



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 1, 2010

The Honorable Mary Verner, Mayor
City of Spokane
808 West Spokane Falls Boulevard
Spokane, WA 99201-3329

**Re: City of Spokane Shoreline Master Program Comprehensive Amendment
(Ordinances C34326 through C34331)**

Dear Mayor Verner:

I would like to take this opportunity to commend the City of Spokane (City) for its efforts in developing the proposed Shoreline Master Program amendment. City leaders and staff have crafted a master program that creates a bright future for our citizens' use and enjoyment of some of our state's most beautiful and precious shorelines. It supports appropriate shoreline development within the framework of the Shoreline Management Act and the Shoreline Master Program Guidelines. Your current and former staff did an outstanding job of bringing a broad array of diverse, interested parties together to address their concerns and suggestions in forging this exemplary document.

As we have already discussed with your staff, the Department of Ecology (Ecology) approves the proposed amendment, **subject to the City's agreement to the required changes detailed in Attachment B.**

I want you to know Ecology took a very deliberate and measured approach in considering these required changes. For instance, with regard to the City's proposal for a 50% reduction in buffer width for one property on Latah Creek, we found that there was not adequate scientific or technical information supporting such a reduction. Information in the City's SMP technical documents support the buffer width proposed by the City Plan Commission. In addition, a detailed review of the channel migration zone by Ecology's in-house expert confirmed the channel migration zone was quite extensive on this property, and a buffer reduction may unnecessarily endanger future development.

The findings and conclusions that support Ecology's decision are also enclosed in Attachment A.

In addition, Ecology has worked with the City to identify **recommended** changes that will provide for easier and clearer administration for the City in Attachment C. If the City agrees with our recommended changes, a written confirmation is necessary.



Because revisions are required, the amendment will not become effective until Ecology receives written notice that the City agrees to the changes¹. The effective date of the amendment will be the date on which Ecology receives written notice of your agreement.

As a reminder, shoreline procedural rules² require the City to publish a notice that Ecology has taken final action on this amendment. Therefore, once Ecology acknowledges receipt of your written agreement, the City should publish a public notice. This will initiate an appeal period that lasts 60 days for Growth Management Act compliant counties.

Finally, the City must forward two hard copies and one digital copy of the final amendment to Ecology.

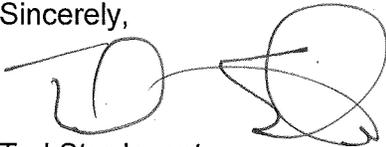
To summarize, if the city agrees with the required and recommended changes, it must:

1. Notify Ecology in writing.
2. Wait to hear from Ecology that we received your notice of agreement.
3. Publish a notice that Ecology has taken final action. This notice will begin a 60-day appeal period.
4. Forward two hard copies and one digital copy of the final amendment to Ecology.

The City also has the option to submit alternative proposals to required changes, as described at RCW 90.58.090(2)(e)(ii) and WAC 173-26-120(7)(b)(ii). If the City chooses to exercise this option, please be aware that the effective date of the approved master program is the date of the department's letter to the City, should Ecology approve the alternative proposal.

Thank you again for your efforts. If you have any questions, please contact our regional shorelands specialist, Doug Pineo at Doug.Pineo@ecy.wa.gov/509-329-3416.

Sincerely,



Ted Sturdevant
Director

Enclosures

By certified mail [7006 2760 0000 7716 6601]

cc: Sara Hunt, Eastern Regional Section Manager, SEA Program
Grant Pfeifer, Eastern Regional Office Director
Doug Pineo, Eastern Regional Office
Peter Skowlund, Ecology HQ SEA Program
Gordon White, Ecology HQ SEA Program Director
JoAnne Wright, City of Spokane
Interested Parties

¹ WAC 173-26-120(7)(b)(i)

² WAC 173-26-120(9)