. Shoreline uses and modifications not specifically identified in Tables 17E.060-3 and 17E.060-4 shall be:
  - 1. Evaluated as a shoreline conditional use;
  - 2. Required to meet the intent of the entire SMP; and
  - 3. Consistent with the management policies and character of the shoreline environment in which they are proposed to be located.
- D. Use and modification regulations shall achieve no net loss of shoreline ecological functions.
- E. All proposed shoreline uses and modifications occurring within the Shoreline Jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and the entire City of Spokane Shoreline Master Program.

**17E.060.670 Shoreline Modifications**

- A. In addition to this section, shoreline modifications are subject to the regulations in Article V, Part IV, General Requirements for Shoreline Modifications.
- B. Refer to SMC 17E.060.300 for modifications 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 modifications must be consistent with the policies and regulations of the entire SMP and the Act.
- C. Legend for Table 17E.060-3:
  - 1. Permitted Modifications – “P”

Modifications permitted are listed in Table 17E.060-3 with a “P”. These modifications 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 – “L”

Modifications allowed that are subject to limitations are listed in Table 17E.060-3 with an “L”. These modifications 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. A shoreline substantial development permit or an exemption from such permit is required.

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3. Conditional Uses – “CU”

Modifications that are allowed if approved through the shoreline conditional use review process are listed in Table 17E.060-3 with a “CU.” These modifications are allowed provided they comply with the conditional use approval criteria, the development standards of these Shoreline Regulations and Title 17C. Modifications listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote.

4. Modifications Not Permitted – “N”

Modifications listed in Table 17E.060-3 with an “N” are not permitted.

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<b>Table 17E.060-3. Shoreline Modifications</b>						
Modification is: <b>P:</b> Permitted (with shoreline substantial development permit or exemption) <b>N:</b> Not permitted <b>L:</b> Allowed, but special limitations <b>CU:</b> Conditional use review required	<b>Shoreline Environments</b>					
	<i>NE</i>	<i>UCE</i>	<i>SRE</i>	<i>LUE</i>	<i>IUE</i>	<i>WTPE</i>
<b>Shoreline Stabilization</b>						
New or enlarged structure for new development or for land subdivision	N	N	N	N	N	N
New or enlarged structure for protection of existing structures	CU	CU	CU	CU	CU	CU
New or enlarged structure for support of new non-water-dependent development, including single-family residence	CU	CU	CU	CU	CU	CU
New or enlarged structure in support of water-dependent development	CU	CU	CU	CU	CU	CU
New or enlarged structure to protect projects for the restoration of ecological functions or hazardous substance remediation projects	CU	CU	CU	CU	CU	CU
Replace existing shoreline stabilization structure	CU	CU	CU	CU	CU	CU
<b>Piers and Docks</b>						
Single family residential pier or dock	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	N	N
A new pier or dock essential to the successful operation of a permitted water-dependent use	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU
A new pier or dock for public access	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU	L <sup>[1]</sup> /CU
<b>Fill</b>						
Waterward of the ordinary high-water mark	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU
Waterward of the ordinary high-water mark for ecological restoration	L <sup>[3]</sup>	L <sup>[3]</sup>	L <sup>[3]</sup>	L <sup>[3]</sup>	L <sup>[3]</sup>	L <sup>[3]</sup>
Landward of the ordinary high-water mark	L <sup>[4]</sup> /CU	L <sup>[4]</sup> /CU	L <sup>[4]</sup> /CU	L <sup>[4]</sup> /CU	L <sup>[4]</sup> /CU	L <sup>[4]</sup> /CU
<b>Jetties, Groins and Weirs</b>						
Waterward of the ordinary high-water mark	N (L <sup>[5]</sup> /CU)	L <sup>[5]</sup> /CU				
Waterward of the ordinary high-water mark for ecological restoration	L <sup>[6]</sup>	L <sup>[6]</sup>	L <sup>[6]</sup>	L <sup>[6]</sup>	L <sup>[6]</sup>	L <sup>[6]</sup>
<b>Dredging and Dredge Material Disposal</b>						
Waterward of the ordinary high-water mark for the primary purpose of obtaining fill material	CU	CU	CU	CU	CU	CU
Periodic dredging for existing hydroelectric facilities	CU	CU	CU	CU	CU	CU
Disposal of dredge material within a channel migration zone	N	N	N	N	N	N
<b>Shoreline Habitat and Natural Systems Enhancement Projects</b>						
	P	P	P	P	P	P

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**17E.060.680 Shoreline Modifications Limited Use Standards**

A. The paragraphs listed below contain the limitations on shoreline modifications and correspond with the bracketed [ ] footnote numbers from Table 17E.060-3.

1. Piers and Docks.

This regulation applies to all parts of Table 17E.060-3 that have a note [1]. Piers and Docks shall be allowed only in areas described in SMC 17E.060.430.

2. Fill waterward of the ordinary high-water mark.

This regulation applies to all parts of Table 17E.060-3 that have a note [2]. Fill waterward of the ordinary high-water mark shall be allowed only when consistent with SMC 17E.060.410(A), Fill. ~~((where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose. If this can be demonstrated, a shoreline conditional use permit is required.))~~

3. Fill waterward of the ordinary high-water mark for ecological restoration.

This regulation applies to all parts of Table 17E.060-3 that have a note [3]. Fill waterward of the ordinary high-water mark for ecological restoration shall only be allowed when the applicant provides documentation that the project addresses legitimate restoration needs and priorities and facilitates implementation of the City of Spokane Shoreline Restoration Plan.

4. Fill landward of the ordinary high-water mark.

This regulation applies to all parts of Table 17E.060-3 that have a note [4]. Fill landward of the ordinary high-water mark shall only be allowed for a permitted and approved use. If this can be demonstrated, a shoreline conditional use permit is required.

5. Jetties, groins and weirs waterward of the ordinary-high-water-mark.

This regulation applies to all parts of Table 17E.060-3 that have a note [5]. Jetties, groins and weirs waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or publicly owned and/or maintained projects ~~((other specific public purpose))~~. If this can be demonstrated, a shoreline conditional use permit is required.

6. Jetties, groins and weirs waterward of the ordinary high-water mark for ecological restoration.

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This regulation applies to all parts of Table 17E.060-3 that have a note [6]. Jetties, groins and weirs waterward of the ordinary high-water mark for ecological restoration shall only be allowed when the applicant provides documentation that the project addresses legitimate restoration needs and priorities and facilitates implementation of the City of Spokane Shoreline Restoration Plan.

### **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

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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.

<b>Table 17E.060-4 Shoreline Primary Uses</b>						
Use is: P: Permitted (with shoreline substantial development permit or exemption) N: Not permitted L: Allowed, but special limitations CU: Conditional use review required	<b>Shoreline Environments</b>					
	<i>NE</i>	<i>UCE</i>	<i>SRE</i>	<i>LUE</i>	<i>IUE</i>	<i>WTPE</i>
<b>Agriculture</b>						
Low intensity agriculture	N	L <sup>[1]</sup> /CU	N	N	N	N
High intensity agriculture	N	N	N	N	N	N
<b>Aquaculture</b>						
Aquaculture	N	N	N	N	N	N
<b>Boating Facilities</b>						
Marinas	N	N	N	N	N	N
Launch ramps for small non-motorized watercraft	CU	CU	CU	CU	N	CU
<b>Capital Facilities and Utilities</b>						
Maintenance of existing utilities or facilities	P	P	P	P	P	P
New construction or expansion of existing utilities or facilities	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /CU	L <sup>[2]</sup> /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 <sup>[2]</sup> /CU
New wastewater treatment outfall infrastructure	CU	CU	CU	CU	CU	P
New Wireless Communication Support Tower	N	N	N	N	N	N
<b>Commercial Development</b>						
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 <sup>[3]</sup>	N	L <sup>[3]</sup>	L <sup>[3]</sup>	N
<b>Forest Practices</b>						
Forest Practices	N	N	N	N	N	N

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<b>Industrial Development</b>						
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 <sup>[4]</sup> /CU	N	L <sup>[4]</sup> /CU	L <sup>[4]</sup> /CU	N
High impact industrial uses	N	N	N	N	N	N
<b>Institutional</b>						
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 <sup>[5]</sup> /CU	N				
<b>In-Stream Structures</b>						
In-Stream Structures	L <sup>[6]</sup> /CU	CU	CU	CU	CU	CU
<b>Mining</b>						
Mining	N	N	N	N	N	N
<b>Recreational Development</b>						
Water-dependent recreation	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	N
Water-enjoyment recreation	L <sup>[7]</sup> /CU	CU	CU	CU	CU	N
Non-water oriented recreation	N	CU	CU	CU	CU	N
<b>Residential Development</b>						
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
<b>Subdivision</b>						
All subdivisions (including Binding Site Plans)	L <sup>[8]</sup> /CU	CU	CU	CU	CU	N
<b>Parking</b>						
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
<b>Transportation</b>						
New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network	L <sup>[9]</sup> /CU					
New local access streets or street expansions serving permitted shoreline uses	L <sup>[10]</sup> /CU	L <sup>[10]</sup>				
Pedestrian and bicycle linkages to existing or planned transportation networks	L <sup>[11]</sup> /CU	P	P	P	P	P
Maintenance roads, accessory to a permitted use	P	P	P	P	P	P
<b>Railroads and Rail Corridors</b>						
New rail lines	L <sup>[12]</sup> /CU					
Expansion of existing rail lines	P	P	P	P	P	P

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**17E.060.700 Shoreline Limited Use Standards**

A. The paragraphs listed below contain the limitations on shoreline use that correspond with the bracketed [ ] footnote numbers from Table 17E.060-4.

1. Low intensity agriculture.

This regulation applies to all parts of Table 17E.060-4 that have a note [1]. Low intensity agriculture uses and activities are limited to lands designated for agriculture use in the Comprehensive Plan.

2. New construction or expansion of existing utilities or facilities or any parts of those facilities that are non-water oriented.

This regulation applies to all parts of Table 17E.060-4 that have a note [2]. New construction or expansion of existing utilities or facilities or any parts of those facilities that are non-water oriented shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible alternative is available. If this can be demonstrated, a shoreline conditional use permit is required.

3. Non-water oriented commercial uses.

This regulation applies to all parts of Table 17E.060-4 that have a note [3]. Non-water oriented commercial uses shall not be allowed unless:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or
- b. The use is part of a mixed use project (a combination of the non-water oriented commercial use and any of the following: water-dependent, water-related and/or water-enjoyment uses);
- c. The use provides public access; and
- d. The use achieves no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.

4. Non-water oriented industrial uses.

This regulation applies to all parts of Table 17E.060-4 that have a note [4]. Non-water oriented industrial uses shall not be allowed unless:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or

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- b. The use is part of a mixed use project (a combination of the non-water oriented industrial use and any of the following: water-dependent, water-related and/or water-enjoyment uses);
  - c. The use provides public access; and
  - d. The use achieves no net loss of shoreline ecological functions, pursuant to Article III, Part II, No Net Loss of Ecological Functions and Mitigation.
5. Non-water oriented institutional uses.

This regulation applies to all parts of Table 17E.060-4 that have a note [5]. Non-water oriented institutional uses shall not be allowed unless:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or
  - b. The use provides public access.
6. In-Stream Structures.  
This regulation applies to all parts of Table 17E.060-4 that have a note [6]. In-Stream Structures shall be allowed only when associated with highways, bridges, bicycle and pedestrian facilities, and other related transportation infrastructure.

7. Recreational Development.  
This regulation applies to all parts of Table 17E.060-4 that have a note [7]. Whitewater structures shall not be located in the Natural Environment (NE).

8. ~~((6-))~~ All subdivisions, including Binding Site Plans, in the Natural Environment.
- This regulation applies to all parts of Table 17E.060-4 that have a note [8] ~~(([6]))~~. All subdivision of property, including Binding Site Plans, in a configuration that, to achieve its intended purpose, requires significant vegetation removal or shoreline modification that adversely impacts ecological functions shall not be allowed, pursuant to WAC 173-26-211(5)(a)(ii)(G).

9. ~~((7-))~~ New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network.
- This regulation applies to all parts of Table 17E.060-4 that have a note [9] ~~(([7]))~~. New streets or street expansions that are part of the City of Spokane designated Regional Arterial Network shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible

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alternative is available. If this can be demonstrated, a shoreline conditional use permit is required.

10. ((8.)) New local access streets or street expansions.

This regulation applies to all parts of Table 17E.060-4 that have a note [10] (([8])). New local access streets or street expansions serving permitted shoreline uses shall be located on the landward side of such permitted uses.

11. Pedestrian and bicycle linkages to existing or planned transportation networks.

This regulation applies to all parts of Table 17E.060-4 that have a note [11]. Pedestrian and bicycle linkages to existing or planned transportation networks in the Natural Environment (NE) shall be allowed only when consistent with SMC 17E.060.720 (F) (6).

12. ((9.)) New rail lines.

This regulation applies to all parts of Table 17E.060-4 that have a note [12] (([9])). New rail lines shall not be allowed in the Shoreline Jurisdiction unless it can be demonstrated that no other feasible alternative is available. If this can be demonstrated, a shoreline conditional use permit is required.

### Article VII. Shoreline Development Standards by District

#### Part I. Shoreline Districts

##### 17E.060.710 Shoreline Districts Established

- A. Purpose.  
To regulate structure height, design, setbacks, width, and lot coverage within the Shoreline Jurisdiction.
- B. The following districts are subject to the development standards in Table 17E.060-5:
1. Downtown;
  2. Campus;
  3. Great Gorge;
  4. Downriver;
  5. Latah Creek; and

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6. Upriver.
- C. The shoreline districts are a regulatory overlay to the underlying zoning and regulate development and design standards.
- D. The shoreline districts and the general boundaries of these districts are represented on the Shoreline Districts Map.
- E. Any development in the shoreline district shall meet the development standards of the shoreline district, any other zoning overlay in which it is located, and those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline district and the underlying zoning, the most restrictive regulation shall apply.
- F. If a shoreline lot is split by a shoreline district boundary line, each portion of the lot shall be regulated by the shoreline district covering that portion.

### **Part II. Shoreline Development Standards**

#### **17E.060.720 Shoreline Buffers**

- A. Purpose.  
Shoreline buffers serve several purposes, including filtering pollutants and sediment from runoff, preventing shoreline erosion, preserving fish and wildlife habitat, screening noise, preserving aesthetic values, and helping to achieve no net loss of shoreline ecological functions.
- B. Standards for shoreline buffers shall ensure no net loss of shoreline ecological functions and shall preserve the existing character of the shoreline, consistent with the entire SMP.
- C. The buffer requirements for any shoreline use, modification, or development shall be in accordance with the Shoreline Buffer Maps and official City GIS data.
- D. If there is a conflict between shoreline buffers and critical areas buffers, the most restrictive shall apply.
- E. Development may be allowed in a shoreline buffer if the proposed development is on the landward side of an existing and dedicated public street, not including alleys, running parallel to the Spokane River or Latah Creek. New streets shall not be approved to create developable lots in the shoreline buffer. Any use or development allowed in the shoreline buffer shall be consistent with these Shoreline Regulations.
- F. The following development activities shall not be subject to shoreline buffer requirements provided that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions and comply with these Shoreline Regulations and all the applicable regulations for critical areas.

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1. Those portions of approved water-dependent development that require a location waterward of the ordinary high-water mark, associated wetlands and/or within their associated buffers;
2. Underground utilities;
3. Modifications to an existing facility that are necessary to comply with environmental requirements of any agency, when otherwise consistent with the SMP, provided that the director determines that the:
  - a. Facility cannot meet the dimensional standards and accomplish the purpose for which it is intended and the facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible; and
  - b. Modification is in conformance with the provisions of SMC 17E.060.380, Nonconforming Uses and Structures.
4. Streets and railways necessary to access approved water-dependent development and emergency services.
5. ~~((Public access stairs))~~ Stairs, pathways, or trails, for the purposes of required public access, which generally run perpendicular to and intersect the shoreline not exceeding a width of ten feet.
6. Pathways and trails shall only be allowed in the shoreline buffer to connect to and from an existing regional multi-use non-motorized trail and only when:
  - a. Parallel pathways and trails are located as close to the landward edge of the Shoreline Jurisdiction as possible or will make use of an existing constructed grade such as those formed by an abandoned rail grade, abandoned road or utility;
  - b. Perpendicular pathways and trails, and river crossings, are sited in a location that has the least impact to shoreline ecological functions, consistent with SMC 17E.060.220, Mitigation Sequencing. Previously altered or disturbed locations shall be preferred.
  - c. Located, constructed and maintained so as avoid, to the maximum extent possible, removal and other impacts to perennial native vegetation, including trees, standing snags, forbs, grasses and shrubs.
  - d. Alternatives to impervious paving are used;
  - e. Width does not exceed ten feet;

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- f. Gravel or bare earth shoulders are not allowed; and
  - g. Accompanied by a Habitat Management Plan as outlined in SMC 17E.020.090.
- ~~((6. Pervious and/or elevated pathways and trails not exceeding a width of ten feet which generally run parallel to the shoreline when no feasible alternative exists outside of the shoreline buffer, and only when accompanied by a Habitat Management Plan as outline in SMC 17E.020.090.))~~
- 7. An essential public facility or public utility, when the Director determines that:
    - a. No feasible alternative location will accommodate the facility;
    - b. The facility cannot meet the dimensional standards and accomplish the purpose for which it is intended; and
    - c. The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible.
  - 8. New or expanded public flood protection measures, subject to the requirements in chapter 17E.030 SMC, Floodplain Management, and the approval of a federal biological assessment by the federal agency responsible for reviewing actions related to a federally listed species. The protection measures shall comply with the applicable regulations in these Shoreline Regulations, including the requirements in SMC 17E.060.190, Flood Hazard Reduction;
  - 9. In-stream structures, as defined in chapter 17A.020 SMC, if part of an approved stream or shoreline restoration project approved by the City or as permitted in Table 17E.060-4, Shoreline Primary Uses. The in-stream structures or features shall be designed to avoid modifying flows and water quality in ways that may adversely affect critical areas and habitat conservation areas, or degrading or eliminating habitat for aquatic life, including but not limited to: aquatic macro invertebrates, fish, amphibians and reptiles, and terrestrial wildlife for which streams and rivers are critical habitats;
  - 10. New or expanded wastewater treatment plant outfalls;
  - 11. Restoration and enhancement activities, as approved by the City; and
  - 12. The following accessory structures to park use, if no other feasible location exists outside of the shoreline buffer:
    - a. Restrooms;

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- b. Benches; and
- c. Directional and interpretive signs.

**17E.060.730 Structure Setbacks**

- A. Purpose.  
Structure setbacks provide space between the shoreline buffer and structures in order to minimize stress to the shoreline buffer from development and to protect the buffer during construction activities.
- B. Buildings and other accessory structures shall be set back in accordance with Table 17E.060-5, Development Standards.
- C. The following minor features shall be allowed in the structure setback:
  - 1. Landscaping;
  - 2. Ground surfaces, such as sidewalks and patios;
  - 3. Uncovered stairways and steps;
  - 4. Flagpoles; and
  - 5. Uncovered decks, roof eaves and overhangs, chimneys, and fire escapes may project a maximum of 20 percent of the depth of the required setback.

**17E.060.740 Structure Height and Bulk**

- A. Purpose.  
Height limits help to control the overall scale and bulk of structures and buildings and are tailored to the intensity desired within the shoreline districts.
- B. Structure Height and Bulk Standards.
  - 1. The height standards for all structures within the Shoreline Jurisdiction are the most restrictive standards found in either the underlying zoning category or the standards found in Table 17E.060-5.
  - 2. There shall be no exceptions to the maximum height and bulk standards allowed in the Shoreline Jurisdiction.
  - 3. Height increases shall not be allowed within the Shoreline Jurisdiction through any other City regulation that may allow for an increase to the allowed structure height.

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**17E.060.750 Shoreline Tall Building Standards**

A. Purpose.

To ensure that tall buildings and structures within the Shoreline Jurisdiction contribute to a visually interesting skyline and an enhanced pedestrian experience from the ground level, streets, and other public spaces.

B. The following standards shall apply to buildings and structures over fifty five feet tall.

1. Upper Story Setback.

All floors above fifty five feet shall be set back from all street lot lines and property lines a minimum of twenty feet.

2. Maximum Floor Area per Floor.

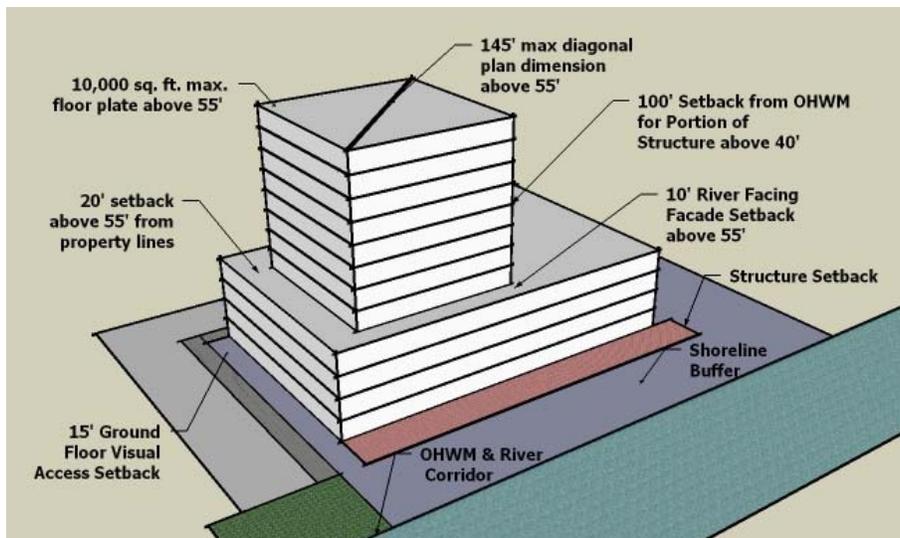
All floors above fifty five feet shall have a maximum floor area of ten thousand square feet. The floor area shall be measured from the inside face of the outside wall.

3. Setback for Upper Floors from River Facing Lower Story Facades.

River facing facades of all floors above fifty five feet shall be set back a minimum of 10 feet from all floors below fifty five feet.

4. Maximum Tower Dimension and Tower Orientation for Floors Above Fifty-Five Feet.

All floors above fifty five feet shall have a maximum diagonal plan dimension of one hundred forty five feet.



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**17E.060.760 Site Coverage for Views and Ground Level Public Access**

- A. Purpose.  
Views of the Spokane River shall be widely shared and not limited to adjacent properties. The intent of these standards is to ensure that new buildings and other constructed objects do not create barriers that wall off the river. The more restrictive standards of the underlying zone or this section shall apply.
- B. Maximum Lot Coverage and Structure Width:
  - 1. The maximum lot coverage of all structures shall be seventy percent.
  - 2. On sites with a width greater than one hundred twenty feet that is generally parallel to the river corridor, structures shall not be allowed to exceed seventy percent of the width of the site.
- C. Maximum Structure Width for Narrow Sites.
  - 1. On sites with an eighty to one hundred twenty-foot width that is generally parallel to the river, structures shall not be allowed to exceed eighty feet or seventy percent of the width of the site, whichever is greater.
  - 2. On sites with a width of less than eighty feet that generally runs parallel to the river, structures shall not be required to comply with subsections (B)(1) and (C)(1).

**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.

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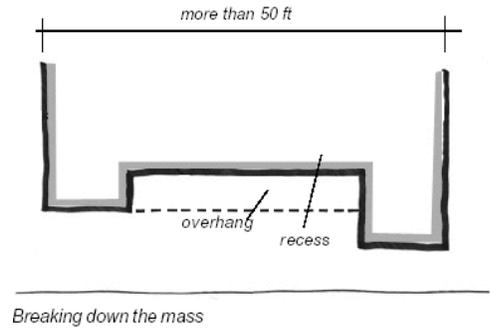
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<b>Table 17E.060-5 Development Standards <sup>[1]</sup></b>				
	Shoreline District Dimensional Standards			
	<i>Downtown</i>	<i>Campus</i>	<i>Upriver</i>	<i>Great Gorge/ Downriver</i>
Shoreline Buffer	See Shoreline Buffers Map and SMC 17E.060.720			
Structure Setback from Shoreline Buffer <sup>[2]</sup>	25 ft. <sup>[2]</sup>	15 ft. <sup>[2]</sup>		
Visual Access Setback <sup>[5]</sup>	15 ft. <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][5]</sup>			
Maximum Lot Coverage	70% <sup>[4]</sup>			
Tall Building Design Guidelines	Buildings over 55 ft. in height also follow SMC 17C.250.030 and 17C.250.040			
Maximum Structure Height by Shoreline District <sup>[6] [7]</sup>				
<i>Distance from OHWM</i>				
0' – 75'	30 ft.			
> 75' – 100'	40 ft.	40 ft.	35 ft.	
> 100' – 200'	55 ft. base structure Total building height not to exceed 150 ft. For structures over 55ft, see SMC 17E.060.750, Shoreline Tall Building Standards			
Public Access Pathway Width				
Public Access Pathway Width	Minimum of 10 ft. <sup>[8]</sup>			
<b>Notes:</b>				
[1] Within the shoreline districts, the most restrictive development standards of both the underlying zone and the shoreline district apply.				
[2] See the Shoreline Buffers Map to determine the buffer width within the Shoreline Jurisdiction.				
[3] Buildings shall be set back at least 15 feet from property lines adjacent to public rights-of-way that intersect the shoreline district. This does not apply to structures below grade.				
[4] See SMC 17E.060.760 for exceptions.				
[5] See SMC 17E.060.790 for Pedestrian Views and Access for Large Buildings over 300 feet.				
[6] No structures are allowed within the shoreline buffer and structure setback, except as allowed in SMC 17E.060.720(F) and 17E.060.730(C).				
[7] No structure shall exceed 35 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.060.280(Z), Physical and Visual Public Access.				
[8] Public access pathways within a shoreline buffer shall not exceed 10 feet in width.				

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**17E.060.780 Building Articulation**

- A. Purpose.  
To reduce the visual and physical effect of larger buildings.
- B. Building facades exceeding fifty feet shall be visually separated into smaller units through the use of offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs and other elements of the building's mass. Simply changing materials or color is not sufficient to accomplish this.
- C. Articulation shall be provided along facades visible from streets, as well as from the shoreline.



*Balconies, terraces, and recesses break down the façade mass.*

**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.060.280, Physical and Visual Access, and Article VIII, Design Standards and Guidelines Specific to Shoreline Districts.

**Article VIII. Design Standards and Guidelines Specific to Shoreline Districts**

**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. 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 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

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presumption. At the discretion of the applicant, or in rare cases, the director may refer the permit to the Design Review Board (~~Committee~~). 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 or determine that a guideline is inappropriate.

### 3. Considerations (C).

Design guidelines 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.

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

**A. Shoreline Relationships**

**1. Public Access**

Purpose: To meet a basic objective of the Shoreline Management Act for public access to the shoreline.

a. When public access is required, it shall be provided pursuant to SMC 17E.060.280. (R)

b. 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)

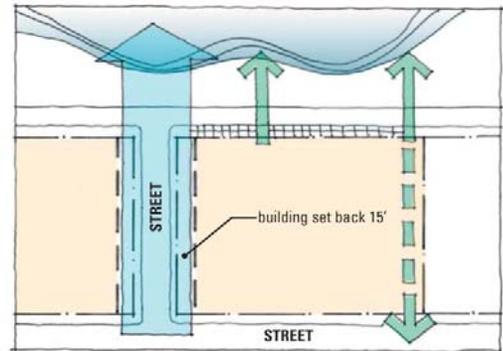
c. A pathway connecting to the nearest public right-of-way is the preferred type of public access. (P)

d. Physical access pathways shall be a minimum of ten feet clear width. (R)

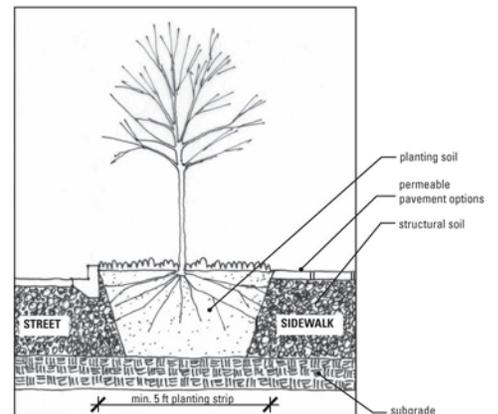
e. The use of pervious materials is recommended for pedestrian surfaces (including pathways and patios) to absorb stormwater run-off. Options include permeable interlocking unit pavers, porous concrete, or porous asphalt. (C)

f. 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)

g. 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)



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



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2. Site Design

a. Urban Green Streets and Urban Pathways

i. Street Trees and Planting Strips

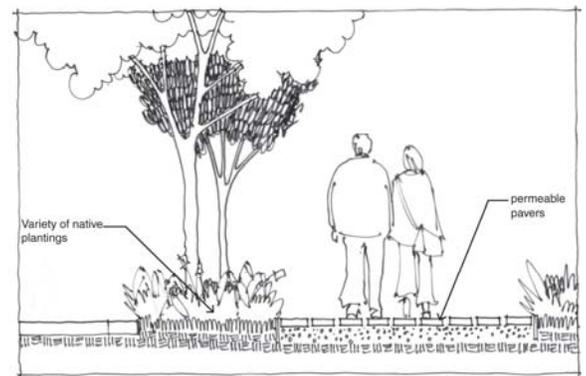
Purpose: To supplement the urban forest with new trees and planting as development and redevelopment occur.

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

ii. Urban Green Streets and Urban Pathways

Purpose: To have streets add to the environmental quality of the shoreline environment.

- (A) Streets within the Shoreline Jurisdiction shall be planted with a variety of trees, shrubs and ground cover. (R)

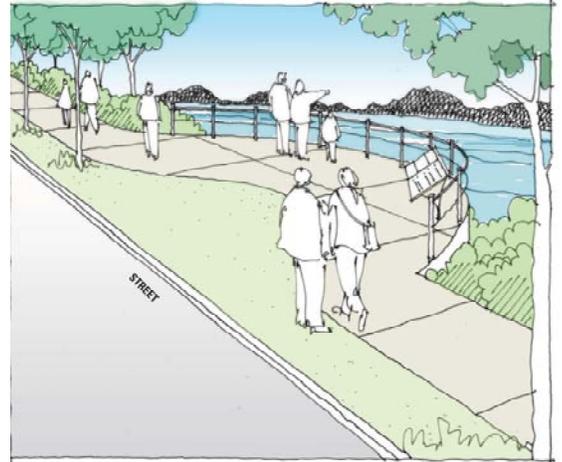


*Example of a "green street" incorporating a combination of ground cover, native grasses, shrubs and trees, along with permeable pavers in the sidewalk area and curbless street to aid stormwater conveyance and infiltration.*

- (B) Techniques for capturing and filtering stormwater runoff shall be incorporated into the design of streets, sidewalks, planting strips, and pathways. (R)

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- (C) Permeable pavement options are encouraged on pedestrian surfaces. These may include permeable interlocking unit pavers, porous concrete, or porous asphalt. (C)



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

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

iii. Overlooks in Public Development

Purpose: To make the public aware of the rich history and environmental systems associated with the river and the shoreline.

- (A) Along streets, pathways or within public parks, overlooks shall be provided where views of historic and aesthetic features or landmarks of the river are available. (R)
- (B) Methods, such as signs, shall 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). (R)

b. Overlooks in Private Development

Purpose: To encourage private development to incorporate features that help people understand the setting.

- i. Along pathways and public spaces, overlooks should be provided where views of the river are available. (C)
- ii. 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)

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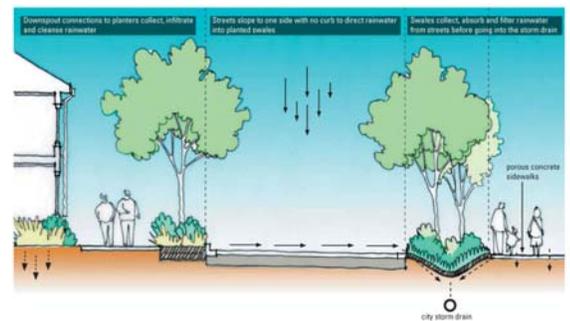
### c. Best Management Practices (BMP)

Purpose: To encourage site design to make use of state of the art techniques.

- i. 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)
- ii. 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.060.250. (R)

### d. Low Impact Development (LID)

Purpose: To encourage site design techniques that protects the environment and water resources by considering the site's pre-existing hydrologic conditions.



- i. 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 17E.060.250. (R)
- ii. 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)

## B. Site Development

### 1. Vegetation Conservation/Tree Preservation

Purpose.

To maintain vegetative cover that holds slopes, filters run-off and provides habitat.

- a. There shall be no net loss of vegetative cover within the Shoreline Jurisdiction. (R)

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- b. 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)



- c. Within the designated shoreline buffers, native vegetation shall be preserved. Lawns shall not extend into this area. (R)
- d. 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

Purpose.

To carefully control the effects of land disturbance so that the natural systems immediately adjacent to the river are protected.

- a. Site design shall identify measures to protect the shoreline buffer from disturbance both during construction and throughout occupancy. (R)
- b. Limited removal of noxious species of non-native plants shall be allowed so that native species can thrive, pursuant to SMC 17E.060.260, Vegetation Replacement Plan. (R)
- c. 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

Purpose.

To encourage new development to embody sustainable features.

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- a. New development within the shoreline should be designed to reflect criteria for at least LEED Certification, if not higher. (C)

### 2. Green Roofs

#### Purpose.

To encourage innovative, sustainable elements in new roofs.

- a. 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

#### Purpose.

To ensure building design that complements and blends with the natural character of the shoreline environment.

- a. 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

- b. 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.*

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D. Signs

1. Signs within the Shoreline Jurisdiction shall be regulated pursuant to chapter 17C.240 SMC. (R)

E. Lighting

1. Cut-off

Purpose.

To prevent glare and spillover.

- a. 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)

**17E.060.820 Standards & Guidelines Specific to the Downtown District**

A. Shoreline Relationships

1. Human Activity

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

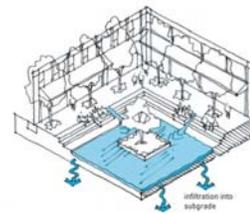
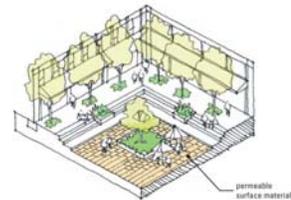
intense urban environment where people and views of the falls create much of the interest in being there. New development along the riverfront that will facilitate desired activities is encouraged. These include shopping, dining, walking, biking, jogging, people watching, viewing the falls, and learning the stories of the river through interpretive displays.



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

- a. Along the river, new buildings shall provide at least three of the following (R):

- i. Outdoor seating or opportunities for outdoor dining.
- ii. Building entry from the river side.
- iii. Benches along pedestrian trail.
- iv. Outdoor balconies.
- v. Public plaza with seating.



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

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- vi. Public viewpoint with interpretive signs (see SMC 17E.060.810 A(2)(a)(iii), Overlooks and Public Development, and 17E.060.810 A(2)(b), Overlooks in Private Development).
- vii. Public art.
- viii. Opportunities for outdoor vending such as food or bicycle rental.

**B. Streets, Sidewalks and Trails**

**1. Pedestrian Pathways**

**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.

- a. Pedestrian pathways shall be at least ten feet wide. (R)
- b. Pedestrian pathways shall be lighted either from nearby buildings or from pedestrian-scaled fixtures. (R)
- c. Seating should be provided at intervals. (C)

**C. Site Design**

**1. Landscape Character Protection**

**Purpose.**

To ensure that development along the shoreline enhances the natural character of the river and falls including its geologic features and native vegetation.

- a. 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**

**Purpose.**

To create a system of spaces integrated with the ecological systems of the shoreline.

- a. Development shall include one or more of the following (R):
  - i. Open spaces;

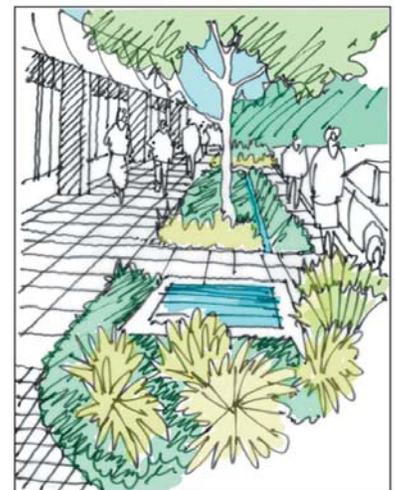
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- ii. Courtyards;
  - iii. Plazas;
  - iv. Forecourts; or
  - v. Other public spaces that allow for a seamless connection between streets and various uses.
- b. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)
3. Impervious Surfaces

### 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.

- a. 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.
- b. Stormwater runoff from impervious surfaces shall be directed to treatment or detention areas. For non-pollution generating



*Rain gardens with native plantings integrated into an urban streetscape*

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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.
- c. 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**

##### **Purpose.**

To protect, enhance and restore native vegetation along the shorelines, while recognizing the more urban nature of vegetation in the downtown area.

- a. 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)
- b. 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)

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### D. Building Design

#### 1. Character Related to the Setting

##### 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.

- a. 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)
- b. 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

##### Purpose.

To ensure that buildings along the shoreline have two public faces - one along the street, the other along the riverfront.

- a. 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

##### Purpose.

To ensure that buildings take advantage of their unique shoreline setting and contribute to the vitality and activity of downtown.

- a. The ground floor of buildings shall incorporate a combination of at least three of the following features (R):



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- 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

#### 1. Dark Sky

##### Purpose.

To reduce glare and spillover from lighting associated with parking lots or buildings.

- a. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)

### **17E.060.830 Standards & Guidelines Specific to the Campus District**

#### A. Shoreline Relationships

#### 1. Human Activity

##### 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.

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- a. New buildings shall provide at least two of the following waterward (R):
  - i. Outdoor seating areas.
  - ii. Benches along pedestrian trail.
  - iii. Outdoor balconies and decks.
  - iv. Public plazas or courtyards with seating.
  - v. Public viewpoint with interpretive signs.
  - vi. Public art.

**B. Streets, Sidewalks and Trails**

**1. Pedestrian Pathways**

**Purpose.**

To result in a pathway design reflecting the form and intensity of adjacent development, as well as the moderate level of pedestrian activity.

- a. Pedestrian pathways shall be at least ten feet wide. (R)
- b. Lighting shall be provided, either from nearby buildings or from pedestrian-scaled fixtures. (R)
- c. Seating should also be provided at intervals. (C)

**C. Site Design**

**1. Landscape Character Protection**

**Purpose.**

To protect, restore, and enhance the natural character of the river, including its geologic features and native vegetation.

- a. 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)
- b. Native vegetation should predominate. (C)

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### 2. Impervious Surfaces

#### Purpose.

To recognize that the campus area will have more open development that can allow for pervious surfaces.

- a. 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 15 percent pervious surfaces on the site. The installation of “green roofs” can substitute for ground level treatment. (R)

### 3. Pervious Surfaces

#### Purpose.

To create a system of spaces integrated with the ecological systems of the shoreline.

- a. Development shall include one or more of the following (R):
  - i. Open spaces;
  - ii. Landscaped courtyards;
  - iii. Plazas;
  - iv. Greenways;
  - v. Pathways; or
  - iv. Other spaces that allow for a seamless connection between streets and various uses.
- b. 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

#### Purpose.

To recognize the softer landscape of campus settings.

- a. 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

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specimen trees and formal configurations of plantings are appropriate, such as framing a public space or a building entrance. (C)

### 5. Rain Gardens

Purpose.

To incorporate innovative methods of capturing and filtering run-off, as a part of the overall campus site design and landscaping.

- a. Rain gardens should be integrated into planting strips along streets, as well as in public spaces and general landscaped areas. (C)
- b. 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

#### 1. Character Related to the Setting

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.

- a. 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

#### 1. Dark Sky

Purpose.

To reduce glare and spillover from lighting associated with parking lots or buildings.

- a. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)
- b. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)
- c. 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)

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**17E.060.840 Standards & Guidelines Specific to the Great Gorge District**

A. Shoreline Relationships

1. Human Activity

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.

a. Along the river, new buildings shall provide at least two of the following (R):

- i. Outdoor seating areas.
- ii. Benches along pedestrian trail.
- iii. Outdoor balconies and decks.
- iv. Public viewpoint with interpretive signs.
- v. Public art.

B. Streets, Sidewalks and Trails

1. Pedestrian Pathways

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.

a. Pedestrian pathways shall be at least ten feet wide. (R)

C. Site Design

1. Landscape Character Protection

Purpose.

To protect, restore, and enhance the natural character of the river including its geologic features and native vegetation.

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- a. 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)
- b. Native vegetation should predominate. (C)
- c. 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

#### Purpose.

To recognize that the Great Gorge area will have more open development that can allow for more pervious surfaces.

- a. 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 20 percent pervious surfaces on the site. The installation of “green roofs” can substitute for ground level treatment. (R)



### 3. Pervious Surfaces

#### Purpose.

To create a system of spaces integrated with the ecological systems of the shoreline.

- a. Development shall include one or more of the following (R):
  - i. Open spaces;
  - ii. Landscaped courtyards;
  - iii. Greenways;

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- iv. Pathways; or
  - v. Other spaces that allow for a seamless connection between streets and various uses.
- b. 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

Purpose.

To recognize the dramatic natural landscape of the Great Gorge setting.

- a. 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

Purpose.

To incorporate innovative methods of capturing and filtering run-off.

- a. Rain gardens should be integrated into planting strips along streets, as well as in exterior landscaped spaces. (C)
- b. 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

1. Character Related to the Setting

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.

- a. 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)

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E. Lighting

1. Dark Sky

Purpose.

To reduce glare and spillover from lighting associated with parking lots or buildings.

- a. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)
- b. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)
- c. Parking lots shall be lighted with fixtures less than 22 feet in height. Single, high masts with multiple fixtures shall not be allowed. (R)