Attachment B1
September 21, 2012
Prepared by Sara Hunt

Attachment B1 includes required changes to the locally submitted Spokane County Shoreline Master Program (SCSMP), for achieving consistency with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and WAC 173-26-020 definitions). Ecology’s overview, the legal references, and directions for required changes are shown in italics. Added language is underlined, and deleted language is shown in strikeout. Following is a Table of Contents for Attachment B1. Attachment B2 includes the Channel Migration Zone Maps for the Little Spokane River, Deadman Creek, Dragoon Creek, Latah (Hangman) Creek, Rock Creek and Pine Creek which are referenced in Attachment B1 under Appendix III. The GIS data for the maps have been provided to Spokane County and are available in PDF format on the Department of Ecology’s website.

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Revised Language

Use Standards
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Waste Disposal
Historic or Archaeological Impacts
Protecting Shoreline Ecology and Aesthetics
Protecting Channel Migration Zones
Channel Modifications
Public Access
Agriculture
Aquaculture
Forest Management Practices and Land Clearing Activity
Commercial Development
Marinas
Mining
Signs
Residential
Utilities
Industry
Solid Waste
Add the reference to sole authority for managing Critical Areas within shorelines and shorelands as required by RCW 36.70A.170 (1) (d), RCW 90.58.090 (4), and WAC 173-26-221(2):

1.2 Authority
The goals, policies and regulations of the Spokane County Shoreline Master Program (SCSMP) are promulgated under the authority of and pursuant to the requirements of Chapter 90.58 RCW, the Shoreline Management Act of 1971, Shoreline Master Program Guidelines WAC 173-26 and Shoreline Management Permit and Enforcement Procedures WAC 173-27, and other related Shoreline Management implementing rules. Critical Areas defined in RCW 36.70A.170(1)(d) within Spokane County shorelines of the state are managed solely under the authority of the SCSMP as set forth in RCW 90.58.090(4) as amended.

Amend the following sections to clarify reference to statement of legislative policy at RCW 90.58.020, applicability of the goals and policies of the SMP, not only the use regulations and Restoration Plan, and to comply with WAC 173-27-040(a), and (b), and to conform with definitions set forth in RCW 90.58.030, and applicability defined in RCW 90.58.040, and shoreline modifications and uses set forth in WAC 173-26-231 and WAC 173-26-241, and provisions of WAC 173-26-221(3):

1.3 Purpose and Intent
The purposes and intent of the Shoreline Master Program are as follows:

a. Provide for the management of the shorelines of the state 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 the navigable waters, will promote and enhance the public interest;

c. Provide protection against adverse effects to the shorelines of the state and their lands, vegetation and wildlife, and the waters of the State and their aquatic life, while protecting, generally, public rights of navigation and corollary rights incidental thereto;

d. Preserve, to the greatest extent possible, 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, protect and enhance the ecological functions of the shoreline to assure maintenance of water quality, fish and wildlife habitat;

f. Protect the public health, safety and welfare by preserving, protecting, restoring and managing shorelines through the regulation of development as specified in the goals and policies set forth in Chapter Section 2, and Chapter Section 5 of this Shoreline Master Program and by promoting restoration of degraded shorelines pursuant to Section 12 of the Shoreline Protection and Restoration Plan.

1.4 Scope and Application
The Shoreline Master Program shall apply to any proposed development, use activity, any extension or enlargement of any existing building improvement or use of land in shorelines of the state, and to any division of land, any portion of which includes land in a shoreline area. No development shall be undertaken on shorelines of the State except those that are consistent with this Shoreline Master Program. Further, no substantial development shall be undertaken in the shorelines of the state without first obtaining a shoreline substantial development permit pursuant to the requirements of Section 6. Persons initiating use activities exempt from the substantial development permit procedures of this program are responsible to comply with this Shoreline Master Program pursuant to the goals, policies and use regulations in Chapter Sections 4 and 5 and Section 6, the regulations specified in Section 6.4 pertaining to Exemptions.

These regulations shall apply to all applicable water bodies shorelines and shorelands in of Spokane County qualifying as constituting “shorelines of the state,” pursuant to the Shorelines Management Act (SMA), RCW 90.58.030(2)(c). The waters and associated shorelands subject to this program were inventoried and classified upon the adoption of this program and remain within SMA jurisdiction unless removed from jurisdiction by specific action to amend this program. The shorelines subject to the SMA are specifically described in Section 10 of this Shoreline Master Program and illustrated on the Official Shoreline Designations Map maintained by the Department of Building and Planning.

Change the following section to comply with the requirements of WAC 173-26-221(3)(b),(c), policies and standards for Flood Hazard Reduction:

1.4.1 Latah Creek Meander Belt Channel Migration Zones– Application of Shoreline Master Program
With the exception of the application of Section 5.2.6, the regulations of this Shoreline Master Program do not apply to the portion of the channel meander belt migration zones illustrated in Appendix III that extend outside shorelines of the state as defined in the Shorelines Management Act and shorelines of the state defined in Section 10 of this Shoreline Master Program.

SCSMP Pages 3 through 8
SECTION 2 GOALS AND POLICIES FOR SHORELINE ELEMENTS IN SPOKANE COUNTY

Change the following section to comply with policy provisions of RCW 90.58.020, WAC 173-26-176, and WAC 173-26-181:

2.0 Elements - Goals and Policies

2.1 Element 1 – Economic Development
Goal 1: Limit economic development in shoreline areas to those activities which depend on their location or use being on the shorelines of the state.

Policy 1. The location of economic development activities should be appropriate in relation to other land uses and the ecological functions of the shorelines.

Policy 2. Access improvements and utilities should be designed to protect and/or enhance the natural functioning conditions of the shoreline area.

Policy 3. Encourage and reserve appropriate shoreline locations for shoreline water oriented uses

2.2 Element 2 - Public Access
Goal 1: Provide reasonable and adequate public access, both physical and visual, to and from the publicly owned shorelines of Spokane County while providing for the protection of the natural environment and private property rights.

2.8 Element 8 - Shoreline Restoration and Protection
Policy 3. Monitor and track exempt and permitted development and uses to assure compliance with the goals, policies and use activity and development regulations of the Shoreline Management Master Program.

2.10 Element 10-Private Property Rights Element
Goal 10: Recognize and protect property rights consistent with the public interest.

Policy 1. Encourage and support the preservation of landowners’ use and peaceful enjoyment of private property adjacent to or nearby publicly owned shorelines and public facilities.

Policy 2. Implementation of elements within this program should respect private property rights consistent with constitutional and legal limitations on the regulation of private property. The county shall carry out its duty to implement the public trust doctrine to protect public rights of navigation and fishing, as well as incidental rights and purposes.
2.12 Shorelines of Statewide Significance - Goals

The Shoreline Management Act (SMA) designates certain shoreline areas as shorelines of statewide significance. The shorelines that are so designated are “natural rivers or segments thereof” that have a mean annual flow of two hundred (200) cubic feet per second (cfs) or more and the shorelands associated with those waters. Rivers or river segments possessing these levels of flow are specifically identified in Section 10 of this document.

The Legislature declared in the Shoreline Management Act that the interests of all of the people of the State shall be considered in the management of these shorelines. Accordingly, this Master Program gives preference to uses and development that meet the principles outlined below, listed in order of preference and illustrating associated goals:

1. Recognize and protect the statewide interest over local interest;
   —Goal 1: Protect the primacy of the public interest in water bodies which belong to the public. On shorelines of statewide significance, protect the statewide, over local, interest.

2. Preserve the natural character of the shoreline;
   —Goal 2: Prevent the degradation of the physical features of the shorelines and the quality of the water.

3. Result in long-term over short-term benefits;
   —Goal 3: In assessing the effects of proposals, give priority to long-term over short-term costs, economic, and others, and benefits, including the costs of environmental degradation.

4. Protect the resources and ecology of the shoreline;
   —Goal 4: Protect and enhance the natural physical features of shorelines and the ecological interrelationships of natural features.

5. Increase public access to publicly owned areas of the shoreline;
   —Goal 5: Improve and increase public access, including visual access, to publicly owned water bodies and shoreline areas without damage to private property rights.

6. Increase recreational opportunities for the public on the shorelines;
   —Goal 6: Encourage the development of public and private recreational facilities to satisfy the public demand for water oriented recreation.

These Goals are to be adhered to in all cases of permits for developments within Shorelines of Statewide Significance. In any case where there is an apparent conflict between the policies and use-regulations of this Program and the policies for Shorelines of Statewide Significance, the policies for Shorelines of Statewide Significance shall apply. Whenever the circumstances of a permit application are so varied as to cause the policies for Shorelines of Statewide Significance to be of no value in the determination to deny or grant a permit, reference will be made to Chapter 90.58.020 RCW and applicable guidelines published by the Department pursuant to Chapter 90.58 RCW in making such a determination.
The Shoreline Management Act (SMA) designates certain shoreline areas as shorelines of statewide significance. The shorelines so designated are "natural rivers or segments thereof" that have a mean annual flow of two hundred (200) cubic feet per second (cfs) or more and the shorelands associated with those waters, and lakes of 1,000 acres or greater in surface area. Rivers and lakes in Spokane County which are shorelines of statewide significance are identified in Section 10 of the Spokane County SMP and include the Spokane River, Little Spokane River, Latah (Hangman) Creek, and Newman Lake.

The Legislature declared in the Shoreline Management Act at RCW 90.58.020 that the interests of all of the people of the State shall be considered in the management of these shorelines. Accordingly, this Master Program gives preference to uses and development consistent with the preferred uses listed in order of preference below, with associated goals:

- **Recognize and protect the statewide interest over local interest;**

**Goal 1:** Protect the statewide public interest in shorelines of the state, particularly shorelines of statewide significance.

- **Preserve the natural character of the shoreline;**

**Goal 2:** Preserve shoreline scenic vistas and aesthetics, by prohibiting developments which unnecessarily detract from the natural character of shorelines of the state.

**Goal 3:** Protect scenic vistas and aesthetics as viewed from the surface of the water toward the shoreline, and as viewed from the banks of lakes, rivers and streams to adjacent and opposite shorelines of the state.

- **Result in long-term over short-term benefit;**

**Goal 4:** Prevent development which would irreparably damage the public trust and statewide public interest, or the natural character, resources and ecology of shorelines for short term gain.

- **Protect the resources and ecology of the shoreline;**

**Goal 5:** Protect and restore the natural physical features, water quality, native riparian, wetland and upland plant communities, and associated aquatic life, and vertebrate and invertebrate wildlife of shorelines of the state.

**Goal 6:** Ensure implementation of this Shoreline Master Program results in no net loss of shoreline ecological functions over time.

- **Increase public access to publicly owned areas of the shoreline;**
Goal 7: Improve and increase public access, including visual access, to shoreline areas while respecting private property rights.

- Increase recreational opportunities for the public on the shorelines;

Goal 8: Encourage the development of recreational opportunities for water oriented recreation.

- Authorized uses and developments in shorelines of statewide significance and their associated shorlands and wetlands, shall conform to these goals and policies. In any case, where there is an apparent conflict between the policies and use regulations of the SCSMP and the policies for shorelines of statewide significance, the goals and policies of shorelines of statewide significance shall apply.

SCSMP Pages 9 through 17
Amend as follows:

SECTION 3 SHORELINES MANAGEMENT ENVIRONMENT DESIGNATIONS AND MANAGEMENT POLICIES

Pursuant to RCW 90.58.020, WAC 173-26-201(2)(a) and (c), WAC 173-26-201(3)(d)(i)(D)(iii), WAC 173-26-211(5), and Sections 1.3 and 1.4 of the locally adopted Spokane County SMP, integrate the “High Quality” areas information, mapping and protection policies into shoreline environment designations and use regulations and delete specific use and development regulations which are specific to High Quality Areas.

Section 3 Shoreline environment designations – Pursuant to RCW 90.58.020, WAC 173-26-211(5)(c), and Sections 1.3 and 1.4 of the Spokane County SMP, delete Section 3.4 High Intensity because there are no High Intensity Designations within Spokane County shorelines under their jurisdiction. Renumber the remaining Sections that follow. Renumber Section 3.6.4 Designation Criteria Applicable to all Environments as Section 3.6 Designation Criteria Applicable to all Environments to ensure it is clear this section applies to all designations. No changes are required for Sections 3.2.3, 3.3.3, 3.5.3, or 3.6.3 Ecological Functions Maintenance Policies.

Note: This section shall be incorporated into Chapter 10, NE 34 of the Spokane County Comprehensive Plan

Introduction

In order to plan and effectively manage shoreline resources, a system has been used to categorize shoreline areas in the preparation of this Program. The system is designed to provide a uniform basis for applying policies and use regulations within distinctively
different shoreline designations. To accomplish this, the management designation is based on the existing development pattern, the ecological function and limitations of the shoreline area to be considered for development, and the goals and aspirations of the local citizenry of Spokane County.

The shoreline designation system classifies shorelines into four distinct management environments: Natural, Rural Conservancy, Urban Conservancy, and Shoreline Residential. These designations provide the framework for implementing shoreline policies and regulatory measures. The designations are illustrated on the Shorelines Designations Map which is an integral part of this Shoreline Master Plan Program.

This system is designed to encourage uses in each designation which will enhance the character of that environment. At the same time, local government may place reasonable standards, restrictions, and prohibitions on development so that such development does not degrade the ecological function of the shoreline or destroy the character of the area.

The basic intent of this system is to utilize performance standards which regulate use activities in accordance with goals and policies defined locally. Thus, the particular uses or types of developments placed in each area must be designed and located so that there are no detrimental effects to achieving the intent and purpose of the shorelines designation and the goals and policies of this Shoreline Master Program Plan.

The High Quality areas as identified in the 2005 Spokane County Conservation District Stream Inventory and Assessment is an environmental overlay designation that overlays portions of shoreline designations and is intended to provide additional protection to those shoreline areas that include important natural, ecological and/or biological, recreational, cultural, or aesthetic value or functions. These areas may be located within any shoreline designation and require specialized management to preserve their public benefit. Refer to the Shorelines Designation Map for an illustration of the High Quality Areas. Consistent with the policies of the designation, Spokane County will plan for restoration of degraded shorelines within High Quality areas. Uses that will contribute to the preservation or enjoyment of such areas by the public are encouraged. No clearing, construction or other operations that would alter the existing character of the area are appropriate.

The management policies and characteristics of each of the designations are given below to provide a basis for determining shoreline management designations within Spokane County.

3.1 Designations
Shoreline designations are delineated on maps maintained in the Spokane County Department of Building and Planning and are hereby incorporated as a part of this Program. The official maps from which the permit system will be administered are on a county-wide set of GIS maps, approved by the Department of Ecology and adopted as
WAC 173-18-040 (streams) and WAC 173-20-044 (lakes). The shoreline designations are intended to serve as broad management areas and are not to be administered as zoning districts. The shoreline management designations are as follows:

3.2 Natural Environment

3.2.1 Purpose
The Natural Environment is intended to protect those shoreline areas that are relatively free of human influence or include intact or partially degraded shoreline functions intolerant of intensive human use. This designation can also apply to High Quality shoreline areas requiring additional protection to prevent further degradation or to facilitate long term passive restoration. These systems shoreline areas require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of this designation, Spokane County will plan for restoration of degraded shorelines within this environment. The Natural environment is also distinguished by the presence of unique natural or cultural features which are valuable in their original or natural conditions and which are intolerant of intensive human uses or activities. Uses which will contribute to the preservation or enjoyment of such areas by the public are encouraged. No clearing, construction or other operations that would change the natural character of the area are appropriate.

3.2.2 Management Policies
1. To protect the ecological functions and natural character of the shoreline area the following new uses will not be permitted in the Natural Environment:
   - Commercial uses.
   - Industrial uses.
   - Non water-oriented recreation.
   - Roads, utility corridors, and parking areas that can be located outside of "natural" designated shorelines.
2. Single-family residential development may be allowed as a conditional use within the Natural Environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment designation.
3. Logging operations shall be prohibited.
4. Agricultural uses of a very low intensity may be consistent with the Natural Environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.
5. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no net-loss of ecological functions on the area will result.
6. All uses and activities should preserve or restore natural resources including vegetation, wildlife habitat, or aquatic life and other sensitive resource features which are intolerant of human activity.
7. Allow new over-water structures only for water-dependent uses, public access,
or ecological restoration, provided that new privately owned docks and boat ramps serving individual privately owned lots or parcels should not be allowed.

8. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

9. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation and public access, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

10. Shoreline areas within this designation identified as being high quality or partially degraded as described in the SCCD Inventory and Assessment completed in 2005 and subsequent shoreline inventories and assessments should be provided additional protection as specified in the use activity regulations of this Master Program. High Quality areas are illustrated on the Shoreline Designation Map in Appendix II.

11. Uses that will contribute to the preservation or enjoyment of High Quality Areas by the public are encouraged. No clearing, construction or other operations that would alter the existing character of a High Quality Area Natural Shorelines are appropriate.

10. To protect shoreline ecological function, natural character, aesthetics and scenic vistas, and commercial and recreational navigation, multiple use of over-water structures such as docks should be promoted;

11. Uses that adversely impact the ecological functions of critical aquatic habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the mitigation sequencing, described in Section 4.1.2 as necessary to assure no net loss of ecological functions;

12. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.

3.3 Rural Conservancy Environment

3.3.1 Purpose
The purpose of the Rural Conservancy Environment is to protect ecological functions, conserve existing natural resources, maintain existing character and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. This environment could also apply to “high quality” shoreline areas requiring additional protection to prevent further degradation or to facilitate long term passive restoration. Examples of uses that are appropriate in a "rural conservancy" environment include low-impact outdoor recreation uses (such as public parks and trails), timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development, livestock grazing, and other natural resource-based low-intensity uses. Nonpermanent kinds of structures and uses which will not reduce the quantity or quality of the physical and biological resources of the area are to be given priority in the Rural Conservancy Environment. The Rural Conservancy Environment is intended to prohibit intensive use of areas
having physical hazards, severe biophysical limitations areas prone to flooding, and areas which cannot provide adequate water supply or sewage disposal.

3.3.2 Management Policies

1. Uses in the "rural conservancy" environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
2. Except as otherwise noted, commercial and industrial uses should not be allowed.
3. Agriculture, commercial forestry, and aquaculture when consistent with provisions of WAC 173-26 may be allowed.
4. Low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.
5. Water-dependent and water oriented recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.
6. Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the Rural-Conservancy Environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)(h) and when located within Mineral Resource Lands designation criteria pursuant to Spokane County Comprehensive Plan and WAC 365-190-070.
7. Prevent natural and manmade disasters by discouraging development in areas which are flood prone, slide hazardous, steep slopes, poor soils, or not feasible to be served with water or sewage treatment.
8. Ensure recreational benefits to the public through conservation of wetlands, open spaces, and wildlife habitat.
10. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration, provided that new privately owned docks and boat ramps serving individual privately owned lots or parcels should not be allowed.
11. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
12. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation and public access, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
13. Shoreline areas within this designation identified as being high quality or partially degraded as described in the SCCD Inventory and Assessment completed in 2005 and subsequent shoreline inventories and assessments should be provided additional protection as specified in the use activity regulations of this Master Program. High Quality areas are illustrated on the Shoreline Designation Map in
Appendix II.
14. Uses that will contribute to the preservation or enjoyment of high-quality areas by the public are encouraged.
15. No clearing, construction or other operations that would alter the existing character of a High Quality Area are appropriate.
13. To protect shoreline ecological function, natural character, aesthetics and scenic vistas, and commercial and recreational navigation, multiple use of over-water structures such as docks should be promoted;
14. Uses that adversely impact the ecological functions of critical aquatic habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the mitigation sequencing, described in Section 4.1.2 as necessary to assure no net loss of ecological functions;
15. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.

3.4 High-Intensity Environment

3.4.1 Purpose
The purpose of the High-Intensity Environment is to provide for high-intensity water-oriented commercial, residential, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Those uses which are water-dependent and can provide visual and/or safe access to the waterfront are to be given priority for shoreline locations.

3.4.2 Management Policies
1. In regulating uses in the High-Intensity environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of mixed use developments. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-2001 (3)(d).
2. If an analysis of water-dependent use needs as described in WAC 173-26-201 (3)(d)(ii) demonstrates the needs of existing and envisioned water-dependent uses for the planning period are met, then provisions allowing for a mix of water-dependent and non-water-dependent uses may be established. If those shoreline areas also provide ecological functions, apply standards to assure no net loss of those functions.
3. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated High-Intensity. However, consideration should be given to the potential for displacement of non-water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.
4. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

5. Policies and regulations shall provide for public physical and visual access to water and provide for intensive, water oriented recreational use of the shoreline as provided for in WAC 173-26-221(4)(d).

6. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration provided that new privately owned docks and boat ramps serving individual privately owned lots or parcels should not be allowed.

7. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

8. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation and public access, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

9. Shoreline areas within this designation identified as being high quality or partially degraded as described in the SCCD Inventory and Assessment completed in 2005 and subsequent shoreline inventories and assessments should be provided additional protection as specified in the use activity regulations of this Master Program. High Quality areas are illustrated on the Shoreline Designation Map in Appendix II.

10. Uses that will contribute to the preservation or enjoyment of High Quality Areas by the public are encouraged.

11. No clearing, construction or other operations that would alter the existing character of a High Quality Area are appropriate.

3.5 3.4 Urban Conservancy Environment

3.5.1 3.4.1 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.

3.5.2 3.4.2 Management Policies

1. Uses that preserve the natural character of the area or promote preservation of open space, flood plain or sensitive lands either directly or over the long term should be the primary allowed uses.

2. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

3. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

4. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration, provided that new privately owned docks and boat ramps serving individual privately owned lots or parcels should not be allowed.

5. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
6. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation and public access, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

7. Shoreline areas within this designation identified as being high quality or partially degraded as described in the SCCD Inventory and Assessment completed in 2005 and subsequent shoreline inventories and assessments should be provided additional protection as specified in the use activity regulations of this Master Program. High Quality areas are illustrated on the Shoreline Designation Map in Appendix II.

8. Uses that will contribute to the preservation or enjoyment of High Quality Areas by the public are encouraged.

9. No clearing, construction or other operations that would alter the existing character of a High Quality Area are appropriate.

7. To protect shoreline ecological function, natural character, aesthetics and scenic vistas, and commercial and recreational navigation, multiple use of over-water structures such as docks should be promoted;

8. Uses that adversely impact the ecological functions of critical aquatic habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the mitigation sequencing, described in Section 4.1.2 as necessary to assure no net loss of ecological functions;

9. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.

3.6 3.5 Shoreline Residential Environment

3.6.1 3.5.1 Purpose
The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

3.6.2 3.5.2 Management Policies
1. Standards for density or minimum frontage width, setbacks, lot coverage, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
2. Multifamily and multilot residential and recreational developments should provide joint use of recreational facilities.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
4. Commercial development should be limited to water-oriented uses and shall be consistent with the Comprehensive Plan.
5. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration, provided that new privately owned docks and boat ramps serving individual privately owned lots or parcels should not be allowed.
6. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
7. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation and public access, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
8. Existing public access should be maintained consistent with the Property Rights Element of this plan.
9. Shoreline areas within this designation identified as being high quality or partially degraded as described in the SCCD Inventory and Assessment completed in 2005 and subsequent shoreline inventories and assessments should be provided additional protection as specified in the use activity regulations of this Master Program. High Quality areas are illustrated on the Shoreline Designation Map in Appendix II.
10. Uses that will contribute to the preservation or enjoyment of High Quality Areas by the public are encouraged.
11. No clearing, construction or other operations that would alter the existing character of a High Quality Area are appropriate.
9 To protect shoreline ecological function, natural character, aesthetics and scenic vistas, and commercial and recreational navigation, multiple use of over-water structures such as docks should be promoted;
10. Uses that adversely impact the ecological functions of critical aquatic habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the mitigation sequencing, described in Section 4.1.2 as necessary to assure no net loss of ecological functions;
11. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrologic conditions.

3.6.3 3.5.3 Designation Criteria
Assign a Shoreline Residential Environment designation to shoreline areas inside urban growth areas, as defined in the Comprehensive Plan, rural areas of more intense development, or master planned resorts, as described in the Comprehensive Plan if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

3.6.4 3.6 Designation Criteria Applicable to all Environments
The following criteria will also be given consideration when determining shoreline designations:
   1. The Comprehensive Plan Land Use designation underlying and adjacent to the shoreline.
2. Existing land use.

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**SECTION 4 SHORELINE PROTECTION AND RESTORATION**

*To bring this Section into conformance with RCW 90.58.020 ("There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, …to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines."), WAC 173-26-186(8), WAC 173-26-191(1)(a),(c),(d), WAC 173-26-201(2),(b),(c),(e),(f), strike the language in this section and replace with the following:*

**SECTION 4**

**SHORELINE PROTECTION AND RESTORATION**

**4.1 Purpose**
The Shoreline Protection and Restoration Plan implements the Goals and Policies Section 2, Element 8 of the Shoreline Master Program. This element considers a regulatory process as one of several tools to utilize to encourage shoreline protection and restoration. The intent of the regulations in this section is to foster protection and enhancement of shoreline ecological functions. The specific measures herein are intended to enhance, rehabilitate or reestablish physical, chemical, or biological shoreline characteristics. Restoration does not suggest returning the shoreline area to its aboriginal, or pre-European settlement conditions but is intended to merely maintain or reestablish a reasonably sustainable level of shoreline ecological function.

**4.1.1 Application**
The requirements of this section shall apply to all shoreline use activities requiring approval by the Department pursuant to Spokane County development regulations. Use activities proposed in shoreline areas that result in a net-loss of ecological function of the shoreline shall be prohibited. All shoreline use activities requiring approval from the Department pursuant to Spokane County development regulations or projects initiated by Spokane County shall be evaluated for impacts on shoreline ecological functions. A loss in ecological function may occur in conjunction with the development of a use activity site if the project proponent agrees to restore degraded shoreline areas on the project site or in the immediate vicinity of the site, not to exceed 1,000 feet from the applicant’s property. The restoration must equal or exceed the anticipated loss in ecological function resulting from the applicant’s proposal. The Director may allow off-site mitigation exceeding 1,000 feet from the applicant’s property if the following conditions apply;
a. Spokane County has adopted a shoreline restoration program identifying and prioritizing the restoration of certain degraded shorelines and the applicant proposes a specific strategy to restore a shoreline prioritized for restoration as specified in the restoration program referenced in item “a” above.

b. The applicant demonstrates that the restoration strategy referenced in item “b” above is a more effective alternative strategy compared to on-site restoration/mitigation based on an analysis by a qualified ecologist accepted by the Director of the Department of Building and Planning.

c. The shoreline functional values at the site of the proposed restoration are significantly greater than the anticipated loses of shoreline ecological functions on the shoreline site proposed for development.

4.1.2 Shoreline Ecological Function Assessment

Upon receipt of a request for shoreline development approval by the Department pursuant to Spokane County development regulations the Director shall determine if the proposal may result in a net-loss of shoreline ecological function. When a shoreline use activity is proposed or an existing use activity is substantially modified which may result in a net-loss of ecological function the applicant shall provide a shoreline ecological function assessment report prepared by a qualified ecologist. The report shall address the shoreline portion of the subject property affected by the proposed use activity. The assessment report shall include the following elements:

a. a description of the existing ecological characteristics of the site to include but not be limited to soil characteristics, type and extent of vegetation, slope, wildlife habitat and such other characteristics deemed appropriate by the Director based on unique features of the site.

b. an assessment of the functioning condition of the shoreline prior to disturbance of the shoreline by the proposal.

c. an assessment of the specific impacts of the proposal on the shoreline’s ecological functioning condition.

d. a specific strategy to restore shoreline ecological functions lost as a result of the proposal to include the scientific basis of the recommended strategy. The strategy shall identify a restoration timetable. The strategy may address but not be limited to establishment of buffers, site specific building envelopes, vegetation removal, vegetation enhancement, water access, location and installation of utilities, use activity management and operation, restoration of preexisting degraded shorelines, enhancement of existing shoreline buffers, construction timing and sequencing, post development management and operations.

e. a site plan which fully illustrates the proposed shoreline function enhancements and shall be drawn to scale and precisely show all site and off-site alterations and enhancements.

The Director may 1) request evaluation of the report by state and local public resource agencies having expertise in shoreline ecology; 2) modify the restoration strategy and site design as deemed appropriate based on assessment report findings and resource agency comment to prevent a net-loss of shoreline ecological function; 3) require the
applicant retain a qualified ecologist to certify that all shoreline protection and enhancement measures have been properly accomplished.

The Director may retain outside expertise to evaluate an applicant’s technical analysis and shall assess the applicant for the cost of said expertise and such assessment shall be remitted prior to release of the applicable development approval. The evaluation shall address application materials and any proposed impact mitigation strategy.

4.1.3 Authority to Condition
For the purpose of assuring no net loss in ecological functions, the Director may condition any approval issued by the Department to assure that the accepted no-net-loss strategy of the use activity is effectively implemented. Conditions imposed shall be based on information in the shoreline ecological function assessment report, comment from public resource agencies having environment expertise, on information in the SEPA evaluation, or on an analysis in any relevant document which is based on the scientific method. Conditions may address but not be limited to the following:
- establishment of buffers
- site specific building envelopes
- vegetation removal and/or vegetation enhancement
- water access
- location and installation of utilities
- restoration of pre-existing degraded shorelines if suggested in the shoreline function assessment report
- enhancement of existing shoreline buffers
- construction timing and sequencing
- post-development management and operations
- scheduling of shoreline protection and enhancement measures

The Director may condition project approval with the requirement that the applicant submit photos and other documentation demonstrating that conditions of approval have been met. Such condition may include a timetable for submission of such information and may require documentation from a qualified ecologist retained by the applicant.

4.1.4 Monitoring/Compliance
The Department may periodically visit the project site and inspect it to assure that the conditions of approval are being met and shall make notations in the project record regarding inspection date and project compliance status. If conditions are not met the Department shall pursue remedial action consistent with Section 8 of this regulation.

4.1.5 On-site Inspection Required
Following issuance of a shoreline development approval the Department shall inspect the shoreline project site to determine that all site alterations and improvements are consistent with the project conditions of approval. The Director may require more than one site inspection if deemed necessary to assure full compliance of project approval requirements. Determinations of non-compliance are subject to the enforcement actions authorized in Section 8 of this regulation entitled “Administration and Enforcement.”
4.2 High Quality Areas

4.2.1 High Quality Areas Defined
Refer to the Shoreline Designations Map for an illustration of the High Quality Areas.

4.2.2 High Quality Areas Additional Requirements
The development and operation of the use activity in a High Quality Area shall not degrade any of the environmental characteristics which are the basis of the High Quality Area classification as set forth in the Spokane County Conservation District 2005 Stream Inventory and Assessment. Use activities in High Quality Areas shall comply with the provisions in Section 6.5 applicable to High Quality Areas.

Replace the stricken language with the following:

4.1 Purpose

The Shoreline Protection and Restoration provisions are the primary means by which administering the SMP achieves no net loss of ecological functions, which is among the primary goals and policies of this program. These goals and policies are pursued primarily through the planning process to preserve existing ecological functions in the county’s shorelines, and also through the Restoration Plan (Section 12 of this SMP) to restore degraded ecological functions in shorelines throughout the county from past development. The policy of this SMP implements a regulatory process as one of several tools to assure shoreline protection and restoration, by requiring compensation and mitigation of unavoidable, minimized adverse impacts to shoreline ecological functions resulting from new development and uses. Thus, the net loss objective is fulfilled both through the planning process conducted as part of development of this program, and through individual review and approval of new shoreline developments and uses occurring over time, consistent with Section 4 of this program.

The specific measures in this section are intended to enhance, rehabilitate or reestablish ecosystem-wide and site-specific geomorphic, hydrologic and biological processes, and diverse ecological functions in shorelines. Shoreline processes that should be protected include, but are not limited to, water flow, erosion and accretion, infiltration, ground water recharge and discharge, sediment transport, storage and delivery, woody debris recruitment, organic matter input, nutrient and pathogen removal, and stream channel formation and maintenance. Shoreline ecological functions that should be protected include but are not limited to, aquatic and terrestrial wildlife habitat, food chain support, and support of water temperature and other water quality parameters.

It is not possible to restore aboriginal conditions that existed before Euro-American settlement of the region, because many ecosystem-wide processes existing in the past are often altered. Nevertheless, altered and degraded physical processes and ecological processes and functions in most shorelines will substantially improve through a process based approach to ecological rehabilitation, including natural channel
configuration and hydrology, revegetation of native plant communities, and other measures which foster natural ecological conditions. Therefore it is the purpose of this SMP to advance progress toward rehabilitation of resilient, sustainable shoreline ecological processes and functions while at the same time allowing appropriate new preferred shoreline uses and developments.

This regulatory framework is based on the concept of mitigation sequencing as described in Section 4.1.2 below, in which impacts to shoreline ecological function, natural character, scenic vistas, aesthetics, public access and navigation are avoided as the first step and highest priority. When avoiding all adverse impacts is not possible, impacts shall be minimized to the degree possible. Unavoidable, minimized adverse impacts to shoreline ecological functions shall be mitigated through application of the following provisions.

4.1.1 Application

1. These regulations shall apply to any uses, activities and developments, any extension or enlargement of any existing building improvement or use of land in shorelines of the state, and to any division of land, any portion of which is in jurisdiction of this SMP.

2. Development, uses and activities which would cause a net loss of shoreline ecological functions are prohibited.

3. All new developments, uses and activities regulated under Spokane County development regulations including this SMP shall be evaluated for potential impacts to shoreline ecological condition and functions.

4. The provisions of this SMP, including review and regulation of development, uses and activities, shall be applicable to all persons, corporations, agencies of state government, counties, public and municipal corporations and to all shorelines in the state owned and administered by them pursuant to RCW 90.58.280.

5. The provisions of this SMP, including review and regulation of development, uses and activities through the permit system, shall apply to developments undertaken on lands not federally owned but under lease, license, or other similar federal property rights short of fee ownership, to the federal government, pursuant to WAC 173-26-060(2)(c).

4.1.2 Mitigation Sequencing

1. Mitigation Sequencing - To comply with the policies of this SMP, a shoreline permit applicant or project proponent shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not have significant adverse impacts. Mitigation shall occur in the following prioritized order:
a. Avoid the adverse impact altogether by not taking a certain action or parts of an action, or moving the action (for example preserving adequate buffers of existing native shoreline plant communities).

b. Minimize adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts (for example by minimizing the footprint of disturbance during construction and for permanent developments).

c. Rectify the adverse impact by repairing, rehabilitating or restoring the affected environment.

d. Reduce or eliminate the adverse impact over time through preservation and maintenance measures during the life of action, through long term monitoring and maintenance.

e. Compensate and mitigate for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures.

4.1.3 Compensating and Mitigating Shoreline Ecological Impacts

1. After application of mitigation sequencing described above in Section 4.1.2.1, minimized, unavoidable impacts shall be compensated and mitigated through approval by the Director, of a shoreline impact assessment and a site development plan. Applicants for any proposed development or use in shorelines (project proponents or their agents) shall provide the shoreline impact assessment and potentially, a compensation and mitigation plan, prepared by a qualified expert. The shoreline impact assessment shall include the following elements:

   a. a description of the existing ecological function and characteristics of the site to include but not limited to soil characteristics, plant communities, slope, observed and potential aquatic and terrestrial wildlife use including potential priority habitat status, and any other characteristics deemed appropriate by the Director based on the unique features of the site;

   b. an assessment of the specific impacts of the proposal on the shoreline’s ecological functioning condition.

   c. a site development plan which fully illustrates the proposed development and shoreline mitigation shall be drawn to scale and precisely show all alterations and enhancements. The site development plan shall
i. specify and delineate buffers, including, at a minimum, temporary fencing to prevent incidental incursion into, or disturbance or damage in the buffer;

ii. depict the disturbance footprint or envelope to include the disturbance and construction setback, proposed clearing and grading, all new permanent structures and developments, shoreline access paths, view corridor, driveway, parking, and location of utilities including on-site wastewater treatment system;

iii. describe construction timing and sequencing;

iv. describe how existing shoreline buffers will be enhanced if they are in an altered or degraded condition;

v. describe the timing and phasing for planting native vegetation;

vi. describe the monitoring and maintainence of reestablished native plant communities, including irrigation measures.

2. Some developments proposed for shoreline locations where native plant communities or topography are altered or degraded may result in no new adverse ecological impact. The Director shall determine if a compensation and mitigation plan is required, after reviewing the shoreline impact assessment, and shall notify the applicant in writing of the determination, and shall place the same documentation in the permit file.

3. After reviewing the shoreline impact assessment and site development plan, if any level of adverse impact to shoreline ecological resources is projected, the Director shall require development of a compensation and mitigation plan, to be implemented on or near the parcel where the impacts occur, if feasible. The compensation and mitigation plan shall include:

   a. a description of how implementing the plan will result in replacing the natural ecological processes and ecological functions which would be lost as a result of the proposed development;

   b. include the use of the same native plant species as those destroyed by the development;

   c. specific timing and phasing for planting native vegetation;

   d. a 5 year monitoring plan, and provisions for maintaining reestablished native plant communities, including, if warranted, irrigation measures;
4. Criteria for feasibility of **on-site mitigation** are as follows:

   a. Shorelines supporting intact native plant communities by definition are not suitable for enhancement;

   b. **On-site mitigation** shall occur on the parcel where the impact would occur, if the site is in an altered and degraded condition, and if the area of altered or degraded condition on the parcel is large enough to accommodate a minimum mitigation ratio of 1.5 (mitigation) to 1(impact) measured in appropriate units of area;

   c. The minimum mitigation ratio shall be 1.5 (mitigation) to 1(impact), measured in appropriate units of area. Greater ratios may be required for mitigating impacts to older plant communities;

   d. Where impacts to native plant communities are anticipated, compensation and mitigation for these impacts shall be designed to replicate the impacted native plant community. The same species and genotypes of native trees, shrubs, forbs and grasses as those impacted shall be specified in the compensation and mitigation plan.

   e. Since plant communities evolve over time, the compensation and mitigation plan shall demonstrate how phased planting and other measures will be employed to replicate the reference conditions, or the ecologically intact conditions of the development site before disturbance.

5. If on-site mitigation is not feasible as specified in Section 4.1.3.4 above, **off-site mitigation** may be implemented on an adjacent shoreline within 1,000 feet of the boundary of the parcel where adverse impacts to shoreline ecological functions would occur, subject to the following provision:

6. The Director may allow off-site compensation and mitigation exceeding 1,000 feet from the applicant’s property if all of the following conditions apply:

   a. The subject compensation and mitigation site is identified as a prioritized restoration opportunity in the Spokane County SMP shoreline restoration plan;

   b. The applicant proposes to implement a specific element of the Spokane County Shoreline Restoration Plan (Section 12 of the SMP);

   c. For property where proposed mitigation would occur, the owner agrees to the compensation and mitigation measures and long term monitoring and maintenance by means of an appropriate documented legal instrument, a copy of which shall be transmitted to the Director;
d. Potential cumulative effects of individual development proposals shall be identified and evaluated to assure that no net loss standards are achieved.

7. The minimum mitigation ratio for on-site and off-site mitigation shall be 1.5 (mitigation) to 1 (impact), measured in appropriate units of area;

8. The Shoreline Impact Assessment, Site Development Plan and Compensation and Mitigation Plan shall be prepared by a qualified expert.

4.1.4 Authority to Condition

For the purpose of assuring no net loss in ecological functions, the Director may condition any approval, including permits, letters approving developments exempt from the substantial development permit, and Site Development Plans issued by the Director to assure that the accepted no net loss strategy of the use is effectively implemented. Conditions imposed shall be based on information in the shoreline ecological function assessment report, comment from public resource agencies having environment expertise, on information in the SEPA evaluation, or on an analysis in any relevant document which is based on the scientific method. Conditions may address and may not be limited to the following:

- establishing buffers;
- site specific building envelopes;
- clearing and grading;
- planting and irrigating native plant materials;
- water access;
- locating and installing utilities;
- restoring pre-existing degraded shorelines if suggested in the shoreline impact compensation and mitigation plan;
- enhancing existing shoreline buffers if in altered or degraded condition;
- construction timing and sequencing;
- long term monitoring and maintenance;
- scheduling shoreline protection and enhancement measures;
- Avoiding adverse impacts to natural stream channel migration.

The Director may condition project approval with the requirement that the applicant submit photos and other documentation demonstrating that conditions of approval have been met. Such condition may include a timetable for submission of such information and may require documentation from a qualified professional ecological rehabilitation practitioner, retained by the applicant.

4.1.5 Monitoring and Compliance

The Director will periodically visit the project site and inspect it to assure that the conditions of approval are being met and shall make notations in the project record
regarding inspection date and project compliance status. If conditions are not met the Director shall pursue remedial action consistent with Section 8 of this SMP.

4.1.6 On-site Inspection Required
At a minimum, after approving uses and developments within the jurisdiction of this Shoreline Master Program, the Director shall inspect the site to assure that all site alterations and improvements are consistent with applicable buffers, structural setbacks, and other use regulations. The Director may require more than one site inspection if deemed necessary to assure full compliance of project approval requirements. Determinations of non-compliance are subject to the enforcement actions authorized in Section 8 of this regulation entitled “Administration and Enforcement.”

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SECTION 5 USE ACTIVITY REGULATIONS

To achieve conformance with WAC 173-26-231 and WAC 173-26-241, delete “Activity” in Use Activity Regulations –

To achieve conformance with WAC 173-26-186(8), and (8)(d); WAC 173-26-191(2)(a)(D)(ii)(A),(B),(C),(D); WAC 173-26-201(2)(c),(d),(e); WAC 173-26-231; WAC 173-26-241, strike the following:

5.1 Authority, Purpose, Application

5. 1.1 Authority
The regulations are adopted under the authority of and pursuant to the requirements of Chapter 90.58 RCW, the Shoreline Management Act of 1971.

5. 1.2 Purpose
The purpose of these regulations is to:
   a) Provide for the management of the shorelines of the state 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.
   f) Implement the Goals and Policies of the Shoreline Master Program and the
Comprehensive Plan

5.1.3 Application
These regulations shall apply to any proposed development use activity, any extension or enlargement of any existing building improvement or use of land in shorelines of the state, and to any division of land, any portion of which includes land in a shoreline area. No development shall be undertaken on shorelines of the State except those that are consistent with this regulation. Further, no substantial development shall be undertaken on the shorelines of the County without first obtaining a shoreline substantial development permit pursuant to Section 6 of this regulation. Additionally, persons initiating a use activity exempt from the substantial development permit procedures of this program are responsible to comply with these regulations. Refer to Sections 8.6 and 8.7 pertaining to the application of other development regulations within shoreline areas.

5.2 General Use Activity Regulations
The following are the general regulations applicable to use activities locating in any shoreline designation.

5.2.1 Use Activity Standards
1. Motor vehicle parking lots in shoreline areas shall not be permitted. Individual automobile parking, incidental to allowed camping and picnic sites, is allowed provided that such parking areas are consistent with these regulations and the goals and policies of the Comprehensive Plan.
2. All development, particularly recreation and public access, shall be designed to protect property rights and privacy of owners or inhabitants of adjacent properties.
3. Animal feedlots are prohibited in the shoreline area.
4. All use activities allowed within shoreline waters or their beds shall be located and designed to minimize interference with surface navigation and navigation rights consistent with the Spokane County Boating Safety Code and applicable state regulations applicable to navigation.
5. All use activities allowed within shoreline waters or their beds shall be located and designed to minimize interference with public access and visual impact to public views.
6. Non water related industry is prohibited in all shoreline environment designations.
7. New over-water structures are allowed only for water-dependent uses, public access or for restoring shoreline ecological functions. New over-water structures shall be limited to the minimum necessary to support the structure’s intended use, provided that a use activity regulation in Section 5.3 specifically provides for an exception to this provision.
8. The alteration of a shoreline to create additional shoreline area is prohibited.
9. All new uses and activities or redevelopment of existing uses shall not reduce existing public access.
10. Boathouses are prohibited. Use of over-water improvements and floating structures as a residence is prohibited.
11. Public entities shall incorporate public access measures as part of each development project unless access is incompatible with safety, security, or
environmental protection.

12. Wherever possible new use activities or expansion of existing use activities should provide for opportunities for the public’s enjoyment of the shorelines consistent with policies protecting private property rights as specified in Chapter 10, Section NE 24 of the Comprehensive Plan.

5.2.2 Structures and Site Development

1. Except for permitted marinas, docks, and bridges, no over-water structure shall be erected in shoreline areas unless it is consistent with all applicable requirements in this regulation and the goals and policies of the Comprehensive Plan.

2. No structure in the shoreline area shall exceed 35 feet in height above the average elevation, except where additional height is specifically authorized by the specific use regulations in Section 5.3, provided that this provision does not apply to electrical transmission and distribution support structures.

3. No structure shall be erected within 50 feet of the ordinary high water mark, except for bridge approaches and bridges, marinas, docks, boat launches or buildings related to water dependent recreation developments or other uses proven to be otherwise necessary in the public interest and specifically authorized by the specific use regulations in Section 5.3, provided that a new privately owned boat launching ramp or improvement serving an individual lot or parcel is prohibited.

4. All areas cleared of vegetation not covered by structures or impervious surfacing shall be replanted with vegetation that maintains the ecological function of the shoreline.

5. Slash and debris and other waste products resulting from a use activity or land clearing activity shall be burned and/or removed from the shoreline area immediately following cessation of said activity. Said debris and waste products shall not enter into the water and interfere with the regeneration of forest vegetation. All burning shall comply with Spokane County Air Pollution Control Agency requirements. This provision does not prohibit the chipping and lopping of woody material and distribute it evenly over the shoreline area, provided it does not result in a net loss of shoreline ecological function.

6. All breakwaters, jetties and weirs are conditional uses provided that this provision does not apply to shoreline protection or restoration projects.

7. Construction of a privately owned boat launching ramp or improvement serving an individual lot or parcel is prohibited in all shoreline designations.

5.2.3 Waste Disposal

1. All discharges of effluent or drainage from use activities in shoreline areas shall meet the requirements of federal, state, and local health laws and regulations pertaining to water quality and pollution control and the wastewater treatment requirements specified in Section 5.3.9 of this regulation.

2. No solid or liquid wastes shall be stored, transferred or disposed of in any shoreline area except in accordance with Chapter 80.95 RCW (Solid Waste Management Act) and Regulations WAC 173-301-100 (Minimum Functional Standards for Solid Waste Handling) to and including WAC 173-301-626, and also in accordance with the
Spokane County Solid Waste Management Plan and Spokane Regional Health District Regulations and consistent with the goals and policies of the Comprehensive Plan, provided that in no situation shall an on-site wastewater drainfield be closer than 100 feet from the ordinary high water mark as required in Section 5.3.9.

5.2.4 Historic or Archeological Impacts
1. All shoreline permits shall require the permit applicant to notify the Spokane Historic Preservation Office and the Department whenever any archaeological, historical artifacts or cultural resources are uncovered during any grading or excavation and further shall require all work on the project site immediately cease. Work shall resume once the permit holder and the Spokane Historic Preservation Office agree in writing on a site development strategy that the archaeological or historic artifact, or cultural resource.

5.2.5 Shoreline Ecology and Aesthetics
1. The aesthetic quality of the shoreline area shall be considered to be a public resource, including both views of the water and from the water. Every consideration shall be given to protection and enhancement of such views in the planning, construction, maintenance and management of any use activity.
2. Areas cleared of vegetation but not covered by structures or improvements following development of a use activity shall be restored with vegetation which maintains the shoreline ecological function.
3. Uses and activities that result in a net loss of ecological function of the shoreline are prohibited. A net-loss in ecological function may occur on a use activity site if the project proponent agrees to restore documented degraded shoreline areas in the immediate vicinity of the applicants property not to exceed 1,000 feet from the applicant’s parcel and said restoration exceeds the documented loss in ecological function, provided that this option does not apply to High Quality Areas. Development of no net loss strategies is subject to compliance with Section 4 of this regulation.
4. All uses, activities or other encroachments on shoreline associated wetlands shall comply with the wetland and riparian protection provisions of the Spokane County Critical Areas Ordinance. Refer to Section 8.4 for additional guidelines regarding the relationship of these regulations to the requirements of the Critical Areas Ordinance.
5. Measures shall be taken to mitigate adverse effects to the scenic quality of the shoreline area and to protect historical, cultural, or educational features on or in close proximity to the site.
6. A 50-foot or greater buffer strip of natural vegetation shall be maintained along the waterfront to prevent erosion and protect water quality and fish habitat, provided that the following exceptions to this requirement are permitted:
   a. vegetation may be removed to allow for uses permitted by Section 5.2.2(3)
   b. a use activity provision in Section 5.3 specifically allows for an exception to this requirement
   c. pathways or other methods of access may be provided to the water or to access an allowed dock
   d. access to watercraft launches available for use by the general public
e. removal of noxious weeds which does not result in a net loss of shoreline ecological function or cause degradation of water quality

f. public parks and associated beaches

g. vegetation management necessary to maintain electrical transmission and distribution lines.

h. selective pruning of trees and shrubs to maintain limited views and safety of structures and persons.

Encroachments allowed by the above exceptions shall be the minimum necessary to reasonably provide for the excepted use and further the excepted encroachment shall not result in a net loss of shoreline ecological function.

Additional buffer requirements apply to the Latah Creek Channel Meander Belt as specified in Section 5.2.7.

7. Tillage and application of fertilizers and chemical pesticides within 50 feet of the ordinary high water mark is prohibited.

8. All shoreline use activities shall be developed and managed consistent with Washington State and Federal water quality standards.

9. Provision for fire protection buffers shall not compromise the 50-foot buffer strip of vegetation required in Section 5.2.5(6). Site planning for structure development should include provision for fire protection buffers set back from the 50-foot vegetation buffer required in Section 5.2.5(7).

5.2.6 Latah Channel Meander Belt Protection

The regulations of this section apply to the Channel Meander Belts illustrated on the Channel Meander Belt map in Appendix III of this Shoreline Master Program.

1. Development of residential, commercial or industrial structures within the Latah Creek Channel Meander Belt is prohibited. The Latah Creek Channel Meander Belt is illustrated in Appendix III of this Master Program.

2. New shoreline protection measures shall be consistent with the Latah Creek Comprehensive Flood Hazard Management Plan and shall comply with item 6 requirements below.

3. Maintenance or enhancement of existing shoreline protection improvements shall be consistent with the Latah Creek Comprehensive Flood Hazard Management Plan and shall comply with item 6 requirements below.

4. New residential, commercial and industrial structures shall be set back a minimum of 50 feet from the Latah Creek Channel Meander Belt.

5. The natural vegetation within the channel meander belt shall be maintained to prevent erosion, protect water quality and fish habitat and to provide for creek stabilization during flooding events provided that the following exceptions to this requirement are permitted:

a. removal and replanting of vegetation intended to implement a plan to protect or enhance shoreline—ecological functions and processes

b. a use activity provision in Section 5.3 specifically allows for an exception to this requirement

c. pathways providing access to the water or to access an allowed dock

d. expansion of existing bridges
Encroachments allowed by the above exceptions shall be the minimum necessary to reasonably provide for the excepted use and further the excepted encroachment shall not result in a net loss of shoreline ecological function.

6. All improvements including emergency improvements locating within a channel meander belt or within 50 feet of the channel meander belt shall be reviewed by a professional fluvial geomorphologist or civil engineer with hydraulic experience. The review shall include a detailed assessment of the site’s channel meander belt width and potential for erosion or flooding and shall include a determination regarding the improvement’s potential to result in interference with Latah Creek’s Channel Meander Belt’s long term natural meandering processes.

The Director may apply conditions to the approval of the improvement based on the findings of the professional review and are for the purpose of assuring that the improvement will not interfere with the channel meander belt’s natural meandering processes. The Director may deny the proposal if the review demonstrates that the improvement may cause Latah Creek to meander outside of its Channel Meander Belt, potentially accelerate the incidence of Creek meandering above and beyond natural processes or potentially cause a significant long term threat to upstream or downstream properties.

5.3 Specific Use Activity Regulations
The following are the specific regulations applicable to use activities locating in the five shoreline designations. Refer to Table 5A on pages 15 and 16 for a summary of the uses that are allowed or prohibited in each of the shoreline designations.

5.3.1 Agriculture
1. All Shoreline Environment Designations
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2.

2. The Natural, Rural-Conservancy, High Intensity, Urban Conservancy Environments
   a. Low intensity agricultural activities shall be permitted provided that agricultural operations do not have degrade the ecological function of the shoreline.
   b. Intensive Agriculture activities are prohibited.
   c. A buffer area of not less than 50 feet from the ordinary high water mark of permanent vegetation shall be maintained to protect against shoreline erosion and to reduce the amount of silt, soil, nutrients, and pollutants entering the water from agricultural runoff, provided that fencing is allowed intended to prevent livestock from entering shoreline waters. This provision does not apply to shorelines in existing agricultural use due to the requirements of RCW 90.58.065, RCW 36.70A.560 and RCW 36.70A.5601. This provision does apply to shorelines which are converted to agricultural uses following the effective date of this regulation.

3. Shoreline Residential Environment
   a. Agriculture activities are prohibited
5.3.2 Aquaculture

1. All Environment Designations
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2

2. The Natural High Intensity and Shoreline Residential Environments, Urban Conservancy
   a. Aquaculture is prohibited.

3. The Rural Conservancy Environment
   a. Aquaculture is permitted subject to the following conditions:
      i. There is no substantial interference with navigation.
      ii. There is no substantial adverse effect on water quality.
      iii. There is no adverse effect on the water rights of other property owners.
      iv. The visual quality of the shoreline area or the water is not significantly affected.

5.3.3 Forest Management Practices and Land-Clearing Activity

1. All Environment Designations
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2
   b. Persons conducting forest management in shoreline areas shall comply with the Forest Practices Act—RCW 76.09. A forest practices permit shall be issued prior to commencement of timber harvesting activities.
   c. Timber harvesting within 50 feet of the ordinary high-water mark is prohibited, provided that timber affected by fire, windstorm, infestation, or other calamity or is deemed a hazard to the public may be selectively removed. To selectively remove timber affected by fire, windstorm, infestation, calamity, or because it is a public hazard, documentation by a qualified ecologist or professional forester that selective timber removal is the least intrusive remedy shall be approved by the Director by prior to harvesting. Timber harvesting for the purpose of maintaining electrical transmission and distribution lines within 50 feet of the ordinary high-water mark is permitted as provided in Section 5.2.6(6)(g).
   d. Removal of trees to clear an area not less than 50 feet from the ordinary highwater mark is allowed for home construction, provided this provision applies only to the building footprint, driveway and reasonable fire suppression buffer. Cleared areas not covered by structures or improvements shall at a minimum be restored to their original vegetative condition.

2. The Natural Environment
   a. Timber harvesting activities are prohibited except for the removal of timber to restore or enhance the ecological function of the shoreline. To selectively remove timber affected by fire, windstorm, infestation, or other calamity pursuant to documentation that removal is the best remedy by a qualified ecologist or professional forester that selective timber removal is the least intrusive remedy and consistent with the Forest Practices Act—RCW 76.09.
   b. Limited land clearing may be allowed if such activities are recommended in a
shoreline protection and restoration plan completed by a qualified ecologist and approved by the Director. The land clearing shall not result in a net loss of ecological function.

3. The Rural Conservancy, High Intensity, Urban Conservancy, Shoreline Residential Environments

   a. Limited land clearing may be allowed if such activities are recommended in a shoreline protection and restoration plan completed by a qualified ecologist and approved by the Director. The land clearing shall not result in a net loss of ecological function.

   b. Only 20 percent of the merchantable timber between 50 feet and 100 feet of the ordinary high water mark, randomly distributed, and only 40 percent of the merchantable timber between 100 feet and 200 feet of the ordinary high water mark, randomly distributed, may be harvested in any ten-year period. Trees may be removed to clear an area between 100 feet and 200 feet landward of the ordinary high water mark for home construction, provided this provision applies only to the building footprint, driveway and a fire suppression buffer.

   c. When harvesting timber or clearing land the following conditions shall be met:

      i. The area shall be returned to productive use and reforestation measures shall be applied where practicable consistent with the State Forest Practices Act, RCW 76.09.

      ii. Road construction supporting timber management practices shall be in compliance with Section 12 pertaining to road construction.

      iii. Water quality and fish and wildlife habitat shall be protected.

      iv. Slash and debris and other waste products resulting from timber harvesting or land clearance shall be burned and/or removed from the shoreline area immediately following cessation of said activities. The debris and waste products shall not enter into the water or interfere with the regeneration of forest vegetation.

5.3.4 Commercial

1. All Environmental Designations

   a. All uses activities shall comply with all applicable General Regulations in Section 5.2.

   b. Public access is required for new or expanding commercial use activities unless such a requirement would interfere with operations or create hazards to life or property.

2. The Natural Environment

   b. Commercial development is prohibited.

3. The Rural Conservancy Environment,

   a. Low intensity water dependent or water oriented uses such as boating facilities, angling, hunting, wildlife viewing trails, parks and swimming beaches may be permitted in the Rural Conservancy Environment when the following conditions are met:

      i. Only that portion of the commercial activity which requires direct access to water may be located within 50 feet of the ordinary high water mark.

      ii. No building shall exceed two stories or 35 feet in height, whichever is less.
iii Adequate public access to or along the publicly-owned waterfront shall be provided.

iv Adequate services are available to support the use activity.

b. Non-water related commercial use activities are prohibited.

4. The High Intensity, Urban Conservancy Environments
   a. Only water dependent commercial development may be located within 50 feet of the ordinary high water mark. Water related commercial development is permitted, provided a 50-foot setback from the ordinary high water mark is maintained as required by general regulation 5.2.2(4)
   b. Non-water related commercial use activities are prohibited.
   c. Commercial developments shall not prevent or impair existing public access to and along publicly-owned waterfront.

5. Shoreline Residential Environment
   a. Only water dependent commercial uses are allowed.

5.3.5 Marinas
1. All Environment Designations
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2

2. The Natural Environment
   a. Marinas are prohibited.

3. Rural Conservancy, High Intensity and Urban Conservancy and Shoreline Residential Environments
   a. Marinas shall be permitted when the applicant demonstrates to the satisfaction of the reviewing authority that:
      i All applicable Federal, State and/or local regulations shall be met.
      ii The location is compatible with the Spokane County Comprehensive Plan
      iii The marina does not constitute an unreasonable interference with navigation.
      iv Provisions are made for protection against fuel and oil spills and for prompt clean-up operations in the event of a spill.
      v Upon completion of construction, the site soils, vegetation, and other disturbed natural features in any undeveloped cleared area are restored to its original vegetative condition, and the visual appearance of the marina appears compatible with the character of the area to the extent possible.

5.3.6 Mining
1. All Shoreline Environments
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2.
   b. Except for excavation for scientific or archaeological purposes, mining is prohibited in High Quality areas or areas of archaeological, historical, cultural, or educational significance.
   c. Mining is prohibited waterward of the ordinary high water mark, provided that mining is allowed for the sole purpose of enhancing shoreline ecological
2. The Natural and Shoreline Residential Environments
   a. Mining is prohibited.

3. Rural-Conservancy and High Intensity, Urban Conservancy Environments
   a. Mining of sand, gravel, soil, or minerals is permitted landward of the ordinary high-water mark only as a conditional use, provided the following conditions are met:
      i. The provisions of the Surface Mining Act, Chapter 78.44 RCW and WAC 334-18 shall be met for any surface mining, including that which affects less than 3 acres or produces less than 10,000 tons in any 12 month period. Where surface mining is not subject to the RCW 78.44 permit process the shorelines substantial development permit process shall be utilized to require compliance to surface mining provisions of RCW 78.44.
      ii. Surface drainage and wastes resulting from mining operations shall not be discharged into streams or water bodies without treatment to remove suspended solids and organic matter consistent with applicable local, state and federal pollution control and water quality regulations.
      iii. Cleaning, sorting, separation, and storage operations shall not be conducted within 100 feet of the ordinary high-water mark.

5.3.7 Signs
1. All Environment Designations
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2.
   b. All signs must comply with the sign provisions of the Spokane County Zoning Code.
   c. On-premises business identification signs are permitted and shall be designed to blend in with the natural environment and shall be affixed to the portion of the business structure facing away from the water, and shall not exceed 20 square feet.
   d. Signs erected by government agencies required to provide direction, protect the public health, safety, and general welfare are permitted and shall not exceed 20 square feet in area and shall be designed to minimize the visual impact to the shoreline area, except as provided by item 5.3.7(1)(f).
   e. Signs shall not obstruct views of the shoreline from the surface of water, except as in item g below.
   f. Only signs required for navigation or as directional signs to inform boaters of services, such as fuel and moorage, and type of business, and government agency signs allowed by item e above shall be visible from the shoreline area or the surface of the water.
   g. Except for navigational aids, no light source of any sign shall be visible from the surface of the water.
   h. Signs shall not extend beyond the face of a building or above its roofline.
   i. Signs shall not move or rotate or have lights which blink or flash on and off intermittently.

2. The High Intensity Environment
—a. Existing or permitted commercial or industrial businesses may be permitted to have on-premises identification signs which are consistent with the Spokane County Zoning Code. Signs shall face away from the water and shall be designed to have minimal impact on the visual quality of the shoreline.

5.3.8 Residential

1. All Environment Designations
   a. All uses shall comply with all applicable General Regulations in Section 5.2.
   b. Individual or multi-family on-site wastewater treatment systems serving allowed uses in conformance with the Spokane County Shoreline Master Program, shall be subject to regulations administered by the Spokane Regional Health District. Large On-site Sewage Systems (LOSS) shall be subject to regulations administered by the Washington State Departments of Ecology, or Department of Health as required by rule adopted under RCW 70.118B.020. Such sewage treatment systems shall be located to prevent or minimize entry of nutrients, including phosphorus and nitrogen, or other pollutants, into ground and surface water within jurisdiction of the SCSMP.
   c. All individual and community on-site wastewater treatment systems, also called sewage treatment systems, including septic tanks and drainfields or alternative systems approved and inspected by the Spokane Regional Health District, the Washington State Department of Ecology, or Department of Health, shall be located landward of designated riparian and shoreland vegetative buffers within jurisdiction of the SCSMP.
   d. All sewage system components shall be located a minimum of 100 feet from the ordinary high water mark. In limited instances when residential structures are permitted within 100 feet of the ordinary high water mark, tightlines from structures or septic tanks may be located within 100 feet from the ordinary high water mark.
   e. Whenever feasible while meeting Spokane Regional Health District or Washington State Health Department standards, all components of on-site sewage treatment systems, including subsurface soil absorption systems, shall be located landward of the residential structures they serve.

2. The Natural and Rural-Conservancy Environments
   a. A new residential lot created pursuant to the Spokane County Subdivision Ordinance may be permitted provided that the portion of each lot created thereby within the shoreline area shall be dedicated to its existing state or to passive, non-commercial recreational purposes consistent with the other applicable regulations and policies of the environment. The design of lots in subdivisions, short subdivisions and building lots created by Certificates of Exemptions shall illustrate that a viable building envelope exists on each residential lot located outside the shoreline area and take into consideration setbacks for yards, required buffers for shoreline areas and other applicable Spokane County development regulations. Applicants for subdivisions and short plats shall dedicate all or a portion of the site within the shoreline area for passive recreation use for the benefit of the lot owners.
   b. Residences are permitted in the shoreline area on parcels created by a
Certificated of Exemption issued pursuant to the Spokane County Subdivision Ordinance prior to the effective date of this regulation.

- No more than 10 percent of the portion of the property within a shoreline area shall be occupied by impervious improvements provided that a larger area of impervious surfacing is allowed if the applicant demonstrates that the hydrological character of the shoreline will not be adversely impacted. Lots legally created prior to adoption of this Shoreline Master Program are allowed impervious surfacing not exceeding the lot coverage requirements of the Spokane County Zoning Code, providing that shoreline ecological functions are not degraded.

3. High Intensity, Rural Conservancy, Urban Conservancy and Shoreline Residential Environments
   - Residences are permitted, provided that access, utilities, and public services are available and adequate to serve the development.
   - Residential density shall be based on Spokane Regional Health District wastewater treatment and water supply regulations, Spokane County Zoning Code and subdivision regulations, Critical Area Ordinance and consistency with the Comprehensive Plan.
   - Buildings constructed in areas of 20 percent or greater slope, or slide-prone areas, shall conform to the requirements for geologically hazardous areas of the Critical Areas Ordinance.

5.3.9 Utilities
1. All Environment Designations
   - All uses and activities shall comply with all applicable General Regulations in Section 5.2
   - Ground percolation areas or drainage swales are prohibited within 50 feet of the ordinary high water mark.
   - Community wastewater treatment facilities shall not be located within 200 feet of the ordinary high water mark.
   - A transmission line may traverse a shoreline only when no reasonable alternative is available. A route shall be selected for each transmission line so that, where it must traverse a shoreline, it shall not be necessary to cut a clear corridor through a wooded area.
   - Terminal facilities, that is, facilities which constitute the final termination or destination of a transmission line, shall not be located in any shoreline.
   - Transmission lines shall cross streams either by being constructed on public roadway bridges designed for, or capable of, accommodating the inclusion of such pipelines, or by being constructed below the stream bed. Bridges may not be constructed across shorelines or shorelands solely for the purpose of supporting utility pipelines.
   - An advance emergency plan for the cleanup of leaks and spills shall be submitted with the permit application for a petroleum or an ore slurry transmission pipeline crossing.
   - All utility crossings for gas, petroleum or ore slurries shall require shoreline conditional use permits (CUP)
— i. New transmission lines shall use preexisting utility easements, if feasible.

j. Individual on-site wastewater treatment systems serving allowed uses in conformance with the Spokane County Shoreline Master Program, shall be subject to regulations administered by the Spokane Regional Health District. Large On-site Sewage Systems (LOSS) shall be subject to regulations administered by the Washington State Departments of Ecology, or Department of Health as required by rule adopted under RCW 70.118B.020. Such sewage treatment systems shall be located to prevent or minimize entry of nutrients, including phosphorus and nitrogen, or other pollutants, into ground and surface water within jurisdiction of the SCSMP.

k. All individual and community on-site wastewater treatment systems, also called sewage treatment systems, including septic tanks and drainfields or alternative systems approved and inspected by the Spokane Regional Health District, the Washington State Department of Ecology, or Department of Health, shall be located landward of designated riparian and shoreland vegetative buffers within jurisdiction of the SCSMP.

l. All sewage system components shall be located a minimum of 100 feet from the ordinary high water mark. In limited instances when structures are permitted within 100 feet of the ordinary high water mark, tightlines from structures or septic tanks may be located within 100 feet from the ordinary high water mark.

m. Whenever feasible while meeting Spokane Regional Health District or Washington State Health Department standards, all components of on-site sewage treatment systems, including subsurface soil absorption systems, shall be located landward of the structures they serve.

2. The Natural Environment

a. Utilities may be permitted (1) which serve allowed use activities located in the Natural Environment (2) which route through the Natural Environment within existing rights-of-way and easements, and (3) which cross streams on public roadway bridges designed for, or capable of accommodating, the inclusion of such utilities. In all cases, routes shall be selected so that it shall not be necessary to cut clear corridors through wooded areas.

b. Electric and communication cables shall be installed underground. Electric transmission and communication cable stream crossings shall be installed underground if feasible but may be permitted overhead through the Shoreline Conditional Use permit process. Overhead electric transmission lines traversing shorelines shall have their conductors marked with daytime obstruction markers wherever the spans exceed 200 feet or comply with Federal Aviation Requirements, whichever is more restrictive.

c. Wastewater collection facilities may be permitted in the Natural Environment for conveyance of wastewater to treatment and disposal facilities located outside the Natural Environment. Except for outfall lines, wastewater collection lines are not allowed waterward of the ordinary highwater mark.

3. Rural Conservancy, High Intensity, Urban Conservancy and Shoreline Residential Environments

a. Overhead electric transmission lines shall be constructed underground if
feasible. Overhead electric transmission lines traversing "Shorelines of State-wide Significance" shall have their conductors marked with daytime obstruction markers wherever the spans through the Shoreline Area exceed 200 feet or comply with Federal Aviation Requirements, whichever is more restrictive.

b. Other utilities may be permitted to serve allowed activities located within a Shoreline Environment, or to route through a shoreline area to cross a stream, or to route through a shoreline area within public and private rights-of-way and easements. In all cases, routes shall be selected so that it shall not be necessary to cut clear corridors through wooded areas.

c. In all cases electric and communication cables, except electric transmission lines, shall
   be installed underground, except where they cross streams they may be constructed on public roadway bridges designed for, or capable of, accommodating such utilities in electrical conduits.

d. Facilities for the disposal of treated wastewater may be permitted in the High Intensity and Urban Conservancy Environments, provided they are designed, constructed, owned, operated and maintained pursuant to a waste water discharge permit issued by the State Department of Ecology, provided evidence accompanies the application for a shoreline permit to demonstrate that compelling reasons exist for selection of the specific site, and provided the site and/or facilities conform to the following:

   i. Any flow to surface waters shall be limited to treated wastewater conveyed to discharge through an outfall under a permit issued by the State Department of Ecology;

   ii. Treatment facilities shall not exceed the structure height maximum specified in the Spokane County Zoning Code.

e. It is the responsibility of the applicant for any permit involving a treatment or a disposal facility to submit evidence that the applicable requirements in this Section are met.

f. Whenever treated wastewater, storm-water drainage, or other liquids are permitted by the Washington State Department of Ecology to be discharged into a stream or lake, the outfall shall be placed below the water surface and diffused in the stream or lake bottom consistent with Washington State sewage disposal and water quality requirements.

g. It is the responsibility of the applicant for a permit involving a treatment or a disposal facility to submit evidence that the applicable requirements in this Section are met.

h. Facilities for the disposal of treated wastewater are prohibited in the Shoreline Residential Environment, provided that this provision does not apply to individual waste water treatment systems serving on-site dwellings and meeting the requirements of Subsection 5.3.8(1)(b, c, d and e).

5.3.10 Water-Related Industries

1. All Environmental Designations
   a. All uses and activities shall comply with all applicable General Regulations in
Section 5.2.

b. Public access is required for new or expanding industrial activities unless such a requirement would interfere with industrial operations or create hazards to life and property.

2. The Natural, Rural-Conservancy, Urban Conservancy and Shoreline Residential Environments

   a. New industrial uses are prohibited.

3. High Intensity Environment

   a. Water related and water dependent industries are permitted subject to the following conditions:

      i. Only water-dependent industrial uses which can justify a need for direct access to water may be permitted to erect buildings or other structures within 50 feet of the ordinary high-water mark; all other industrial development shall be set back a minimum of 50 feet from the ordinary high water mark and shall retain a 50-foot vegetation buffer as required by Section 5.2.5.6.

      ii. Except where it may be unsafe or a health hazard, existing established pedestrian access to and along the waterfront shall not be obstructed.

      iii. The public’s right to visual access to and from the water shall be preserved by:

   b. Water treatment or wastewater treatment facilities shall not be located within 200 feet of the ordinary high-water mark as required by Section 5.3.9(1)(c) of this regulation.

5.3.11 Solid Waste Disposal

1. All Environment Designations

   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2

   b. Solid waste shall not be disposed of in any shoreline area.

   c. All solid waste collection, transfer, or other related facilities and activities are prohibited, provide that this prohibition does not apply to on-site collection containers serving an allowed use activity on the same site.

5.3.12 Roads, Railroads and Bridges

1. All Environmental Designations

   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2

   b. Roads shall be constructed to Spokane County Road Standards. Private driveways shall be located on stable soils and constructed in such a manner as to cause no erosion into waterways and damage to the shoreline and shall comply with the Department’s private driveway standards.

   c. Roads shall be maintained in a manner which prevents degradation of shoreline ecological functions.

   d. Landfills and end abutments for bridges shall be placed so that the flow of floodwaters shall not be restricted as determined by the Spokane County Engineer. The design of landfills and end abutments for bridges over streams
shall prevent the accumulation of debris upstream of the bridge.

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e. Except where such traffic is prohibited, bridges shall be designed to accommodate pedestrian and bicycle traffic. Where use of the bridge is less than 50 vehicles per day, the roadbed itself shall constitute such accommodation. Other roads shall provide a space not less than three feet in width for the dedicated use of pedestrians, bicycles and animals.

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f. Roads for access to allowed use activities are permitted.

2. The Natural and Shoreline Residential Environments
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a. New private roads and bridges which serve primarily uses outside of the shoreline area, are prohibited.

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b. Railroads are prohibited.

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c. Construction of public road and bridge enhancements, replacements of existing public roadways and bridges, and modifications including widening to meet current design standards is permitted.

3. The Rural Conservancy Area
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a. Railroads are prohibited, and the expansion of existing railroads is prohibited.

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b. New private roads, which serve primarily uses outside of the shoreline area, are prohibited except:
   --- i. For access to allowed use activities
   --- ii. Where routing of a roadway through the Shoreline Area is demonstrated to have a more desirable overall environmental impact than would result from a routing outside the Shoreline Area in nearby adjacent land.

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c. Construction of public road and bridge enhancements, replacements of existing public roadways and bridges, and modifications including widening to meet current design standards is permitted.

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d. Private bridges may be permitted where necessary for access to isolated private property. Where permitted, such private bridges shall conform to the following requirements:
   --- i. Structural supports shall not be placed in a stream unless those supports conform to Spokane County Standards for Road and Sewer Construction.
   --- ii. Width of the bridge area for vehicles shall not exceed 24 feet, provided that additional width may be required due to the application of County Standards for Road and Sewer Construction.
   --- iii. Every bridge shall have an appearance which is harmonious with the shoreline area environment.

4. High Intensity and Urban Conservancy Environments
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a. New roads and railroads may be permitted.

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b. Bridge crossings of streams and lakes and related approach roads, and the widening of existing roads from two to more than two lanes, may be permitted where they are consistent with adopted State Road plans and the County Comprehensive Plan.

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c. Private bridges may be permitted where necessary for access to isolated private property and shall conform to Spokane County Road Standards.
5.3.13 Archeological Areas and Historic Sites

1. All Shoreline Areas
   a. Where significant archaeological, cultural, or historical sites, buildings, artifacts, or other phenomena are identified, development which destroys the scientific or educational uses of such sites is prohibited.
   b. All uses and activities shall comply with all applicable General Regulations in Section 5.2
   c. Where significant archaeological, cultural or historical sites or buildings, or artifacts are affected by a proposed use activity, the use activity shall be limited to the minimum extent necessary to preserve the scientific and educational value and purpose of the site.

5.3.14 Recreation

1. All Shoreline Environments
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2
   b. The use of waterfront areas for recreation shall be limited to recreational activities dependent on or enhanced by the shoreline environment, such as but not limited to fishing, boating, rafting, swimming, hunting, hiking, tent camping.
   d. Access to and along the waterfront shall be provided for pedestrians and bicycles where appropriate consistent with respect for property rights.
   f. Owners or operators of permitted uses and activities allowed by this regulation may provide reasonable pedestrian access to streams and lakes through the 50-foot vegetation buffer required by Section 5.2.2 (7) provided that the disturbance of the shoreline is the minimum necessary to accommodate the access and provided that the access does not cause a net-loss of shoreline ecological function. Prior to constructing the access a qualified ecologist shall certify to the Director that the access will not result in a net-loss of shoreline ecological function.

2. Natural Environment
   a. Recreation uses are limited to low intensity water-oriented uses such as fishing, boating, rafting, swimming, recreational trails, swimming, tent camping.
   b. Recreation uses not related to the water are prohibited.

5.3.15 Fill

1. All Environments
   a. All uses and activities shall comply with all applicable General Regulations in Section 5.2
   b. Fill is permitted in all environment designations if it is primarily intended to restore or enhance shoreline ecological functions

2. The Natural Environment
   a. Except for fill associated with restoration of shoreline ecological functions or permitted bridges and roads, fill is prohibited.

3. Rural-Conservancy and High-Intensity Environments.
a. Fill may be permitted where justified by an overriding public interest, such as for beach improvements, development or enhancement of public recreational areas, or similar publicly-oriented activities and where the following conditions are met:

i. Fill shall not result in a net loss of shoreline ecological function.

ii. Fill not covered by structures shall be stabilized by planting vegetation and other means to protect aquatic life and prevent erosion.

iii. Fill shall be designed, constructed, and maintained so as to minimize total surface water reduction, restriction of navigation, or impediments to water flow and circulation.

b. Fill shall not extend waterward of the ordinary high-water mark.

c. In the Urban Growth Area as set forth in the Comprehensive Plan, fill may be permitted for water-related or water-dependent uses and for public and private access to the waterfront or to watercraft, where justified by an overriding public interest, such as for beach improvements, development or enhancement of public recreational areas, or similar publicly-oriented activities and where the following conditions are met:

i. The fill shall not result in a net-loss of shoreline ecological function.

ii. Fill not covered by structures shall be stabilized by planting vegetation and other means to protect aquatic life and prevent erosion.

iii. Fill shall be designed, constructed, and maintained so as to minimize total surface water reduction, restriction of navigation, or impediments to water flow and circulation.

d. Fill may be permitted for allowed residential construction.

g. Fill to restore or enhance shoreline ecological functions is permitted.

5.3.16 Dredging

1. All Environmental Designations

a. All uses and activities shall comply with all applicable General Regulations in Section 5.2.

b. Dredging is permitted in all environment designations if it is intended to restore or enhance shoreline ecological functions.

c. Maintenance dredging of established navigation channels and basins are restricted to previously dredged and/or existing authorized location, depth and width.

2. The Natural Environment

a. Dredging for any purpose, except to preserve, maintain, or restore the shoreline ecological function, is prohibited.

b. The dumping disposal of dredge spoils in the shoreline area is prohibited, provided that disposal of dredge spoils is permitted if it is intended to restore or enhance the shoreline ecological functions.


a. Dredging for the purpose of securing fill or construction materials is prohibited.
b. Dredging for purposes of improved navigation, recreation, or improved water flow, or other primarily public purposes, may be permitted if the following conditions are met:

   i. Spoils shall not be disposed of in shoreline areas unless it is intended to restore or enhance shoreline ecological function.
   ii. Neither land nor over-water activities will degrade water quality or aquatic life or its habitat.
   iii. All dredging equipment shall be removed from the shoreline area immediately after dredging is completed.

5.3.17 Docks and Buoys

1. All Environment Designations

   a. All uses and activities shall be in compliance with the General Regulations in Section 5.2
   b. A floating buoy may be used for moorage to minimize the impact in the shoreline area if it meets a minimum of one of the following criteria:
      i. the buoy will be utilized by an owner of land adjacent to the ordinary high water mark.
      ii. the buoy is intended for public recreation purposes.
      iii. the buoy is intended for navigation safety
      iv. the buoy is in compliance with Spokane County Boating Safety Regulations.
      v. the buoy complies with all applicable Washington State requirements.
   c. the buoy’s location, design and anchoring system will not adversely affect safety or significantly affect navigation.
   d. construction of a dock serving a parcel not fronting on the shoreline is prohibited, provided that this provision is not applicable to marinas and community docks.
   e. boathouses and storage structures are prohibited on new docks. Expansion of existing boathouses and storage structures on existing docks is prohibited.
   f. Construction of docks serving individual lots within a short subdivision or subdivision granted final approval after the effective date of this regulation is prohibited provided a dock may be constructed consistent with Section 5.3.17(3)(f).

2. Natural Environment

   a. Except for those docks exempted from the substantial development permit requirements specified in Section 6 of this regulation, docks are prohibited.

3. Rural Conservancy Environment

   a. Docks exempted from the substantial development permit requirements specified in Section 6 of this regulation are permitted.
   b. Docks intended for general public use are permitted.
   c. Approval of permits and exemptions for docks shall be subject to the approval of Federal and State agencies as they relate to navigation, effects on wildlife habitat and water quality.
   d. Docks may be permitted if the following conditions are met.
      i. The length, width, number, and types of the docks shall be limited to that
which is actually needed to fulfill its purposes.

ii. Interference with navigation shall be minimized.

iii. Water quality and aquatic life and habitat shall be protected.

iv. The natural and visual quality of the shoreline area shall be protected or enhanced.

v. Existing public access to the waterfront area shall be maintained or improved.

vi. Permit approvals shall be conditioned to comply with appropriate Federal and State regulations pertaining to navigation, fish habitat and water quality.

e. Each commercial, water-dependent recreation development may be permitted a maximum of one dock.

f. New residential lots created through a land division process set forth in the Spokane County Subdivision shall be limited to the construction of one community dock intended to serve all lots within the division of land. This provision applies only to divisions of land occurring after the effective date of this regulation.

4. High Intensity Areas, Urban Conservative, Shoreline Residential

a. Docks for recreational purposes may be permitted subject to approval of Federal and State agencies as they relate to navigation and effects on fish habitat.

b. Docks may be permitted if the following conditions are met.

i. Joint use of docks shall be encouraged.

ii. The length, width, number, and types of the docks shall be limited to that which is actually needed to fulfill its purposes.

iii. Interference with navigation shall be minimized.

iv. Water quality and aquatic life and habitat shall be protected.

v. The natural and visual quality of the shoreline area shall be protected or enhanced.

vi. Existing public access to the waterfront area is maintained or improved.

c. Permit approvals shall be conditioned to comply with applicable Federal and State regulations pertaining to navigation and protection of fish and wildlife habitat and water quality.

5.3.18 Shoreline Protection

1. All Environment Designations

a. All uses and activities shall comply with all applicable General Regulations in Section 5.2.

b. Enlargement of existing bulkheads is prohibited. Normal maintenance and repair of existing bulkheads is permitted.

c. Structural shoreline modifications are allowed where 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 shoreline ecological function mitigation or enhancement. All allowed shoreline protection measures shall be based on a bio-engineered

d. Wherever feasible, natural vegetation systems for bank stabilization shall be used in place of protective structures.

e. Shoreline protection structures may be permitted only when:

   i. Natural vegetation systems are not feasible or sufficient;

   ii. They are in the public’s interest; and

   iii. Replacement of existing shoreline protection structures is based on a demonstrated need. Waterward encroachment of replacement structures are only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration or ecological function.

f. Shoreline protection plans shall incorporate, wherever feasible, pathways and other recreational uses of shoreline areas.

g. Shoreline protection measures shall maintain, restore or enhance the natural and visual quality of the area.

h. Diking for flood protection shall be set back landward of the ordinary high water mark.

i. Shore protection measures shall maintain the natural character of the stream, shall avoid increasing erosion of adjacent stream banks, shall avoid creating or tending toward a need for stream channelization and shall maintain shoreline ecological function. All shore protection structures shall be consistent with the Washington Department of Fish and Wildlife Integrated Streambank Protection Guidelines and Stream Habitat Restoration Guidelines.

k. Permit approval shall be subject to the approval of appropriate Federal and State agencies responsible for navigation and maintenance of wildlife habitat and water quality.

l. New shoreline stabilization and flood control works or structures shall only be allowed where there is a documented need to protect an existing structure or to maintain or enhance shoreline ecological functions.

m. New development shall be located and designed to preclude the need for shoreline protection measures.

n. Shoreline protection measures shall be designed to be appropriate to the type of shoreline and environmental conditions prevalent at the project site and shall be limited in size and scope to the minimum necessary to serve its primary functions.

o. Public access to the shoreline shall be required as a part of publicly-financed shoreline protection measure unless access is incompatible with safety, security or environmental protection.

p. Shoreline protection measures for existing primary residential structures are allowed only where no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measure, and only if no net-loss of shoreline ecological function will result.
Prior to development of a shoreline protection improvement the proponent shall provide a geotechnical report to the Director demonstrating need, estimating rate of erosion, and evaluating urgency and alternative solutions. The report shall be prepared by a professional geotechnical or engineering firm licensed in the State of Washington.

### 5.4 Summary of Allowed and Prohibited Use Activities

The following table summarizes the use activities that are allowed, prohibited or allowed with limitations by Section 5 in each of the shoreline designations.

<table>
<thead>
<tr>
<th>Uses Activities (Applicable SMP Section Cited in Parenthesis)</th>
<th>Natural Designation</th>
<th>Rural Conservancy Designation</th>
<th>Urban Conservancy Designation</th>
<th>Shoreline Residential Designation</th>
<th>High-Intensity Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Intensive (Section 5.3.1)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Agriculture Low Intensive (Section 5.3.1)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Aquaculture (Section 5.3.2)</td>
<td>X</td>
<td>L</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Commercial (Section 5.3.4)*</td>
<td>X</td>
<td>L&lt;sup&gt;1&lt;/sup&gt;</td>
<td>L&lt;sup&gt;1&lt;/sup&gt;</td>
<td>L&lt;sup&gt;1&lt;/sup&gt;</td>
<td>L&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Forest Management Practices (Section 5.3.3)</td>
<td>X</td>
<td>VL&lt;sup&gt;2&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;2&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;2&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Dredging (Section 5.3.16)</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Fill (Section 5.3.15)</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Industries (Section 5.3.10)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>L&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Marinas (Section 5.3.5)</td>
<td>X</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td>Mining (Section 5.3.6)</td>
<td>X</td>
<td>CU&lt;sup&gt;2&lt;/sup&gt;</td>
<td>CU&lt;sup&gt;2&lt;/sup&gt;</td>
<td>X</td>
<td>CU&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Recreation (Section 5.3.14)</td>
<td>L&lt;sup&gt;4&lt;/sup&gt;</td>
<td>L&lt;sup&gt;4&lt;/sup&gt;</td>
<td>L&lt;sup&gt;4&lt;/sup&gt;</td>
<td>L&lt;sup&gt;4&lt;/sup&gt;</td>
<td>L&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Residential (Section 5.3.8)</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>VL&lt;sup&gt;4&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td>Roads, Railroads and Bridges (Section 5.3.12)</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
</tr>
<tr>
<td>Solid Waste Disposal (5.3.11)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**TABLE KEY:**

- **A** = Allowed Use Activity
- **L** = Uses are allowed provided they comply with the specific provisions of this chapter.
- **VL** = Use Activity is allowed on a very limited basis – Refer to applicable SMP Section
- **X** = Prohibited Use Activity
- **CU** = Requires a Conditional Use Approval from the Spokane County Hearing Examiner and DOE

**NOTES:**

*Only water-related uses allowed*
**Must be located landward of the OHWM**

**Prohibited within 50 feet of OHWM and limited 50-200 feet**

**New lots and parcels must have housing sites a minimum of 200 feet from the ordinary high water mark.**

Allowed housing types and density are subject to the requirements of Spokane County Zoning Code.

**Allowed housing types and density are subject to the requirements of the Spokane County Zoning Code.**

*OHWM means the Ordinary High Water Mark on all lakes and streams which is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by Spokane County or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.*

---

**ATTENTION:** Other uses and activities not listed may be allowed by the Director subject to the purpose and intent of this chapter pursuant to Section 8.1.4. Use activities within a stream shoreline area or on or near a shoreline associated wetland are subject to the requirements of Critical Areas Ordinance, Chapter 11.20 Spokane County Code and as specified in Appendix I of this Shoreline Master Program. Be advised that other Spokane County and Washington State development regulations apply to shoreline developments, some of which may be more restrictive than the regulations specified in this Section. Where two or more regulations apply to a shoreline development proposal the most restrictive regulations prevail. Shoreline landowners are advised to consult with Department of Building and Planning staff to determine all regulations applicable to their developments.

### 5.5 Summary of Primary Development Standards

The following table summarizes the primary development standards specified in Section 5 of this Shoreline Master Program applicable in each of the shoreline designations and is intended to increase public awareness of their application to shoreline areas. For more specific information regarding the standards below refer to the detailed development standards in Section 5. For information regarding standards not listed in Table 5B refer to Sections 5.2 and 5.3.

**Table 5B**

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS WITHIN SHORELINE DESIGNATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>KEY: R = Required  X = Prohibited  AR = allowed with restrictions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Natural</th>
<th>Rural Conservancy</th>
<th>Urban Conservancy</th>
<th>Shoreline Residential</th>
<th>High Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development within 50 feet of OHWM*</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Removal of vegetation within 50 feet of OHWM*</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Creation of new shorelines</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Boathouses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Structure Height Limited to 35 feet</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>On-site sewage treatment shall be a minimum of 100 feet from the OHWM**</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Maintain Scenic Quality of Shorelines</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>All development shall maintain ecological function of shoreline</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Application of fertilizers/pesticides within 50 feet of OHWM*</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Density and minimum parcel size is specified by the Spokane County Zoning Code</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Timber harvesting within 50 feet of OHWM*</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Timber harvesting 50 to 200 feet of OHWM*</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
</tr>
<tr>
<td>On-premise business signs</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
</tr>
<tr>
<td>Private boat ramp serving an individual lot or parcel</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>New dock serving an individual lot</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
</tr>
<tr>
<td>Buoys</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
</tr>
<tr>
<td>Fill</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
</tr>
<tr>
<td>Shoreline protection improvements</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
<td>AR</td>
</tr>
<tr>
<td>New development protect property rights</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>New development protect navigation rights</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Development not reduce existing public access</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Development exempted from the shoreline substantial development permit process</td>
<td>Exempted development shall comply with the policies and standards of the Shoreline Master Program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To achieve conformance with RCW 90.58.150, RCW 76.09, WAC 173-26-241(3)(e), WAC 173-26-186(8), and (8)(d); WAC 173-26-191(2)(a)(D)(ii)(A), (B), (C), (D); WAC 173-26-201(2)(c), (d), (e); WAC 173-26-231; and WAC 173-26-241, replace the stricken language with the following:

### 5.1 Authority, Purpose, Application

#### 5.1.1 Authority

These regulations are adopted under the authority of and pursuant to the requirements of Chapter 90.58 RCW, the Shoreline Management Act of 1971.

#### 5.1.2 Purpose

The purpose of these regulations is to:

- Provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses of the shorelines.
b. Ensure that development in Spokane County shorelines is conducted in a manner which, while allowing for the limited reduction of the rights of the public in shorelines, will promote and enhance the public interest.

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.

5.1.3 Application

6. These regulations shall apply to any uses, activities and developments, any extension or enlargement of any existing building improvement or use of land in shorelines of the state, and to any division of land, any portion of which is in jurisdiction of this SMP.

7. All uses, activities and developments undertaken in Spokane County shorelines shall be consistent with the goals, policies and use regulations of this SMP;

8. No substantial development shall be undertaken on the shorelines of the County without first obtaining a shoreline substantial development permit pursuant to Section 6 of this SMP.

9. All uses, activities and development exempt from the requirement for a substantial development permit through this SMP shall be consistent with these regulations and with the goals and policies of this SMP, the SMA and Guidelines. Refer to Section 8 pertaining to the application of other development regulations within shorelines.

5.2 General Use Regulations

All uses, activities and development in any shoreline environment designation shall comply with the following regulations.

5.2.1 Use Standards
1. Parking as a primary use shall be prohibited overwater and within shorelines of the state. Individual automobile parking, incidental to an authorized shoreline use is allowed provided that such parking is consistent with these regulations.

2. All development shall be designed to protect property rights and privacy of owners or residents of adjacent properties.

3. Animal feedlots (confined animal feeding operations – CAFOs) are prohibited in shorelines of the state.

4. All uses allowed within shorelines shall be located and designed to minimize interference with surface navigation and navigation rights consistent with the Spokane County Boating Safety Code and state regulations applicable to navigation.

5. All uses allowed within shorelines shall be located and designed to minimize interference with public access and impacts to public views.

6. Industries which are not water dependent are prohibited in all shoreline environments.

7. New over-water structures are allowed only for water-dependent uses, public access or for restoring shoreline ecological functions. New over-water structures shall be limited to the minimum necessary to support the structure’s intended use.

8. Fill, grading or other alteration of shorelines for the purpose of creating additional shoreland area is prohibited.

9. All new uses and activities or redevelopment of existing uses shall maintain existing public access.

10. Boathouses and covered docks are prohibited. Use of over water improvements and floating structures as a residence is prohibited.

11. Public entities shall incorporate public access measures as part of each development project unless access is incompatible with safety, security, or environmental protection.

12. Wherever possible new uses or expansion of existing uses shall provide opportunities for the public’s enjoyment of the shorelines consistent with policies protecting private property rights.

13. New privately owned boat ramps serving residential parcels are prohibited.

14. The creation of artificial beaches by clearing, grading, or dumping sand, or
gravels or other materials on uplands, wetlands, floodways or below the ordinary high water mark, for private use is prohibited except at publicly owned parks, or as a component of an approved shoreline restoration project. Routine maintenance of legally existing beaches prior to the approval of this SMP is allowed.

15. All developments, structures, associated landscaping, and uses of shorelines shall be designed, constructed, operated and maintained so as not to intrude into, or damage the topography soils, vegetation or any other element of any shoreline buffer specified in Table 5B of this SMP.

16. Except on roads, parking areas or boat ramps, as otherwise approved in this SMP, and use of motorized wheel chairs or similar accommodations for persons with disabilities, operation of any type of motor vehicle including motorcycles and all terrain vehicles, is prohibited in shoreline buffers specified in Table 5B of this SMP.

5.2.2 Structures and Site Development

1. Except for permitted marinas, docks, and bridges, no over-water structure shall be erected in shorelines unless said structure is consistent with all applicable requirements in this SMP and the goals and policies of the SMP.

2. No structure in shorelines shall exceed 35 feet in height above the average elevation, except where additional height is specifically authorized by the specific use regulations in Section 5.3, provided that this limit does not apply to electrical transmission and distribution support structures and antennas.

3. No structure shall be erected within buffers and disturbance setbacks set forth in Table 5B, as measured from the ordinary high water mark, except for:
   - bridge approaches and bridges;
   - utility transmission lines;
   - authorized shoreline stabilization structures;
   - stream restoration or enhancement projects;
   - culverts;
   - marinas, docks, public or community boat launches;
   - buildings related to water dependent public recreation developments, or other uses demonstrated to be necessary in the public interest and specifically authorized as exceptions by the use regulations in Section 5.3.

4. All development in shorelands in Spokane County shall be conducted only after approval of a shoreline impacts assessment and site development plan specifying a disturbance footprint which shall be located outside of the designated buffer. The disturbance footprint includes any area cleared for wildfire defensible space, roads or building sites, to include storage and staging
of materials and equipment during construction (See Section 4.1.3, Shoreline Protection and Restoration).

5.2.3 Waste Disposal

1. All discharges of effluent or drainage from uses in shorelines shall meet the requirements of federal, state, and local health laws and regulations pertaining to water quality and pollution-control.

2. No solid or liquid wastes shall be stored, transferred or disposed of in any shorelines except that removal of trash and garbage from regularly serviced receptacles located at parks and other public access facilities shall be removed in accordance with Chapter 70.95 RCW (Solid Waste Management Act), and also in accordance with the Spokane County Solid Waste Management Plan.

3. Regularly serviced waste and recyclables receptacles may be located at public access facilities including parks and boat launches, and at comparable private community use facilities.

5.2.4 Historic or Archeological Impacts

1. For any use, activity or development, the project proponent, agent or applicant shall notify the Spokane Historic Preservation Office and the Director whenever any archaeological, historical artifacts or cultural resources are encountered during any grading or excavation. All work on the project site shall cease immediately.

2. Work may resume only after the applicant, project proponent or agent, and the Spokane Historic Preservation Office, the Washington State Department of Archaeology and Historic Preservation, and appropriate tribal entities agree in writing on measures to protect potentially affected archaeological or historic artifacts or cultural resources.

5.2.5 Protecting Shoreline Ecology and Aesthetics

1. The natural character, including scenic vistas and aesthetic qualities of the shorelines shall be considered to be a public resource, including views of the water, from the water, and from opposing and adjacent shorelines. Every consideration shall be given to protection and enhancement of shoreline natural character, scenic vistas and aesthetics in the planning, construction, maintenance and management of any use or development.

2. No net loss of shoreline ecological functions may result from any uses, activities or developments in shorelines. Compensation and mitigation measures required to achieve no net loss of ecological function are specified in Section 4 of this SMP.
3. All uses, activities, development or other encroachments on wetlands associated with shorelines as defined in Section 11 Definitions, of this SMP shall comply with the wetland and riparian protection provisions of this SMP. Refer to Section 8 for additional guidelines regarding the relationship of these regulations to the requirements of the Critical Areas Ordinance.

4. Historical, cultural, or educational features on or in close proximity to the proposed shoreline development site shall be protected.

5. Buffers of native plant communities specified in Table 5B of this SMP, measured landward on a horizontal plane perpendicular to the ordinary high water mark, shall be maintained on all shorelines, provided that the following exceptions to this requirement are permitted subject to the mitigation provisions of Section 4:
   
   a. limited vegetation may be removed to allow for uses permitted by Section 5.2.2.3;
   
   b. a use provision in Section 5.3 specifically allows for an exception to this requirement;
   
   c. pathways or other methods of access may be provided to the water or to access an allowed dock;
   
   d. access to watercraft launches available for use by the general public;
   
   e. removing noxious weeds in a manner which does not damage existing native vegetation, soils or topography;
   
   f. vegetation management necessary to maintain electrical transmission and distribution lines;
   
   g. removing trees which pose an imminent hazard, warranted as such by a registered arborist, and only to maintain safety of structures and persons;
   
   h. Public non-motorized multi-use equestrian pedestrian/bike trails shall only be allowed in the shoreline buffer for the Rural Conservancy, Urban Conservancy, or Shoreline Residential environment designations when:
      
      i. Accompanied by a Habitat Management Plan meeting the requirements of Section 11.20.060D of the Spokane County Critical Area Ordinance;
      
      ii. Parallel pathways and trails are located at the landward edge of the shoreline buffer with the following exceptions: (1) When physical constraints, public safety concerns, or public ownership limitations merit otherwise, or (2) when the trail will make use of an existing
constructed grade such as those formed by an abandoned rail grade, road or utility; or (3) when it can be demonstrated in the Habitat Management Plan that the trail will enhance the shoreline ecological functions of the riparian area;

iii. Perpendicular pathways and trails and river crossings are sited in a location that has the least impact to shoreline ecological functions with mitigation sequencing as specified in Section 4 of this SMP. Previously altered or disturbed locations shall be preferred;

iv. Located, constructed, and maintained so as to avoid, to the maximum extent possible, removal and other impacts to perennial native vegetation, including trees, standing snags, forbes, grasses and shrubs, consistent with the Habitat Management Plan;

v. Alternatives to impervious paving should be considered and are encouraged;

vi. Total trail width inclusive of shoulders will be the minimum width necessary to achieve the intended use and shall not exceed 14 feet.

vii. Disturbed areas (outside of the designated trail and trail shoulders) shall be re-vegetated with native vegetation consistent with the Habitat Management Plan.

i. Public non-motorized multi-use equestrian pedestrian/bike trails shall only be allowed in the shoreline buffer for the Natural environment designation to connect to or from (in phases or otherwise) an existing regional multi-use non-motorized trail and only when the conditions listed under Section 5.2.5.5.h are met.

j. Public non-motorized multi-use equestrian/pedestrian/bike trails shall be permitted as a conditional use only if the criteria specified in 5.2.5.5.h and i are met.

k. Encroachments allowed by the exceptions listed above shall be the minimum necessary to provide for the permitted use;

l. All new encroachments described above shall be mitigated as specified in Section 4 of this SMP.

6. Clearing of vegetation, tillage and application of fertilizers and chemical pesticides is prohibited in shoreline buffers, except those activities which are specifically designed elements of ecological restoration, including removal of noxious weeds, and compensation and mitigation activities for minimized, unavoidable impacts (see Section 5.2.5.5.e).

7. A Common Line Setback is allowed only within the Shoreline Residential, Urban Conservancy and Rural Conservancy Environment Designation. For the purpose of allowing shoreline views to be adequate and comparable to adjacent
residences, but not necessarily equivalent, the Director may allow a new single-family residence to be located along a common line setback, but no less that 50 feet landward of the OHWM, subject to the mitigation requirements of Section 4 and consistent with the following criteria:

a. The common line setback shall be determined by the setback of the majority of existing lawfully established single family residences that encroach on the standard buffer located within 150 feet on each side of the proposed residential structure.

   i. Existing Homes on Both Sides: Where there are existing residences adjacent on both sides of the proposed residence, the setback shall be determined as the common line calculated by the average of adjacent residences’ existing setback from the OHWM.

   ii. Existing Home on One Side: Where there are only existing residence within 150 feet of one side the proposed residence, the standard setback shall be determined as a common line calculated by the average of the adjacent residences’ setback from the OHWM and the standard buffer for the adjacent vacant lot.

b. The mere presence of nearby shacks, sheds or dilapidated buildings does not constitute the existence of a residence, nor can such structures be used to determine a common line setback.

c. If no existing residences exist within 150 feet of the proposed residential structure, then the standard buffers established in Table 5B of this SMP apply.

8. Administrative Buffer Width Averaging

a. The required buffer widths established in this SMP may be modified by the Director for a development on existing legal lots of record in place at the time of adoption of this Program, in accordance with the provisions of the Critical Area Ordinance Fish and Wildlife Habitat and Species Conservation Areas Section 11.120.060 (C) (k ) in Appendix I of this SMP only where the applicant demonstrates all of the following:

   i. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

   ii. The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;

   iii. The total area contained within the buffer after averaging is no less that that contained within the standard buffer prior to averaging;

   iv. The minimum buffer width at its narrowest point shall not be less
that seventy-five (75) percent of the buffer width established under this SMP;

v. The width averaging shall not result in a net loss of ecological function;

vi. The site has not applied buffer width reduction or modification by any prior action administered by Spokane County. Sites which utilize this provision are not eligible for any future buffer width modifications, under any provision of this Program, except as part of an approved variance administered under Section 7 of this SMP; and

vii. The modification of buffer widths on a site must be supported by the submittal and approval of a habitat management plan in conformance with the provisions of Critical Area Ordinance Fish and Wildlife Habitat and Species Conservation Areas Section 11.120.060 (C) and (D) in Appendix I of this SMP.

9. Administrative Buffer Width Reduction

a. The required buffer widths established in this SMP may be modified by the Director on a case-by-case basis for new single family residences on existing legal lots of record in place at the time of adoption of this Program, in accordance with the provisions of the Critical Area Ordinance Fish and Wildlife Habitat and Species Conservation Areas Section 11.120.060 (C) (i ) in Appendix I of this SMP only where the applicant demonstrates all of the following:

i. Width reduction is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property.

ii. The proponent has demonstrated that buffer width averaging is not feasible.

iii. The maximum buffer width reduction allowed shall not exceed twenty-five (25) percent of the total required buffer established in this SMP.

iv. The width reduction shall not result in a net loss of ecological function;

v. The site has not applied buffer width reduction or modification by any prior action administered by Spokane County. Sites which utilize this provision are not eligible for any future buffer width modifications, under any provision of this Program, except as part of an approved variance administered under Section 7 of this SMP; and

vi. The modification of buffer widths on a site is supported by the submittal and approval of a habitat management plan in conformance with the provisions of Critical Area Ordinance Fish and Wildlife Habitat and Species Conservation Areas Section 11.120.060 (C) and (D) in Appendix I of this SMP.
10. Residential development on lots existing at the effective date of this SMP in the Natural, Urban or Rural Conservancy environment for which the maximum lot depth dimension is less than 200 feet, as measured perpendicular from the OHWM on a horizontal plane, may be constructed landward of a 100 foot buffer of undisturbed vegetation, subject to the provisions of Section 4 and any other applicable provisions of this SMP. Sites which utilize this provision are not eligible for any future buffer width modifications, under any provision of this Program, except as part of an approved variance administered under Section 7 of this SMP.

11. View Corridors

   a. The development or maintenance of view corridors can provide the general public and property owners of single family residences, opportunities for visual access to and from water bodies associated with shoreline lots. One view corridor may be permitted per residential lot, when consistent with the provisions of this Chapter. A shoreline impact assessment and site development plan consistent with Section 4 must be submitted for review and approval prior to any clearing and grading for visual access; either with a complete building permit application for a new single family residence or a site plan associated with an existing single family residence. After reviewing the shoreline impact assessment, if any level of adverse impact to shoreline ecological functions is projected, the Director shall require development of a compensation and mitigation plan, to be implemented on or near the parcel where the impacts occur, if feasible.

   b. In addition to the submittal of a complete mitigation and management plan, an applicant must submit the following materials:

      i. A scaled site plan which includes a side, top and bottom parameter for the view corridor with existing vegetation and proposed alterations. The view corridor shall be limited to 25% of the width of the lot, or 25 feet, whichever distance is less.

      ii. A graphic and/or site photos for the entire shoreline frontage which demonstrates that the homesite and proposed or existing home does or will not when constructed have a view corridor of the water body, taking into account site topography and the location of shoreline vegetation on the parcel.

   c. Applications for view corridors must also be consistent with the following standards:

      i. Native vegetation removal shall be prohibited.

      ii. Pruning of native vegetation shall not exceed 30% of a tree’s
limbs, and shrubs shall not be pruned to a height less than 6 feet. No tree topping shall occur. Pruning of vegetation waterward of the ordinary high water mark is prohibited.

iii. Non-native vegetation within a view corridor may be removed when the mitigation and management plan can demonstrate a net gain in site functions, and where impacts are mitigated at a ratio of 1.5 to 1.

iv. Whenever possible, view corridors shall be located in areas dominated with non-native vegetation and invasive species.

v. Pruning shall be done in a manner that shall ensure the continued survival of vegetation.

vi. The applicant’s biologist shall clearly establish that fragmentation of fish and wildlife habitat will not occur, and that there is not a net loss of site ecological functions.

vii. A view corridor may be issued once for a property. No additional vegetation pruning for the view corridor is authorized except as may be permitted to maintain the approved view corridor from the regrowth of pruned limbs. Limitations and guidelines for this maintenance shall be established in the mitigation and management plan by the applicant’s biologist, to be reviewed and approved by the Director.

5.2.6 Protecting Channel Migration Zones

1. Channel migration zones are specified and delineated on maps maintained by Spokane County and include Deadman Creek, Dragoon Creek, Latah Creek, Little Spokane River, Pine Creek, and Rock Creek.
   a. New residential, commercial or industrial development and uses, including new structural shoreline stabilization measures within the 50-year channel migration zones as mapped are prohibited.
   b. New residential, commercial or industrial development and uses, including new structural shoreline stabilization measures within the 100-year channel migration zone as mapped are prohibited if:
      i. it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures over the life of the development;
      ii. or the development or use would interfere with the process of channel migration that may cause significant adverse impacts to upstream, downstream or across stream properties or public improvements,
      iii. or the development or use would result in a net loss of ecological functions associated with the river or stream.

2. The following development and uses may be appropriate and/or necessary when properly mitigated within the channel migration zone or floodway:
• Actions that protect or restore the ecosystem-wide processes or ecological functions.
• Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
• 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.
• 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.
• Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
• 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.

3. New shoreline protection measures within shoreline jurisdiction of Latah Creek shall be consistent with the Latah Creek Comprehensive Flood Hazard Management Plan where applicable, and Section 11.10.190, the Spokane County Critical Areas Ordinance, and shall comply with the requirements of Sections 5.2.6.5 and 6.

4. Maintenance or enhancement of existing shoreline protection improvements within shoreline jurisdiction of Latah Creek shall be consistent with the Latah Creek Comprehensive Flood Hazard Management Plan where applicable, and shall comply with the requirements of Section 5.2.6.5 and 6.

5. Native riparian and upland plant communities within the channel migration zone shall be maintained to prevent erosion, protect water quality and fish habitat and to provide for creek stabilization during flooding events provided that the following exceptions to this requirement are permitted consistent with the mitigation requirements of Section 4:
   a. Removal and replanting of vegetation intended to implement a plan to enhance shoreline ecological processes and functions;
   b. A use provision in Section 5.3, including existing agriculture, specifically allows for an exception to this requirement;
   c. Minimized clearing associated with reconstructing existing bridges.

6. All development and uses including emergency actions proposed within the
Channel Migration Zone shall be reviewed by a licensed geologist or licensed professional engineer with a demonstrated minimum of five years of field experience in fluvial geomorphology and evaluating channel response. This review shall be documented in a report prepared by the consulting professional. The review and report shall include a detailed assessment of the reach’s channel migration zone and potential for erosion or flooding, and shall include a determination regarding the use or development’s potential to result in interference with the long term natural channel migration processes of streams and rivers in Spokane County, affect adjacent and across stream properties or infrastructure, and will not need future structural flood and erosion protection.

7. The Director may apply conditions to the approval of proposed development or uses, based on the findings of the professional review and report. Attached conditions shall assure that the use or development will not interfere with natural channel migration processes.

8. The Director may deny the proposal if the review demonstrates that the use or development may cause or potentially accelerate the rate of stream channel migration above and beyond natural rates, or potentially cause a significant long term threat to upstream, downstream or across stream properties.

9. All authorized uses and development within channel migration zones shall comply with all other applicable requirements in this SMP.

10. A project proponent may have a channel migration zone study completed by a qualified licensed geologist or licensed professional engineer with a demonstrated minimum five years of field experience in fluvial geomorphology and evaluating channel response. The study shall be reviewed and approved by the Spokane County Director. If the study demonstrates that the entirety of the development project is outside of the channel migration zone, then this section will not further apply to the project.

5.2.7 Channel Modifications

1. Stream and river channel modifications and will be authorized only for the purpose of constructing or maintaining bridges, culverts and utility pipelines and cables, or to restore previously altered and degraded natural channel form, flows, riparian and floodplain plant communities and biodiversity of native aquatic life.

2. Utility pipeline and cable crossings shall be designed, constructed and maintained as specified in Section 5.3.9 of this SMP.

3. Bridges shall be designed, constructed and maintained as specified in Section 5.3.12 of this SMP.

4. All channel modifications shall be designed, constructed and maintained so as to
preserve natural ecological processes and functions, including natural sediment transport, hydrology, channel form, channel migration zones, floodplain connectivity and native aquatic biodiversity.

5. Channel modifications shall not introduce rocks or other materials into the channel bed which would alter channel hydraulics, channel profile or channel plan form, except where they are a component of a process-based design for natural stream restoration, or for scour protection at bridge pilings and abutments.

5.2.8 Public Access

1. Shoreline development by public entities, such as local governments, port districts, state agencies, and public utility districts, should provide public access as part of each development project, unless such access is shown to be incompatible with the Program due to reasons of safety, security, or adverse impacts to shoreline functions and processes.

2. Shoreline development by private entities should provide public access when the development would either generate a public demand for one or more forms of such physical or visual access, or would impair existing legal access opportunities or rights.

3. Public health and safety concerns associated with community or public access sites should be adequately mitigated. Appropriate precautions should be taken to prevent adverse impacts on shoreline ecological processes or functions consistent with the mitigation sequence established in Section 4.

4. Efforts to implement the public access provisions of this section shall be consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality.

5. Public access requirements on privately owned lands should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.

6. Where feasible, providers of shoreline public access should:
   a. Locate and design public access improvements in a manner that is compatible with the natural shoreline character and avoids adverse impacts to shoreline ecological processes and functions; and
   b. Ensure public access improvements and amenities are safe, respect individual privacy, and avoid or minimize visual impacts from neighboring properties; and
   c. Provide maps, signage, and orientation information to inform the public of
the presence and location of privately held shorelands, especially those adjacent to public access and recreational areas; and
d. Incorporate programs, signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historical or cultural significance.

7. Opportunities to provide visual and/or physical public access shall be evaluated during the review and conditioning of all proposed commercial and industrial shoreline developments and residential developments involving more than four (4) residential parcels.

8. Dedicated space for physical public access shall be incorporated into all development proposals on public lands, all public and private commercial and industrial uses/developments, and all residential subdivisions of greater than four (4) parcels unless the project proponent demonstrates that any of the following conditions exist:
   a. Unavoidable public health or safety hazards exist and cannot be prevented through reasonable means; or
   b. The use/development has inherent security or cultural sensitivity requirements that cannot be mitigated through reasonable design measures or other solutions; or
   c. The provision of public access for the proposed development is not consistent with all relevant constitutional and other legal limitations on regulation of private property and the principles of nexus and proportionality; or
   d. The cost of providing the access, easement or an alternative amenity is disproportionate to the total long-term cost of the proposed development; or
   e. The public access will cause unacceptable environmental impacts that cannot be mitigated; or
   f. The access would create significant, undue, and unavoidable conflicts with adjacent uses that cannot be mitigated.

9. To be relieved from the public access requirements in Section 5.2.8.8, the project proponent must demonstrate that all feasible alternatives have been considered, including, but not necessarily limited to:
   a. Regulating access through means such as maintaining a gate and/or limiting hours of use; and
   b. Separating uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.).

10. The public access requirement is met where a single-family residential development of greater than four (4) parcels but less than ten (10) parcels provides community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of the property owners and guests within the
proposed subdivision. The proponent shall provide visual access to the shoreline via view corridors within the subdivision as illustrated on the final plan and as determined by the Director. Existing lawfully established public access shall be maintained.

11. When physical public access in deemed to be infeasible based on considerations listed in Sections 5.2.8.8 and 5.2.8.9, the proponent shall provide visual access to the shoreline or provide physical access at an off-site location geographically separated from the proposed use/developmental (e.g., a street end, vista, or trail system), or for a residential development, provide community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of the property owners and guests within the proposed subdivision.

12. Public access shall be located and designed to be compatible with the natural shoreline character, to avoid adverse impacts to shoreline ecological functions and processes, and to ensure public safety.

13. When otherwise consistent with this Program, public access structures shall be allowed within required shoreline buffers of this Program, meaning that such structures shall be allowed to encroach into the shoreline buffer when necessary to provide physical and or visual access to the water’s edge, in compliance with the mitigation requirements of Section 4.

14. Public shoreline access provided by public road ends, public road rights-of-way, public utilities and rights-of-way shall not be diminished by the County, neighboring property owners, or other citizens, unless the property is zoned for industrial uses in accordance with RCW Chapter 36.87.130.

15. Public access sites shall be directly connected to the nearest public street and shall include improvements that conform to the requirements of the Americans with Disabilities Act (ADA) when feasible and impacts to shoreline ecology are mitigated consistent with the requirements of Section 4.

16. Opportunities for boat-in public access and access to primitive shorelines not accessible by automobile shall be provided where feasible and appropriate.

17. When required for public land, commercial, port or industrial use/development, public access sites shall be fully developed and available for public use prior to final occupancy of such use or development.

18. Public access easements, dedications, and permit conditions shall be recorded on the deed of title and/or the face of a short or long plat as a condition running, at a minimum, for a period contemporaneous with the duration of the authorized land use. Recordation shall occur at the time of final plat approval or prior to final occupancy.
19. The location of new public access sites shall be clearly identified. Signs with the appropriate agency’s logo shall be constructed, installed and maintained by the project proponent in conspicuous locations at public access sites and/or along common routes to public access sites. The signs shall indicate the public’s right of access, the hours of access, and other information as needed to control or limit access according to conditions of approval.

5.3 Use Regulations Specific to Environment Designations

The following are the specific regulations applicable to uses locating in the four shoreline environment designations. Refer to Table 5A for a summary of the uses that are allowed or prohibited in each of the shoreline environment designations.

5.3.1 Agriculture

1. All Environments
   a. As provided in RCW 90.58.065, existing agriculture is not regulated through the Spokane County Shoreline Master Program.
   b. Within shorelands newly converted to agriculture activities, a buffer area of native vegetation as set forth in Table 5B, measured landward on a horizontal plane perpendicular to the ordinary high water mark shall be maintained to protect ecological functions, prevent erosion, and protect water quality. If the new agriculture activity is grazing, fencing shall be erected and maintained along the landward boundary of buffers to prevent livestock entry into shoreline buffer areas.

2. Shoreline Residential Environments
   a. New agriculture is prohibited.

3. Natural, Rural Conservancy, and Urban Conservancy Environments
   a. New low intensity agricultural activities shall be permitted subject to buffers in Table 5A of this Section, and provided that agricultural operations do not degrade existing ecological functions of the shoreline.
   b. New high intensity agriculture activities are prohibited.

5.3.2. Aquaculture

1. Rural Conservancy Environments
   a. Aquaculture is permitted, subject to the following conditions:
      i. Interference with navigation is avoided;
ii. There is no adverse effect on water quality;
iii. Shoreline natural character, scenic vistas and aesthetics are not impaired.

2. Natural, Urban Conservancy and Shoreline Residential Environments
   
a. Aquaculture is prohibited

5.3.3. Forest Management Practices and Land Clearing Activity

1. All Environments

2. Forest management practices in shorelines shall comply with the Forest Practices Act (RCW 76.09). A forest practices permit shall be issued prior to commencement of timber harvesting activities for Class IV-General forest practices where shorelines are being converted or are expected to be converted to non forest uses per WAC 173-26-241(3)(e).

   a. To selectively remove timber because it is a public hazard or to prevent spread of infestation or disease, documentation by a qualified ecologist or professional forester that selective timber removal is the least intrusive remedy shall be approved by the Director prior to harvesting. Timber harvesting for the purpose of maintaining electrical transmission and distribution lines within 100 feet of the ordinary high water mark is permitted as provided in Section 5.2.5.5.

   b. Selective commercial timber cutting in shorelines of statewide significance must comply with RCW 90.58.150.

   c. No equipment, logs, slash, soils or other materials shall enter surface waters of shorelines in association with forest practices.

3. The Natural Environment

   a. Timber harvesting activities are prohibited except for the removal of timber to restore or enhance the ecological function of the shoreline. To selectively remove timber deemed a hazard to the public, or to prevent spread of infestation or disease, a professional forester or other qualified expert shall document that selective timber removal is the least intrusive remedy.

4. The Rural Conservancy, Urban Conservancy, and Shoreline Residential Environments

   a. Timber harvesting within 50 feet of the ordinary high water mark is prohibited. To selectively remove timber deemed a hazard to the public, or to prevent...
spread of infestation or disease, a professional forester or other qualified expert shall document that selective timber removal is the least intrusive remedy.

b. Only 30 percent of the merchantable timber, 50 feet landward of the ordinary high water mark, may be selectively harvested in any ten-year period.

c. Removal of trees is permitted to clear an approved disturbance footprint, landward of buffers set forth in Table 5B, for approved developments and uses. The buffer shall be measured on a horizontal plane perpendicular to the ordinary high water mark.

d. Only the disturbance footprint, including building footprint, driveway and fire suppression buffer specified in the approved site development plan may be cleared.

e. Cleared areas not landscaped or covered by structures or improvements shall be revegetated with appropriate native species as approved in the site plan and compensation and mitigation measures specified in Section 4 of this SMP.

f. When harvesting timber or clearing land the following conditions shall be met:

   i. The area shall be returned to productive use and reforestation measures shall be applied where practicable consistent with the State Forest Practices Act, RCW 76.09;

   ii. Road construction supporting timber management practices shall be in compliance the Forest Practices and with Section 12 of this SMP pertaining to road construction;

   iii. Water quality, native plant communities in the understory, and fish and wildlife habitat shall be protected;

   iv. Slash and debris and other waste products resulting from timber harvesting or land clearance shall be burned and/or removed from the shorelines immediately following cessation of said activities. The debris and waste products shall not enter into the water or interfere with the regeneration of forest vegetation.

5.3.4 Commercial Development

1. All Environments

   a. Dedicated and clearly marked public access as specified in Section 5.2.8 is required for new or expanding commercial development.
2. The Natural Environment
   
a. Commercial development is prohibited.

3. The Rural Conservancy Environment.
   
a. Low intensity water dependent or water-enjoyment commercial uses, supporting dispersed recreational activities such as boating, angling, hunting, wildlife viewing or similar, may be permitted when the following conditions are met:

   i. Only that portion of the commercial activity which requires direct access to water may be located within 150 feet of the ordinary high water mark;

   ii. No building shall exceed 35 feet in height, whichever is less;

   iii. Dedicated public access to, or along publicly owned shorelines shall be provided;

   iv. Adequate services including solid waste disposal, water and electricity are available to support the use.

b. Commercial uses which are not related to, or dependent on a location in proximity to surface waters are prohibited.

4. Urban Conservancy Environments
   
a. Only water-dependent and water-related commercial development are allowed and such uses shall be consistent with bulk and dimensional standards in Table 5B of this SMP.

b. Commercial developments shall not prevent or impair existing public access to, and along, publicly owned shorelines.

5. Shoreline Residential Environment
   
a. Commercial uses are prohibited.

5.3.5. Marinas

1. All Environments
   
a. All applicable Federal, State and/or local regulations shall be met;
b. The location shall be compatible with the Spokane County Comprehensive Plan;

c. The marina shall be designed to minimize interference with recreational and commercial navigation;

d. New marinas shall provide at least one slip dedicated for transient moorage for general public use free of charge;

e. Provisions shall be made for protection against fuel and oil spills and for prompt clean-up operations in the event of a spill;

f. Marinas shall be designed to minimize adverse impacts to terrestrial and aquatic fish and wildlife habitat. Unavoidable impacts shall be minimized and compensated as required in Section 4 of this SMP.

2. Rural and Urban Conservancy Environments

   a. Marinas may be permitted subject to the other provisions of this SMP.

3. Natural and Shoreline Residential Environments

   a. Marinas are prohibited in the Natural and Shoreline Residential Environments.

5.3.6 Mining

1. All Shoreline Environments

   a. Mining is prohibited waterward of the ordinary high water mark, including mining within bar forms and the active channels of streams and rivers.

2. Natural and Shoreline Residential Environments

   a. Mining is prohibited in the Natural and Shoreline Residential Environments.

3. Rural-Conservancy and Urban Conservancy Environments

   a. Mining of sand, gravel, soil, or minerals, and associated cleaning, sorting, separation, and storage operations are permitted landward of channel migration zones, and buffers and disturbance setbacks set forth in Table 5 B of this Section, as measured from the ordinary high water mark, only as a conditional use.

   b. Mining proposals shall be permitted only after full compliance with the
provisions of Section 4 of this SMP.

c. All surface mining activities, including those which do not meet the threshold of 3 acres of disturbance, or produce less than 10,000 tons in any 12 month period shall meet the criteria and standards of the Surface Mining Act, RCW 78.44 RCW and WAC 334-18.

d. Surface drainage and wastes resulting from mining operations shall not be discharged into shorelines.

5.3.7 Signs

1. All Environments

   a. All signs must comply with the sign provisions of the Spokane County Zoning Code.

   b. On-premises business identification signs are permitted and shall be designed to blend in with the natural environment and shall be affixed to the portion of the business structure facing away from the water, and shall not exceed 20 square feet.

   c. Signs erected by government agencies required to provide direction, interpretation of shoreline natural, ecological and cultural and historical features and resources, protect the public health, safety, and general welfare are permitted and shall not exceed 20 square feet in area. Signs shall be designed to minimize the visual impact to the shorelines, except as provided by item 5.3.7(1)(f).

   d. Signs shall not obstruct views of the shoreline from the surface of the water.

   e. Only signs required for navigational safety or as directional signs to inform boaters of services, such as fuel and moorage, and type of business, and government agency signs allowed by Section 5.3.7.1.c. shall be visible from the shorelines or the surface of the water.

   f. Except for navigational aids, no illumination incorporated within, or directed toward or upon signage shall be visible from the surface of the water.

   g. Signs shall not extend beyond the face of a building or above its roofline.

   h. Signs shall not move or rotate.

   i. Blinking or flashing lights or illumination are prohibited in signage in shorelines, except for navigational safety signage placed by a government entity.
5.3.8. Residential

1. All Environments

   a. Overwater residences are prohibited in any form.

   b. Residences are permitted in the shorelines on lots or parcels created prior to the effective date of this SMP subject to location landward of buffers set forth in Table 5B of this Section.

   c. New single family residential development on lots whose dimensions do not allow a residence to be constructed outside the standard shoreline buffer may be allowed without a variance in accordance with the provisions in Section 6.5.13.

   d. All single family and multi-unit residential developments shall comply with the buffer, setback, bulk and dimensional standards set forth in Table 5B of this SMP, and shall be authorized only after approval of a site development plan, indicating the total disturbance footprint as required in Section 4 of this SMP.

   e. Impacts to shoreline ecological functions resulting from permitted development shall be mitigated as required in Section 4 of this SMP. The construction of homes shall require development of a mitigation plan as specified in Section 4 of this SMP.

   f. Residential density shall comply with Spokane Regional Health District wastewater treatment and water supply regulations, Spokane County Zoning Code and subdivision regulations, and shall be consistent with the Comprehensive Plan.

   g. Individual or multi-family on-site wastewater treatment systems serving allowed uses in conformance with the SCSMP shall be subject to regulations administered by the Spokane Regional Health District. Such sewage treatment systems shall be located to prevent or minimize entry of nutrients, including phosphorus and nitrogen, or other pollutants, into ground and surface water within jurisdiction of the SCSMP.

   h. Large On-site Sewage Systems (LOSS) shall be subject to regulations administered by the Washington State Departments of Ecology, or Department of Health as required by rule adopted under RCW 70.118B.020. Such sewage treatment systems shall be located to prevent or minimize entry of nutrients, including phosphorus and nitrogen, or other pollutants, into ground and surface water within jurisdiction of the SCSMP.
i. All individual and community on-site wastewater treatment systems, also called sewage treatment systems, including septic tanks and drainfields or alternative systems approved and inspected by the Spokane Regional Health District, the Washington State Department of Ecology, or Department of Health, shall be located landward of designated riparian and shoreland buffers within jurisdiction of the SCSMP.

j. In instances where shoreline buffers designated in Table 5B of this SMP are adjusted through the provisions of Section 5.2.5 to measure less than 100 feet, all sewage system components shall be located a minimum of 100 feet from the ordinary high water mark. In limited instances when residential structures are permitted within 100 feet of the ordinary high water mark, tightlines from structures or septic tanks may be located within 100 feet from the ordinary high water mark.

k. Location of the landward boundary of shoreline buffers as specified in Table 5B shall be approved by Spokane County or Washington Department of Ecology staff, and marked with clearly visible means sufficient to prevent damage to any portion of the buffer and its topography, soils or vegetation.

l. Prior to any clearing, construction or other activity within the approved disturbance footprint, the landward boundary of buffers specified in Table 5B shall be marked with permanent or temporary fencing approved by the Director, sufficient to prevent any incidental incursion into, or disturbance to the buffer, by equipment, vehicles, building materials or other means.

m. Whenever feasible, while meeting Spokane Regional Health District or Washington State Health Department standards, all components of on-site sewage treatment systems, including subsurface soil absorption systems, shall be located landward of the residential structures they serve.

n. Buildings constructed in areas of 20 percent or greater slope, or slide-prone areas, shall conform to the requirements for geologically hazardous areas of the Critical Areas Ordinance.

o. Except for minimal pathways no greater than 5 feet in width to afford access to allowed docks, or to remove hazard trees or maintain view corridors as set forth in Section 5.2.5, native plant communities and species in buffers specified in Table 5B shall not be disturbed.

p. New residential lots created through land division within jurisdiction of this SMP shall accomplish the following:

i. Plats and subdivisions as regulated in this SMP must be designed, configured and developed in a manner that assures that no net loss
of ecological functions results from the plat or subdivision at full build-out of all lots;

ii. Plats and subdivisions as regulated in this SMP must be designed, configured and developed in a manner that prevents the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

q. Impervious improvements including roofs and paved areas shall not exceed 10 percent of the portion located in jurisdiction of the SMP, of any parcel, provided that a larger area of impervious surfacing is allowed for lots legally created prior to adoption of this Shoreline Master Program, not exceeding the lot coverage requirements of the Spokane County Zoning Code.

2. The Natural and Rural Conservancy Environments

a. A new residential lot created pursuant to the Spokane County Subdivision Ordinance may be permitted provided that the portion of each lot within the shorelines of the state shall be dedicated on the deed to its existing natural condition for passive, non-commercial recreational purposes consistent with the other applicable regulations and policies of the environment.

b. If the current ecological condition is altered and degraded, owners, their agents or other government or nongovernmental entities may implement ecological rehabilitation measures on the shoreline portions of lots in the Rural Conservancy environment, created as described in Section 5.3.8.2.a above, and in Section 4 of this SMP.

c. No clearing, grading, construction of structures or other development shall occur on the dedicated portion of new lots described in Section 5.3.8.2.a above except for the minimum necessary to support passive, non-commercial recreation.

d. The design of lots in subdivisions of land (short plat, long plat, and certificates of exemption) shall illustrate that a viable building envelope exists on each residential lot located outside the shorelines, and shall take into consideration setbacks, required buffers for shorelines and other applicable Spokane County development regulations.

e. Impervious improvements including roofs and paved areas shall not exceed 10 percent of the portion located in jurisdiction of the SMP, of any parcel, provided that a larger area of impervious surfacing is allowed for
lots legally created prior to adoption of this Shoreline Master Program, not exceeding the lot coverage requirements of the Spokane County Zoning Code.

f. Single-family residential development may be allowed only as a shoreline conditional use in the Natural Environment.

3. Urban Conservancy and Shoreline Residential Environments

a. Residences are permitted; provide that access, utilities, and public services are available and adequate to serve the development.

5.3.9 Utilities

1. All Environments

a. Stormwater facilities are prohibited within 100 feet of the ordinary high water mark, or in required buffers specified in any shoreline environment designation as set forth in Table 5B, whichever is greater.

b. Community wastewater treatment facilities shall not be located within 200 feet of the ordinary high water mark.

c. A transmission line may traverse a shoreline only when necessary to cross a stream to reach the ultimate destination of the transmission line and when no reasonable alternative is available. A route shall be selected for each transmission line so that, where it must traverse a Shoreline, it shall not be necessary to cut a clear corridor through a wooded area.

d. Terminal facilities, that is, facilities which constitute the final termination or destination of a transmission line, shall not be located in shorelines.

e. Transmission lines shall cross streams either by being constructed on public roadway bridges designed for, or capable of, accommodating the inclusion of such pipelines, or by being constructed below the stream bed. The construction of bridges solely for pipelines is prohibited.

f. An advance emergency plan for the cleanup of leaks and spills shall be submitted with the permit application for a petroleum or an ore slurry transmission pipeline crossing.

g. New transmission lines shall use existing utility easements, if feasible.

h. Utility transmission routes shall be selected so that it shall not be necessary to clear corridors through wooded areas.
i. Linear utility infrastructure including but not limited to natural gas, sewage, water, petroleum, fiber-optic cable, or electrical transmission or distribution lines shall be designed to avoid crossing any portions of lakes.

j. Electrical distribution lines are prohibited from being located crossing over lakes.

k. When crossing shoreline rivers and smaller streams is demonstrated to be absolutely necessary, new electrical transmission lines shall be located below the anticipated depth of scour within the channel migration zone, unless demonstrated to be technically infeasible.

l. Electrical distribution lines shall not be located in, under, or crossing over the active channels and floodways of shoreline rivers and smaller streams.

2. The Natural Environment

a. Utilities may be permitted only: (1) which serve allowed uses located in the Natural Environment (2) which route through the Natural Environment within existing rights-of-way and easements, and (3) which cross streams on public roadway bridges designed for, or capable of accommodating, the inclusion of such utilities.

b. Electric and communication cables shall be installed underground.

c. Electric transmission and communication cable stream crossings shall be installed below the anticipated depth of scour, under the active channel, floodway, and channel migration zone, unless the presence of solid bedrock makes such installation ecologically inappropriate and technically impractical.

d. Except for municipal or regional sewage treatment facility outfalls, wastewater collection lines are prohibited waterward of the ordinary high water mark.

3. Rural Conservancy, Urban Conservancy and Shoreline Residential Environments

a. Electrical transmission and distribution lines shall be located underground unless technically infeasible due to factors such as bedrock conditions, or existing developments.

b. Other utilities may be permitted to serve allowed activities located in shorelines, or to route through shorelines to cross a stream, within public and private rights-of-way and easements.
c. In all cases electric and communication cables, except electric transmission lines, shall be installed underground, except that where they cross streams they either may be constructed overhead or may be constructed on public roadway bridges designed for, or capable of, accommodating such utilities in electrical conduits.

d. Facilities for the disposal of treated wastewater may be permitted in the Rural Conservancy and Urban Conservancy Environments, provided they are designed, constructed, owned, operated and maintained pursuant to a wastewater discharge permit issued by the State Department of Ecology, provided evidence accompanies the application for a Shoreline permit to demonstrate that compelling reasons exist for selection of the specific site, and provided the site and/or facilities conform to the following:
   i. Any flow to surface waters shall be limited to treated wastewater conveyed to discharge through an outfall under a permit issued by the Department of Ecology.

e. Applicants for a permit involving a treatment or a disposal facility shall submit evidence that the applicable requirements in this Section are met;

f. Facilities for the disposal of treated wastewater are prohibited in the Shoreline Residential Environment, except that individual connections to community, municipal, and regional waste water treatment systems are allowed.

g. On-site wastewater treatment systems serving single family residences are permitted, subject to provisions in Section 5.3.8 of this SMP.

5.3.10 Industry

1. All Environments

   a. Expanding industrial activities shall provide public access as required in Section 5.2.8, unless such a requirement would interfere with industrial operations or create hazards to life and property.

   b. New industrial uses are prohibited.

5.3.11 Solid Waste Disposal

1. All Environments

   a. Solid waste shall not be disposed of in any shorelines, excepting that trash collection and recycling receptacles may be located at commercial establishments, parks, and public and community access facilities.
b. Solid waste collection, transfer, or other related facilities and activities are prohibited in shorelines.

5.3.12 Roads, Railroads and Bridges

1. All Environments

   a. Roads shall be constructed to Spokane County Road Standards. Private driveways shall be located on stable soils and constructed in such a manner as to cause no erosion into waterways and damage to the shoreline, and shall comply with the Department of Building and Planning's private driveway standards.

   b. Roads shall be designed, constructed and maintained in a manner which prevents degradation of shoreline ecological functions.

   c. Bridges shall be designed to minimize constriction of natural channel migration patterns and other natural fluvial processes.

   d. Bridges shall be designed and constructed so that the flow of floodwaters, suspended load and bed load sediments shall not be restricted as determined by the Spokane County Engineer.

   e. Bridge design and construction over streams and rivers shall prevent the accumulation of debris upstream of the bridge, and shall be designed to provide for natural channel migration.

   f. New and replacement bridges, both private and public, shall be designed with clear spans over channels, and open, spanning approaches, unless these provisions are demonstrated not to be practically feasible.

   g. Bridges shall be designed to accommodate pedestrian and bicycle traffic unless prohibited by state or federal law. Where use of the bridge is less than 50 vehicles per day, the roadbed itself shall constitute such accommodation. Other roads shall provide a space not less than three feet in width for the dedicated use of pedestrians, bicycles and animals.

   h. Roads for access to allowed uses are permitted. New and replacement bridges for public roads shall provide safe, adequate public access for pedestrians and bicyclists.

   i. Fill shall not be placed below the OHWM to construct roads.

2. Natural and Shoreline Residential Environments
a. New private roads and bridges which serve primarily uses outside of the shorelines are prohibited.

b. Railroads are prohibited.

c. Construction of public road and bridge enhancements, replacements of existing public roadways and bridges, and modifications including widening to meet current design standards are permitted.

3. Rural-Conservancy Environment

a. Railroads are prohibited, and the expansion of existing railroads is prohibited.

b. New private roads, which serve uses outside of the shorelines, are prohibited except:

   i. For access to allowed uses;

   ii. Where routing of a roadway through the shoreland is demonstrated to have a more desirable overall environmental impact than would result from a routing outside the shoreland in nearby adjacent land.

c. Construction of public road and bridge enhancements, replacements of existing public roadways and bridges, and modifications including widening to meet current design standards is permitted.

d. Private bridges may be permitted where necessary for access to isolated private property. Where permitted, such private bridges shall conform to the following requirements:

   i. Structural supports shall not be placed in a stream unless those supports conform to Spokane County Standards for Road and Sewer Construction.

   ii. Width of the bridge area for vehicles shall not exceed 24 feet, provided that additional width may be required due to the application of county standards for road and sewer construction.

   iii. Bridges shall be designed and constructed so as not to degrade the aesthetics and natural character of shorelines.

4. Urban Conservancy Environment

a. New roads and railroads may be permitted, when demonstrated to be necessary to facilitate an overriding public purpose that is otherwise consistent with the goals, policies and regulations of the Shoreline
Management Act, Chapter RCW 90.58 RCW, and this SMP.

b. Bridge crossings of streams and lakes and related approach roads, and the widening of existing roads from two to more than two lanes, may be permitted where they are consistent with adopted State Road plans and the County Comprehensive Plan.

c. Private bridges may be permitted where necessary for access to isolated private property and shall conform to Spokane County Road Standards.

5.3.13 Archeological Areas and Historic Sites

1. All Environments

a. Where archaeological, cultural, or historical sites, buildings, artifacts, or other related resources are encountered, all use, activity or development shall cease, and shall not resume or proceed until review and mutual approval by the Spokane Historic Preservation Office, the Washington State Department of Archaeology and Historic Preservation, and appropriate tribal entities.

5.3.14 Recreation

1. All Environments

a. Recreational uses in shorelines shall be limited to recreational activities dependent on or enhanced by the shoreline environment; including but not limited to fishing, hunting, boating, swimming, hiking, and tent camping.

b. Public access to shorelines shall be provided for pedestrians and bicycles where appropriate consistent with protecting shoreline and shoreland ecological function in buffers, and with respect for property rights.

c. Recreational uses and development shall not result in damage to shoreline resources and ecological functions, and any impacts to shoreline ecological functions shall be compensated and mitigated as required in Section 4 of this SMP.

d. Docks, moorage buoys, booms delineating swimming areas, and boat ramps supporting only public access and community uses are permitted only if consistent with Section 5.3.17 of this program.

2. Natural Environment

a. Recreation uses are limited to low intensity water-oriented uses such as fishing, hunting, boating, rafting, swimming, and tent camping.
b. Recreation uses not dependent upon or related to the water are prohibited.

c. Minimal moorage facilities including docks, and moorage buoys may be placed in shorelines adjacent to the Natural Environment to serve boating access to passive public recreational opportunities such as primitive camping, as referenced in Section 5.3.14.1.a. above and if consistent with Section 5.3.17.

d. New constructed recreation trails shall be limited to 5 feet in width, shall only be located and constructed to provide access to the shoreline, and shall be constructed on natural grade only, except as allowed under Section 5.2.5.5.

e. Trails shall not be located or constructed where trail use would result in designation of standing trees or snags as hazards, or where removal of standing living trees and snags is required.

5.3.15 Fill

1. All Environments

   a. Fill is permitted when necessary as a design component of an authorized ecological restoration.

   b. Fill shall not result in any adverse alteration or impact to natural channel migration processes, and shall not adversely alter patterns of flood flows.

   c. Fill may be permitted to alter channel migration processes and patterns of flood flows only as a specified design parameter and projected outcome of ecological restoration as specified in Section 5.3.15(1)(b) of this SMP.

   d. Artificial beaches, including transport and dumping or other placement of sand, gravel or other materials in shoreline buffers or below the OHWM is prohibited except by Shoreline Conditional Use Permit at publicly owned parks.

   e. Fill may be permitted for allowed residential construction, subject to other restrictions in this SMP.

   f. Fill is prohibited below the ordinary high water mark, except that placement of natural channel or lake bed materials may be conducted solely as an element of stream or lake ecological restoration.

2. Natural Environment

   a. Except for fill associated with shoreline ecological restoration or permitted bridges, fill is prohibited.
3. Rural Conservancy and Urban Conservancy Environments

a. Fill may be permitted by Conditional Use Permit, where justified by an overriding public interest, such as for bridge approaches and abutments, artificial beaches at public parks, and where the following conditions are met:

   i. Fill shall not result in a net loss of shoreline ecological function.

   ii. Fill shall not extend waterward of the ordinary high-water mark except as a component of ecological restoration, or for biotechnical bank protection and restoration, and when consistent with all of the provisions of Section 5.3.15.1 of this SMP.

5.3.16 Dredging

1. All Environment Designations

   a. Dredging for any purpose, except for shoreline ecological restoration or as specifically allowed in this Section, is prohibited.

   b. Established navigation channels and basins with documented permits and approvals from all local, state or federal agencies with authority, may be maintained. Maintenance dredging is restricted to existing authorized location, depth and width.

   c. Dumping or disposing of dredge materials in shorelines or shorelands is prohibited, provided that clean, uncontaminated dredge materials may be incorporated as components of shoreline ecological restoration projects when appropriate and when approved as part of a site plan. Dumping or disposing of dredge materials is regulated under Section 5.3.15 Fill.

   d. Dredging for purposes of restoring natural flows and sediment transport regimes in streams, or other public purposes which preserve or restore the natural geomorphic and ecological functions of the county’s lakes and streams, may be permitted if the following conditions are met:

      i. Spoils shall not be disposed of in shorelines unless it is intended to restore or enhance shoreline ecological function.

      ii. Neither activities in water or adjacent shorelands will degrade water quality or aquatic life or its habitat.

      iii. All dredging equipment shall be removed from the shorelines immediately after dredging is completed.
5.3.17 Docks and Buoys

1. All Environments

Docks

a. Docks and piers are prohibited on the following rivers and streams in Spokane County: Deadman Creek, Dragoon Creek, Latah (Hangman) Creek, Little Spokane River, Pine Creek, Rock Creek (tributary to Latah Creek), Coulee Creek, and on portions of the Spokane River as follows:

i. From the Idaho State Line downstream to the Centennial Trail “Denny Ashlock Memorial Bridge”;

ii. From the western municipal boundary of the City of Spokane downstream to West Bryson Avenue just south of the Seven Mile Bridge;

iii. A single dock, serving a residence in existence at the date of adoption of this SMP, may be permitted on existing parcels abutting the shorelines of the Lake Spokane arm of the Spokane River between West Bryson Avenue and the Little Falls Dam, and westward from the Centennial Trail “Denny Ashlock Memorial Bridge”, on the reservoir and backwater behind Upriver dam.

b. Length: Dock length shall be the minimum necessary to accomplish moorage for the allowed boating use and shall be only so long as to obtain a depth of 4 feet as measured at ordinary low water (OLW) at the landward limit of the moorage slip. Private docks shall not exceed 55 feet in length measured perpendicularly from the ordinary high water mark (OHWM), except as allowed under Section 5.3.17.1.e.

c. Width and total surface area: The width of the walkway, ells or fingers shall not exceed 4 feet, or 6 feet with 2 feet of that width constructed with materials that will allow light penetration (such as grating). The maximum surface area coverage, including all attached float decking, ramps, ells and fingers shall be the minimum necessary to accomplish the allowed moorage and associated recreational use.

d. Private docks shall not encroach into the required sideyard setbacks for residential development (both onshore and offshore); provided that, a shared moorage may be located adjacent to or upon a side property line of the affected properties upon filing of an easement agreement or other legal instrument by the affected property owners.

e. Where bathymetric conditions in a shoreline would render a dock unusable for watercraft moorage under the requirements in Section 5.3.17.b., a dock greater than 55 feet in length may be permitted by the
Director where the added length will not adversely affect ecological processes and functions, either individually or cumulatively, or interfere with navigation or other public use of the water. Any dock which is more than 55 feet in length (exempt or nonexempt) shall be reviewed by the Director on a completed JARPA form. The Director, after consultation with the Department of Ecology, shall approve or deny the application, with appropriate conditions consistent with the criteria set forth in Section 5.3.17. The decision shall be issued in writing and shall include findings, conclusions, and any conditions pursuant to this SMP. Docks that cannot reasonably meet this standard may request a review under the variance provisions of this SMP.

f. Moorage shall be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.

g. Moorage facilities shall be constructed and maintained so that no part of a facility creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.

h. Docks shall be constructed of untreated wood or inert materials posing no pollutant hazard, and shall meet approval under the Hydraulics Code, federal Clean Water Act, Washington State Water Pollution Control Act, Washington State Hydraulic Project Approval, and other authorities regulating structures in freshwater aquatic environments.

i. Construction of a dock serving a parcel or parcels not fronting on the shoreline is prohibited, provided that this provision is not applicable to publicly owned boating facilities, marinas, and community use docks.

j. Boathouses, roofs, and storage structures are prohibited on docks. Boathouses, roofs, and storage structures on docks existing at the time of adoption of this SMP shall not be expanded.

k. Joint use of docks shall be encouraged.

l. Where docks serving individual lots are allowed, no more than one dock for each shoreline lot is permitted.

m. Private docks serving individual lots are permitted in existing subdivisions approved on or before January 28, 1993, where shared moorage has not already been developed. Prior to development of a new dock for a single residential lot, the applicant/proponent shall demonstrate that:

   i. Existing facilities in the vicinity, including marinas and shared
moorage, are not adequate or feasible for use;

ii. The applicant/proponent has contacted abutting property owners and none have indicated a willingness to share an existing dock or develop a shared moorage in conjunction with the applicant/proponent.

n. New residential lots created through a land division process set forth in the Spokane County Subdivision Ordinance shall be limited to the construction of one community dock serving all lots within the subdivision. New subdivisions shall contain a restriction on the face of the plat prohibiting individual docks. A site for shared moorage should be owned in undivided interest by property owners within the subdivision. If shared moorage is provided, the applicant proponent shall file at the time of plat recordation a legally enforceable joint use agreement or other legal instrument that, at a minimum, addresses the following:

i. Apportionment of construction and maintenance expenses;

ii. Easements and liability agreements; and

iii. Use restrictions.

o. Where authorized, docks shall be permitted and constructed only with the following conditions:

i. Interference with navigation and other public uses such as swimming and fishing shall be minimized;

ii. Water quality, riparian vegetation and aquatic life and habitat shall be protected;

iii. The natural character, scenic vistas and aesthetics of shorelines shall be protected or enhanced;

iv. Existing public access to the waterfront area shall be maintained or improved;

v. Piers and docks shall be located along a north/south orientation to the maximum extent feasible.

vi. Approvals of docks through this SMP, whether exempt from the Substantial Development Permit or requiring any formal permit under the SMP, shall be consistent with appropriate Federal and State regulations pertaining to public access, navigation, and protection of fish and wildlife habitat and water quality.

**Buoys**

p. A floating buoy may be approved for moorage to minimize the shoreline impact, or as an aid to navigation, only if its meets the following criteria:

i. A buoy intended for private use may be placed for moorage use only by the owner of the adjacent shoreland parcel.
ii. The buoy’s location and use do not pose an undue hazard or impingement to recreational and commercial navigation.

iii. The buoy is intended for public recreation purposes

iv. The buoy is intended for navigation safety.

v. The buoy complies with Spokane County Boating Safety Regulations.

vi. The buoy complies with all applicable Washington State requirements.

2. Natural Environment

**Docks**

a. Docks serving boat moorage for residential parcels may be permitted under a Shoreline conditional use permit, subject to the provisions of Section 5.3.17.1.p.

b. Docks serving public boating access to low impact public access recreational opportunities such as primitive camping, fishing, swimming, or hiking may be permitted subject to the provisions of Section 5.3.17.1.

**Buoys**

c. Buoys are permitted subject to provisions of Section 5.3.17.1.

3. Rural Conservancy Environment

**Docks**

a. Docks intended for general public use may be permitted subject to the provisions of Section 5.3.17.1.

b. Docks serving boat moorage for residential parcels may be permitted subject to the provisions of Section 5.3.17.1.

c. A commercial, water dependent recreation development may be permitted a maximum of one dock subject to the provisions of Section 5.3.17.1.

**Buoys**

d. Buoys and swimming area booms for public parks and summer camps may be permitted subject to the provisions of Section 5.3.17.1.
4. Urban Conservancy or Shoreline Residential Environments

Docks

a. Docks serving boat moorage for residential parcels may be permitted subject to the provisions of Section 5.3.17.1.

Buoys

b. Buoys and swimming area buoys at public parks and summer camps may be permitted subject to the provisions of Section 5.3.17.1.

5.3.18 Shoreline Modifications

1. All Environments

a. The creation of beaches is prohibited except at publicly owned parks, or as a component of an approved shoreline restoration project, including transport and dumping or other placement of sand, gravel or other materials in shoreline buffers or below the OHWM. Routine maintenance of legally existing beaches prior to the approval of this SMP is allowed.

b. Clearing, grading or other alteration to the natural topography of shorelines is prohibited, except that grading may be permitted as a component of a biotechnical (bioengineered) bank stratigraphy reconstruction.

c. Existing bulkheads shall not be enlarged in any dimension. Normal maintenance and repair of existing bulkheads is permitted. Replacement of failing or decrepit bulkheads with biotechnical (bioengineered) bank stabilization methods shall be required unless warranted technically unfeasible by a qualified biotechnical (bioengineered) bank protection professional, soils engineer, civil engineer or other qualified professional with demonstrated experience and expertise in biotechnical (bioengineered) bank protection design and construction.

d. Structural shoreline modifications are allowed where 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 shoreline ecological function mitigation or enhancement.

e. All shoreline protection measures shall be based on biotechnical (bioengineered) bank stabilization methods, consistent with design principles adopted by the Washington Interagency Aquatic Habitat
Guidelines Program (AHG Program), and set forth in the Washington State Integrated Streambank Protection Guidelines.

f. Exclusively structural bank protection may be permitted only when:
   
   i. Biotechnical (bioengineered) bank protection systems are certified not feasible or sufficient, as demonstrated in an evaluation by a qualified biotechnical (bioengineered) bank protection professional, soils engineer, civil engineer or other qualified professional with demonstrated experience and expertise in biotechnical (bioengineered) bank protection design and construction.

   ii. Such a structure is in the public interest, and:

   iii. Replacing existing shoreline protection structures is based on a demonstrated need. Waterward encroachment of replaced structures is only allowed for residences occupied prior to January 1, 1992, or those which restore shoreline native plant communities and ecological function.

g. Shoreline protection for publicly owned shorelines shall include public access wherever feasible.

h. Stream bank and lake shoreline protection measures shall maintain, restore or enhance the natural and visual quality of the area.

i. Dikes shall only be constructed for flood protection of structures existing at the time of adoption of this SMP if no non-structural means of flood hazard abatement are possible, and shall require a Shoreline Conditional Use Permit.

j. Dikes shall be set back landward of any designated or identified channel migration zone.

k. Shoreline protection measures shall maintain the natural character of the stream, shall not increase erosion of adjacent stream banks, shall avoid creating or tending toward a need for stream channelization and shall maintain shoreline ecological functions. All shore protection structures shall be consistent with the Washington Department of Fish and Wildlife Integrated Streambank Protection Guidelines and Stream Habitat Restoration Guidelines.

l. Permit approval shall be subject to the approval of appropriate Federal and State agencies responsible for navigation and maintenance of fish and wildlife habitat and water quality.
m. New shoreline stabilization and flood control works or structures shall only be allowed where there is a documented need to protect an existing structure or to maintain or enhance shoreline ecological functions.

n. New land subdivision, development and uses shall be located and designed to preclude any future need for shoreline protection measures.

o. Shoreline protection measures shall be designed to be appropriate to the type of shoreline and environmental conditions prevalent at the project site and shall be limited in size and scope to the minimum necessary to serve its primary functions.

p. Ensure that publically financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security or harm to ecological functions. Where feasible, incorporate ecological restoration and public access improvements into the project.

q. Shoreline protection measures for existing primary residential structures are allowed only where no alternatives (including relocation or reconstruction of existing structures) are feasible, and less expensive than the proposed stabilization method, and only if no net loss of shoreline ecological function will result.

r. Prior to development of any shoreline protection the proponent shall provide a geotechnical report to the Director demonstrating need, estimating rate of erosion, and evaluating urgency and alternative solutions.

   i. Structural armoring designs shall not be authorized except when a report confirms that there is a significant possibility that a primary residence will be damaged within three years;

   ii. The report shall be prepared by a professional geotechnical or an engineering firm with demonstrated experience in evaluating stream and lakeshore geomorphology, and licensed in the State of Washington.

5.4 Shoreline Use and Development and Buffer, Bulk and Dimensional Matrices

The following tables specify shoreline uses and development and buffer, bulk and dimensional standards in the four shoreline environments in the Spokane County SMP. Table 5A specifies permitted uses in each of the shoreline environments. Table 5B specifies shoreline buffers measured on a horizontal plane, perpendicular to the ordinary high water mark, and other bulk and dimensional standards.
TABLE 5A
SPOKANE COUNTY SHORELINE MASTER PROGRAM: USE AND DEVELOPMENT MATRIX

<table>
<thead>
<tr>
<th>SHORELINE USES</th>
<th>NATURAL</th>
<th>RURAL CONSERVANCY</th>
<th>URBAN CONSERVANCY</th>
<th>SHORELINE RESIDENTIAL</th>
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<td>Agriculture (new)</td>
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<td>Accessory Utilities</td>
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<td>SHORELINE USES</td>
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<td>RURAL CONSERVANCY</td>
<td>URBAN CONSERVANCY</td>
<td>SHORELINE RESIDENTIAL</td>
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### Shoreline Modification

<table>
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<th>All Shoreline Modifications</th>
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<th>X (Except exclusively as a component of ecological restoration work or for existing development preceding 1992.)</th>
<th>X (Except exclusively as a component of ecological restoration work or for existing development preceding 1992.)</th>
<th>X (Except exclusively as a component of ecological restoration work or for existing development preceding 1992.)</th>
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<tr>
<td>Artificial Beaches</td>
<td>X (except exclusively as a component of ecological restoration work by SDP)</td>
<td>CUP, public use only X (except exclusively as a component of ecological restoration work by SDP)</td>
<td>X (except exclusively as a component of ecological restoration work by SDP)</td>
<td>X (except exclusively as a component of ecological restoration work by SDP)</td>
</tr>
<tr>
<td>Dredging (when allowed)</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Dredging for ecological restoration work</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Dredging for maintenance of established navigation channels and basins</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Fill, general</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>CUP</td>
</tr>
<tr>
<td>Fill for ecological restoration work</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Fill for public boat ramp</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Revetments and Riprap</td>
<td>X (Except for bridge abutments or exclusively as a component of ecological restoration work or for existing development preceding 1992.)</td>
<td>X (Except exclusively as a component of ecological restoration work or for existing development preceding 1992.)</td>
<td>Prohibited (X) for new development. SDP for existing development preceding 1992.</td>
<td>Prohibited (X) for new development. SDP for existing development preceding 1992.</td>
</tr>
<tr>
<td>SHORELINE USES</td>
<td>NATURAL</td>
<td>RURAL CONSERVANCY</td>
<td>URBAN CONSERVANCY</td>
<td>SHORELINE RESIDENTIAL</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>-------------------</td>
<td>-------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Channel Modifications</td>
<td>X (Except for bridges and ecological restoration by SDP)</td>
<td>X (Except for bridges and ecological restoration by SDP)</td>
<td>X (Except for bridges and ecological restoration by SDP)</td>
<td>X (Except for bridges and ecological restoration by SDP)</td>
</tr>
<tr>
<td>Restoration &amp; Rehabilitation (including toxic and hazardous waste cleanup)</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Solid Waste Disposal</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wastewater Treatment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewage Treatment Plants</td>
<td>X</td>
<td>X</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Community Wastewater (On-site) Disposal</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Individual Wastewater (On-site) Disposal</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Water Dependent Recreation Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat Ramps</td>
<td>X</td>
<td>A (public or community use only)*</td>
<td>A (public or community use only)*</td>
<td>A (public or community use only)*</td>
</tr>
<tr>
<td>Buoys</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Docks</td>
<td>CUP</td>
<td>A**</td>
<td>A**</td>
<td>A**</td>
</tr>
<tr>
<td>Marinas</td>
<td>X</td>
<td>A</td>
<td>A</td>
<td>X</td>
</tr>
<tr>
<td>Non-Water Dependent Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camping Facilities</td>
<td>A (primitive campsites only)</td>
<td>A</td>
<td>A</td>
<td>X</td>
</tr>
<tr>
<td>Public Trails</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Private Trails perpendicular to shoreline</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>
KEY
A - Authorized in conformance with goals, policies and use regulations of the SCSMP, review under exemption from SDP, or by substantial development permit (SDP).
CUP - Authorized only under terms of a Shoreline Conditional Use Permit;
X - Prohibited
* - Only when a public boat ramp(s) is not available on the lake or reservoir. Boat ramps are prohibited on free flowing streams and rivers.
** - Requires additional administrative review and approval if docks exceed length provisions of Section 5.3.17.
## TABLE 5B
SPOKANE COUNTY SHORELINE MASTER PROGRAM: BUFFER, BULK AND DIMENSIONAL MATRIX

<table>
<thead>
<tr>
<th>SHORELINE USES</th>
<th>NATURAL</th>
<th>RURAL CONSERVANCY</th>
<th>URBAN CONSERVANCY</th>
<th>SHORELINE RESIDENTIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (new)</td>
<td>X</td>
<td>150’ minimum buffer</td>
<td>150’ minimum buffer</td>
<td>X</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>X</td>
<td>150’ minimum buffer for upland facilities</td>
<td>150’ minimum buffer for upland facilities</td>
<td>100’ minimum buffer for upland facilities</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Dependent Commercial</td>
<td>X</td>
<td>No buffer</td>
<td>No buffer</td>
<td>X</td>
</tr>
<tr>
<td>Water Enjoyment Commercial</td>
<td>X</td>
<td>X</td>
<td>150’ minimum buffer 35’ max height</td>
<td>X</td>
</tr>
<tr>
<td>Water Related Commercial</td>
<td>X</td>
<td>150’ minimum buffer 35’ max</td>
<td>150’ minimum buffer 35’ max height</td>
<td>X</td>
</tr>
<tr>
<td>Non-Water Oriented Commercial</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Forest Practices</td>
<td>X</td>
<td>50’ minimum buffer</td>
<td>50’ minimum buffer</td>
<td>50’ minimum buffer</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Parking</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Accessory Parking</td>
<td>X</td>
<td>landward of allowed uses</td>
<td>landward of allowed uses</td>
<td>landward of allowed uses</td>
</tr>
<tr>
<td>Category</td>
<td>Buffer Requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential**</td>
<td>200’ minimum buffer 35’ maximum height</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential maximum density</td>
<td>One unit per parcel density per Spokane County zoning ordinance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roads</td>
<td>200 foot minimum buffer 150’ minimum buffer 100’ minimum buffer, accessory roads only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridges</td>
<td>No buffer No buffer No buffer No buffer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Railroads</td>
<td>X X 150’ minimum buffer X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td>X (Except interpretive signs 3 square feet maximum) 32 square feet maximum 3 square feet maximum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td>Within road and railroad rights of way, and on road and railroad bridges only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewage Treatment Plants</td>
<td>X X 150’ minimum buffer (no buffer for outfall construction) 150’ minimum buffer (no buffer for outfall construction)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Individual Wastewater (On-site) Disposal</td>
<td>200’ minimum buffer (or 100’ minimum per Section 5.3.8.1) 150’ Minimum buffer (or 100’ minimum per Section 5.3.8.1 150’ minimum buffer (or 100’ minimum per Section 5.3.8.1 100’ minimum buffer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat Ramps</td>
<td>X No buffer No buffer No buffer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marinas &amp; Boating Facilities</td>
<td>X No buffer No buffer X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trails</td>
<td>200' minimum buffer or 5' maximum width, for water access only*</td>
<td>150' minimum buffer**</td>
<td>150' minimum buffer**</td>
<td>100' minimum buffer**</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------------------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Public Trails</td>
<td>200' minimum buffer or 5' maximum width, for water access only*</td>
<td>150' minimum buffer**</td>
<td>150' minimum buffer**</td>
<td>100' minimum buffer**</td>
</tr>
<tr>
<td>Private Trails</td>
<td>5' maximum width, for water access only</td>
<td>5' maximum width, for water access only</td>
<td>5' maximum width, for water access only</td>
<td>5' maximum width, for water access only</td>
</tr>
</tbody>
</table>

X = Not allowed
* = except for public trail segments to connect existing public non motorized trails (see Section 5.2.5.5)
** = except as allowed under Section 5.2.5.5
SECTION 6 SUBSTANTIAL DEVELOPMENT PERMITS, EXEMPTIONS, HIGH QUALITY AREAS

To bring this section into conformance with the basic requirements for administering SMPs, as set forth in RCW 90.58, WAC 173-26-191(2)(a)(iii)(A), (B), (C), (D), and to render it consistent with other required changes to Sections 3, 4, and 5, delete the following portions of Section 6, and replace with the following rewrite. Sections 6.7, 6.8 and 6.9 as proposed by Spokane County are modified.

SECTION 6
SUBSTANTIAL DEVELOPMENT PERMITS, EXEMPTIONS, HIGH QUALITY AREAS

6.0 Shoreline Substantial Development Review

6.1 Application
No substantial development shall be undertaken on the shorelines of the state without first obtaining a shoreline substantial development (SSD) permit as prescribed below.

6.2 Purpose and Intent
The purpose of the Shoreline Substantial Development permit is to ensure that substantial development within the shoreline area is accomplished in a manner that protects the shoreline ecology consistent with the Comprehensive Plan, the Shorelines Management Act and this Shoreline Master Program. This Section establishes criteria for determining the process and conditions under which a SSD permit may be acted upon by the Director. An SSD permit is subject to the specific review procedure herein and the conditions which may be imposed to assure compliance with all applicable regulations in the Shoreline Master Program. A request for a SSD permit use may be denied if the Director finds the SSD is inconsistent with the Shoreline Master Program, the Comprehensive Plan or the Shorelines Management Act.

6.3 Shoreline Substantial Development (SSD) Permit

6.3.1 SSD Permit Application
An application for a SSD permit may be filed by the owner(s) of the subject property or the owner’s designated representative. The application shall contain all information required by WAC 173-27-180 and such additional relevant information as required by the Department. A SSD permit application shall be submitted to the Department on such forms as prescribed by the Department and subject to such application fees as may be set by the Board. The application shall be processed pursuant to the requirements for a Type I application as specified in Spokane County Code Title 13, Application Review Procedures for Project Permits. A Type I permit application does
not require a public hearing. However, a public hearing is required if a person appeals the Director’s decision to approve or deny a SSD permit as specified in Section 6.3.4.

The Director may retain outside expertise to evaluate an applicant’s technical analysis and shall assess the applicant for the cost of said expertise and such assessment shall be remitted prior to release of the applicable development approval. The evaluation shall address application materials and any proposed impact mitigation strategy.

6.3.2 SSD Permit Determination

The Director may approve an application for a SSD permit if all the following criteria are met:

a. The proposed use activity is consistent with the general standards and specific use activity standards specified in Section 5 of the Shoreline Master Program.

b. The proposed use activity is consistent with the Goals and Policies of the Comprehensive Plan, the requirements in WAC 173-27, and the Shorelines Management Act of 1971, RCW 90.58.

c. The proposed use activity is consistent with all applicable Spokane County development regulations to include but not be limited to the Critical Areas Ordinance, Spokane Environmental Ordinance, Stormwater Management Guidelines, Zoning Code, Subdivision Ordinance.

d. If timber removal is proposed, the SSD shall be consistent with the Forest Practices Act, RCW 76.09.

e. Use activities locating on Shorelines of Statewide Significance shall be consistent with the preferred use policies in Chapter 10, Section NE.34 of the Comprehensive Plan.

In arriving at a decision on the SSD permit application, the Director shall consider the permit conditions to be imposed as authorized in subsection 6.3.3 below. If the Director finds that the permit application is consistent with the criteria set forth herein it shall be approved. The decision shall be issued in writing and shall include findings, conclusions and any conditions authorized pursuant to this regulation. The issuance of the decision shall comply with all requirements of WAC 173-27-190.

6.3.3 Authority to Condition

In approving a SSD permit, the Director may apply reasonable conditions. Conditions may address but not be limited to the following:

- establishment of buffers
- site specific building envelopes
- vegetation removal
- vegetation enhancement
- water access
- location and installation of utilities
- mitigation of a net loss of ecological function
- enhancement of existing shoreline buffers
- construction timing and sequencing
- post development management and operations
- scheduling of shoreline protection and enhancement measures
• control of points of vehicular ingress and egress.
• other reasonable conditions, or safeguards that will uphold the purpose and intent of this regulation and assure consistency with the Comprehensive Plan, the State Shoreline Management Act RCW 90.58.

When a use activity is proposed which may result in a net-loss of ecological function the Director shall require the applicant mitigate the impacts of the proposal consistent with the provisions of Section 4 of this regulation pertaining to shoreline protection and restoration.

This provision is applicable to the Director’s consideration of measures which mitigate adverse effects to the scenic quality of the shoreline area and to protect historical, cultural, or educational features on or in close proximity to the site. The Director may require any or a combination of the following actions listed in descending order of preference:

1. Avoid the impact altogether by redesign and relocation of the project;
2. Limit the degree or magnitude of the proposal, its methods of development, use of alternative materials, application of alternative color schemes and technologies;
3. Rectifying the impacts by restoring the affected shoreline;
4. Reduce or eliminate the impact over time by conservation and maintenance operations during the life of the action;
5. Compensate for the impacts by replacing, enhancing, or providing substitute resources or alternative materials; or
6. Monitor the impacts and take appropriate corrective measures.

6.3.4 Appeal of Director’s Action
The Director's decision to approve or deny an SSD permit or other shoreline related development action including a decision regarding exempt use activities may be appealed to the Hearing Examiner pursuant to Spokane County Application Review Procedures, Spokane County Code, Chapter 13.900. The appeal must be filed with the Department within the time frame consistent with the procedures in Title 13 of the Spokane County Code. The appeal shall be on forms provided by the Department and is subject to appeal fees adopted by the Board. The appeal shall be considered by the Spokane County Hearing Examiner at a public hearing. The Hearing Examiner shall consider the information in the appeal and in the permit application and evaluate the appeal for consistency with the Shoreline Master Program, the Comprehensive Plan, and the Shoreline Management Act, RCW 90.58. The Hearing Examiner shall act on the appeal consistent with Spokane County Hearing Examiner Ordinance. Notification of the appeal shall be provided consistent with Spokane County Application Review Procedures, Spokane County Code, Chapter 13.

6.3.5 Record Title Notice
The Director may require a title notice be recorded in the Spokane County Auditor's Office which contains the following language “The property is subject to restrictions which were placed on the property to protect the shoreline area from degradation. The property owner and his/her successors and assigns are subject to certain restrictions.
The restrictions are available for review in Department of Building and Planning file ________ In the case of short plats and plats the wording shall be placed on the final short plat or plat prior to recording in lieu of filing a title notice. This provision does not apply to parcels owned by a government entity.

6.3.6 Time Requirements For Shoreline Permits

1. Duration of Permits: The Department may issue SSD permits with termination dates of up to five years.
2. Time Limit for Substantial Progress: Substantial progress toward completion of the project shall occur within two (2) years after approval of the SDD permit.
3. Extension for Substantial Progress. The Department may at its discretion, with prior notice to parties of record and the Department of Ecology, extend the two-year time period for the substantial progress for a reasonable time up to one year based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.
4. Five-Year Permit Authorization: If construction has not been completed within five (5) years of approval by the Department, the Department will review the SSD permit and, upon showing of good cause, either extend the SSD permit for one year, or terminate the permit. Prior to the Department authorizing any permit extensions, it shall notify parties of record and the Department of Ecology. Only a total of one (1) extension is permitted.

6.3.7 Revision of Permits.

When an applicant desires to revise a SSD permit, the applicant shall submit detailed plans and text describing the proposed changes. If the Director determines that the revisions proposed are within the scope and intent of the original SSD permit, consistent with WAC 173-27, the Director may approve the revision. "Within the scope and intent of the original Permit" means all of the following apply:

1. No additional over-water construction is involved, except that a dock may be increased by 5 percent (5%) in area;
2. Ground area coverage and height is not increased more than ten percent (10%);
3. Additional structures do not exceed a total of two hundred fifty (250) square feet;
4. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of these regulations except as authorized under a variance granted as the original permit or part thereof;
5. Additional landscaping is consistent with conditions (if any) attached to the original permit;
6. The use authorized pursuant to the original permit is not changed;
7. No substantial adverse environmental impact will be caused by the project revision;
8. There will be no net loss of shoreline ecological function.

If the proposed revision does not meet the criteria above, an application for a new SSD permit must be submitted. If the revision involves a Conditional Use or Variance which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by the Department of Ecology consistent with WAC 173-27. The Departments
decision on a revision to a SSD permit may be appealed within twenty-one (21) days of such decision, in accordance with WAC 173-27-190.

6.4 Exemptions

6.4.1 Exempt Use Activities Comply with SMP

Exemptions specified in Section 6.4.2 shall be construed narrowly. Only those use activities and related improvements which meet the precise terms of one or more of the exemptions listed below in Section 6.4.2 are granted exemption from the substantial development permit process. An exemption from the substantial development permit process is not an exemption from compliance with the Shorelines Management Act, the standards of this regulation, the Comprehensive Plan or other applicable Spokane County development regulations.

To be authorized, an exemption must be consistent with the policies and provisions of this regulation and consistent with the Comprehensive Plan. In consideration of exemptions, the burden of proof that a use activity is exempt is upon the applicant. If any part of a proposal is not eligible for exemption, then a substantial development permit is required for the entire project provided that the proposal is not prohibited by this Shoreline Master Program.

6.4.2 List of Exemptions

The following use activities shall not require a substantial development permit:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed the amount specified in WAC 173-27-040, if such development does not materially interfere with the normal public use of the water or shorelines of the state.

2. Normal maintenance or repair of existing structures or improvements, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition or use. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource 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. This exemption includes the normal operation and maintenance of utilities and roads;

3. Construction of a bioengineered shoreline protection improvement intended to protect a single-family residence. A "normal protective" improvement includes those bioengineered structural and nonstructural improvements 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. Beach nourishment and bioengineered erosion control projects may be considered a normal shoreline protection improvement when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.

4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is 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 this chapter as determined by the Director. 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, shall be requested and approved pursuant to the Shoreline Management Act and this regulation, provided the improvement is not prohibited by this regulation. All emergency construction shall be consistent with the policies of the Shorelines Management Act and this regulation. 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 for farming, irrigation, and ranching activities, to include agricultural service roads, utilities, and fencing on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.

6. Construction or modification by a public agency 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 or local government having jurisdiction thereof.

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owners, lessee, or contract purchaser of a single-family and multiple-family residences. This exemption applies to a dock that is intended as a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies to docks with a fair market value that does not exceed the cost specified in WAC 173-27-040.

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 ground water from the irrigation of lands. This exemption does not apply to boat canals.

10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

11. Any project with a certification from the governor pursuant to Chapter 80.50 RCW;

12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this regulation, if:

   a. The activity does not interfere with the normal public use of the surface waters

   b. The activity will have no significant adverse impact on the environment including, but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

   c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation, land configuration of the site, and shoreline ecological functions 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 local jurisdiction to ensure that the site is restored to preexisting conditions

13. 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;

14. Watershed restoration projects as specified in WAC 173-27-040(2)(o);

15. A public or private project, the primary purpose of which is 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 as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

   b. The project has received hydraulic project approval by the department of fish and wildlife pursuant to Chapter 75.20 RCW; and

   c. The Director has determined in writing that the project is consistent with the local shoreline master program.


6.4.3 Exemption Review Procedure and Action

The Department shall review all requests for approval of exempted use activity which are submitted to the Department pursuant to Spokane County development regulations. The Director may require a detailed site development plan to include but not be limited to a written description of site development, specific location of all site improvements and other site alterations whether concurrent with development or to occur within 3 years subsequent to initial development. The Department shall review the
proposal for consistency with all the criteria specified in Section 6.3.2 applicable to Shoreline Substantial Development Permits.

The Director may retain outside expertise to evaluate the applicant’s technical analysis and shall assess the applicant for the cost of said expertise and such assessment shall be remitted by the applicant prior to release of the applicable development approval. The evaluation shall address application materials and any proposed impact mitigation strategy.

The Director shall act on the exemption shall occur in conjunction with the Department’s action on a development approval request pursuant to another applicable Spokane County development regulations administered by the Department. The Director shall approve the exemption by so noting in writing that the exemption is consistent with this regulation and that such written notation shall be included in the development file maintained in the Department. The written approval shall note all conditions authorized by this regulation applicable to the exemption.

When a use activity is proposed which may result in a net loss of ecological function the Director shall require the applicant mitigate the impacts of the proposal consistent with the provisions of Section 4 of this regulation pertaining to shoreline protection and restoration.

6.4.4 Application of Reasonable Conditions

The Director may attach reasonable conditions to the approval of exempted use activities as necessary to assure consistency with this regulation and the Comprehensive Plan. Conditions may address but not be limited to the following:

- establishment of buffers
- site specific building envelopes
- vegetation removal and vegetation enhancement
- water access
- location and installation of utilities
- mitigation of a net loss of shoreline ecological function
- enhancement of existing shoreline buffers
- construction timing and sequencing
- post development management and operations
- scheduling of shoreline protection and enhancement measures
- control vehicular ingress and egress points.
- other reasonable conditions, or safeguards that will uphold the purpose and intent of this regulation and assure consistency with the Comprehensive Plan and the State Shoreline Management Act.

When an exempt use activity is proposed or an existing exempt use activity is substantially modified which may result in a net loss of ecological function the use activity shall comply with the provisions of Section 4 of this regulation pertaining to shoreline protection and restoration. The Director’s decision on an exemption may be
appealed in the same manner as prescribed for a substantial development permit action in Section 6.3.4 of this regulation.

This provision is applicable to the Director’s consideration of measures which mitigate impacts to the scenic quality of the shoreline area and to protect historical, cultural, or educational features on or in close proximity to the site. The Director may require any or a combination of the following actions listed in descending order of preference:

1. Avoid the impact altogether by redesign and relocation of the project;
2. Limit the degree or magnitude of the proposal, its methods of development, use of alternative materials, application of alternative color schemes and technologies;
3. Rectify the impacts by restoring the affected shoreline;
4. Reduce or eliminate the impact over time by conservation and maintenance operations during the life of the action;
5. Compensate for the impacts by replacing, enhancing, or providing substitute resources or alternative materials; or
6. Monitor the impacts and take appropriate corrective measures.

6.4.5 Exempt Activities Which Are Subject to Federal Review

Some exempt use activities conducted on shorelines of the state also require review and approval by federal agencies. Department of Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate ecology’s coordination of Spokane County actions, with regard to exempt development, with federal permit review.

1. The Department shall prepare a letter of exemption, addressed to the applicant and the department, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:
   a. A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or
   b. A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)
   c. The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government’s analysis of the consistency of the project with the master program and the act.

6.5 High Quality Areas

The development and operation of a use activity, whether a substantial development or
exemption, locating in a High Quality Area illustrated on the Shoreline Designation Map (refer to Appendix II), shall not degrade any of the environmental characteristics which are the basis of the High Quality Area classification as set forth in the Spokane County Conservation District 2005 Stream Inventory and Assessment. When a use activity is proposed on a property which is within a High Quality Area a shoreline ecological assessment report is required of the applicant and it shall be prepared by a qualified ecologist. The report shall include the following elements:

i. a description of the existing ecological characteristics of the site to include but not be limited to the soil characteristics, the type and extent of vegetation, slope, wildlife habitat and such other site characteristics deemed appropriate by the Director.

ii. identification of the environmental characteristics which are the basis of the High Quality Area classification as specified in the 2005 SCCD Inventory and Assessment Study.

iii. an assessment of the specific impacts of the proposal on the environmental characteristics which are the basis of the High Quality Area classification as specified in the 2005 SCCD Inventory and Assessment.

iv. illustration of a specific strategy to assure no degradation of the environmental characteristics which are the basis of the High Quality Area classification. The strategy may address but not be limited to establishment of buffers, site specific building envelopes, vegetation removal, vegetation enhancement, water access limitations, location and installation of utilities, use activity management and operation, restoration of preexisting degraded shorelines, enhancement of existing shoreline buffers, construction timing and sequencing, post development management and operations.

The Director shall 1) request evaluation of the report by state and local public resource agencies having expertise in shoreline ecology; 2) modify the restoration strategy and site design as deemed appropriate based on the shoreline function assessment report findings and resource agency comment; 3) require the applicant retain a qualified ecologist to certify that all shoreline protection and enhancement measures have been properly accomplished. The Director may retain outside expertise to evaluate the applicant’s technical analysis and shall assess the applicant for the cost of said expertise and such assessment shall be remitted prior to release of the applicable development approval. The evaluation shall address application materials and any proposed impact mitigation strategy.

The Director may waive the requirement for a High Quality Area report should a use activity clearly not disturb or adversely effect any of the environmental characteristics which are the basis for the high quality area designation, providing the Director provides a written finding of such decision. The Director may attach reasonable conditions to the approval of use activities as necessary to assure consistency with this regulation and the Comprehensive Plan. The conditions may address but not be limited to the conditions set forth in Section 6.3.3. The Director may impose any other reasonable conditions, or safeguards that will uphold the purpose and intent of this regulation and assure consistency with the Comprehensive Plan, RCW 90.58, the State Shoreline
The provisions of this Section do not apply to normal maintenance of public road and bridge facilities to include rebuilding and realignment of such facilities.

6.6 Record Title Notice
A title notice shall be recorded in the County Auditor’s Office which contains the following language: “The property is subject to restrictions which were placed on the property to protect High Quality Areas from degradation. The property owner and his/her successors and assigns are subject to certain restrictions. The restrictions are available for review in Department of Building and Planning file __________ In the case of short plats and plats the wording shall be placed on the final short plat or plat prior to recording in lieu of filing a title notice. This provision does not apply to property owned by a government entity.

Replace the stricken language with the following:

6.0 Shoreline Substantial Development Review

6.1 Application
No substantial development shall be undertaken on the shorelines of the state without first obtaining a shoreline substantial development permit (SDP) as prescribed below. To be authorized, all uses and developments shall be planned and carried out in a manner that is consistent with this Program and the policy of the Shoreline Management Act as required by RCW 90.58.140(1), regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.

6.2 Purpose and Intent
The purpose of the Shoreline Substantial Development Permit (SDP) is to ensure that substantial development within the shorelines is conducted in a manner implementing the goals, policies and regulations of the Shoreline Management Act and this SMP. This Section establishes criteria, process and conditions under which SDPs may be approved and conditioned by the Director. An SDP is subject to the specific review procedure described in this section. Conditions may be imposed to ensure compliance with all applicable regulations in this section. A request for a SDP may be denied if the Director finds the development is inconsistent with this SMP, the Comprehensive Plan, or the Shoreline Management Act.
6.3 Shoreline Substantial Development (SDP) Permit

6.3.1 SDP Application

1. An application for a SDP may be filed by the owner(s) of the subject property or owner’s agent or designated representative.

2. The application shall be made using the Joint Aquatic Permit Application (JARPA) form, and shall contain all information required by WAC 173-27-180 and such additional relevant information as is required by the Director.

3. An application for SDP shall be submitted to the Director, subject to such application fees as may be set by the Board of County Commissioners.

4. The application shall be processed pursuant to the requirements for a Type I application as specified in Spokane County Code Title 13, Application Review Procedures for Project Permits.

5. A Type I permit application does not require a public hearing. However, a public hearing is required if a person appeals the Director’s decision to approve, add conditions, or deny a SDP as specified in Section 6.3.4.

6.3.2 SDP Determination

1. The Director may approve an application for a SDP if all the following criteria are met.

2. The proposed use or development is consistent with the general and specific standards and regulations and specific use standards specified in Section 5 of this SMP.

3. The proposed use or development is consistent with the Goals and Policies of the Comprehensive Plan, the requirements in WAC-173-27, and the Shoreline Management Act of 1971, RCW 90.58.

4. The proposed use or development is consistent with all applicable Spokane County development regulations.

5. If timber removal is proposed, the SDP shall be consistent with the Forest Practices Act, RCW 76.09.

6. Uses locating on Shorelines of Statewide Significance shall be consistent with the preferred use policies in Chapter NE.34 of the Comprehensive Plan.

7. The Director shall approve or deny the application, with appropriate conditions, consistent with the criteria set forth in this SMP. The decision shall be issued in
writing and shall include findings, conclusions and any conditions applied pursuant to this SMP.

6.3.3 Authority to Condition

1. In approving a SDP or a use or development which is exempt from the requirement for a SDP, the Director may apply reasonable conditions. Conditions may address but not be limited to the following:

   a. establishing buffers
   b. site specific building envelopes and setbacks
   c. removing vegetation
   d. grading and excavation
   e. compensating and mitigating shoreline impacts
   f. implementing shoreline restoration
   g. access to the shoreline
   h. locating and installing utilities
   i. provision for dedicated public access
   j. compensating and mitigating adverse impacts to ecological functions
   k. ecologically rehabilitating altered, degraded shoreline buffers
   l. construction timing and sequencing
   m. post development management and operations
   n. specifying the timing of shoreline protection and enhancement measures
   o. controlling location of vehicular ingress and egress.
   p. maximum structure density
   q. other reasonable conditions or safeguards that will uphold the purpose and intent of this SMP and assure consistency with the Comprehensive Plan, the State Shoreline Management Act RCW 90.58.

2. When a use is proposed which may result in damage to ecological functions or shoreline functions per WAC 173-26-020(11), the Director shall require the applicant to mitigate and compensate for the impacts of the proposal, consistent with the provisions of Section 4 of this SMP.

3. This provision is applicable to the Director’s consideration of measures which mitigate adverse effects to the scenic quality of the shorelines and to protect historical, cultural, or educational features on or in close proximity to the site. The Director may require any or a combination of the following actions listed in descending order of preference:

   a. Avoid the impact altogether by redesigning or relocating the project;

   b. Limit the degree or magnitude of the proposal, its methods of development, use of alternative materials, application of alternative color schemes and technologies;
c. Rectifying the minimized, unavoidable impacts by restoring the affected shoreline;

d. Reduce or eliminate the impact over time by conservation and maintenance operations during the life of the action;

e. Compensate for the impacts by replacing, enhancing, or providing substitute resources or alternative materials;

f. Monitor the impacts and take appropriate corrective measures.

6.3.4 Department of Ecology Review

A notice of decision for action on a shoreline substantial development permit shall be filed with the Department of Ecology and the Office of the Attorney General, Ecology Division pursuant to WAC 173-27-130.

6.3.5 Appeal of a SDP Action

1. The Director’s decision to approve or deny an SDP or other shoreline related development action including a decision regarding exempt uses may be appealed to the Hearing Examiner pursuant to Spokane County Application Review Procedures, Spokane County Code, Chapter 13.900.

2. The appeal must be filed with the Department of Building and Planning consistent with the procedures in Title 13 of the Spokane County Code. The appeal shall be on forms provided by the Department of Building and Planning and is subject to appeal fees adopted by the Board. The appeal shall be considered by the Spokane County Hearing Examiner at a public hearing.

3. The Hearing Examiner shall consider the information in the appeal and in the permit application and evaluate the appeal for consistency with this SMP, the Comprehensive Plan, WAC 173-27, and the Shoreline Management Act, RCW 90.58.

4. The Hearing Examiner shall deliberate on the appeal consistent with Spokane County Hearing Examiner Ordinance. Notification of the appeal shall be provided consistent with Spokane County Application Review Procedures, Spokane County Code, Chapter 13.

5. Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the Shorelines Hearings Board by filing a petition for review within twenty-one days of the date of receipt of the decision as provided for in RCW 90.58.140(6).

6. Within seven days of the filing of any petition for review with the board as
provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the Department of Ecology, the Office of the Attorney General, and the local government. The Department of Ecology and the Office of the Attorney General may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

6.3.6 Record Title Notice

The Director may require a title notice be recorded in the Spokane County Auditor’s Office which contains the following language “The property is subject to restrictions which were placed on the property to protect the shorelines from degradation. The property owner and his/her successors and assigns are subject to certain restrictions. The restrictions are available for review in Department of Building and Planning file ________.” In the case of short plats and plats the wording shall be placed on the final short plat or plat prior to recording in lieu of filing a title notice. This provision does not apply to parcels owned by a government entity.

6.3.7 Time Requirements For Shoreline Permits

1. Duration of Permits: The Director may issue SDPs with termination dates of up to five years.

2. Time Limit for Substantial Progress: Substantial progress toward completion of the project shall occur within two (2) years after approval of the SDP permits.

3. The Director may at its discretion, with prior notice to parties of record and the Department of Ecology, extend the two-year time period for the substantial progress for a reasonable time up to one year based on factors including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction if a request for extension has been filed before the expiration date.

4. Five-Year Permit Authorization: If construction has not been completed within five (5) years of approval by the Director, the Director will review the SDP and, upon showing of good cause, either extend the SDP for one year, or terminate the permit. Prior to the Director authorizing any permit extensions, it shall notify parties of record and the Department of Ecology. Only one (1) single extension is permitted.

6.3.8 Revision of Permits

1. When an applicant desires to revise a SDP, the applicant must submit detailed plans and text describing the proposed changes. If the Director determines that the revisions proposed are within the scope and intent of the original SDP, consistent with WAC 173-27, the Director may approve the revision. "Within the scope and intent of the original Permit" means all of the following:
2. No additional over-water construction is involved;
3. Ground area coverage and height is not increased more than ten percent (10%);
4. Additional structures do not exceed a total of two hundred fifty (250) square feet;
5. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of these regulations except as authorized in a shoreline variance permit;
6. Additional landscaping is consistent with conditions attached to the original Permit;
7. The use authorized in the original permit is not changed;
8. No additional adverse environmental impact will be caused by the project revision;
9. If the proposed revision does not meet the criteria above if the sum of the revision and any previously approved revisions under former WAC 173-14—64 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.
10. If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the Department of Ecology for the it’s approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100.
11. The Director’s decision regarding a revision to a SDP may be appealed to the Shorelines Hearings Board in accordance with RCW 90.58.180.

6.4 Uses and Developments which are Exempt From Some or All of the Requirements of this SMP and RCW 90.58.

6.4.1 Uses and developments exempted from only the requirement for a substantial development permit shall comply with the goals, policies and use regulations of the SMP.

1. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act, or the standards of this SMP or other applicable Spokane County development regulations.
2. To be authorized, an exempted use or development must be consistent with the policies and provisions of this SMP. The burden of proof that a use is exempt
from the requirement for a substantial development permit is upon the applicant. If any part of a proposal is not eligible for such an exemption, then a substantial development permit is required for the entire project, provided that the proposal is not prohibited by this SMP.

3. Exemptions specified in Section 6.4.2 shall be construed narrowly. Only those uses and related improvements which meet the precise terms of one or more of the exemptions listed below in Section 6.4.2 are granted exemption from the substantial development permit process.

4. Uses and developments listed in Section 6.4.2 as categorically exempt from the substantial development permit shall be reviewed as described and illustrated on a completed Joint Aquatic Resource Permit Application (JARPA) form.

6.4.2 The following uses and developments are exempt from the requirement for a substantial development permit.

RCW 90.58.030(3)(e)

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

2. Construction of the normal protective bulkhead common to single family residences;

3. Emergency construction necessary to protect property from damage by the elements;

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

5. Construction or modification of navigational aids such as channel markers and anchor buoys;

6. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her 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 or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

7. **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 and multiple family residences.** This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does 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 completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

8. **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;**

9. **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;**

10. **Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;**

11. **Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:**

   a. **The activity does not interfere with the normal public use of the surface waters;**

   b. **The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;**

   c. **The activity does not involve the installation of a structure, and upon 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 local jurisdiction to ensure that the site is restored to preexisting conditions; and**
e. The activity is not subject to the permit requirements of RCW 90.58.550;

12. The process of removing or controlling an aquatic noxious weed, 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 jointly with other state agencies under chapter 43.21C RCW.

RCW 90.58.580(3)

13. A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

RCW 90.58.045

14. Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.

RCW 90.58.065

15. The guidelines adopted by the department and master programs developed or amended by local governments according to RCW 90.58.080 shall not require modification of or limit agricultural activities occurring on agricultural lands.

RCW 90.58.140(9) Energy Facility Site Evaluation Council

16. The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

RCW 90.58.147 & 77.55.181(4)

17. No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

RCW 90.58.355

18. The procedural requirements of this chapter shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
RCW 90.58.370

19. All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

RCW 90.58.515

20. Watershed restoration projects as defined in RCW 89.08.460 are exempt from the requirement to obtain a substantial development permit. Local government shall review the projects for consistency with the locally adopted shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving a complete consolidated application form from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

Note: The Washington state legislature is the sole authority for the list of allowed exemptions at RCW 90.58.030(3)(e), which is subject to amendment.

6.4.3 Review and Approval of Uses and Developments Exempted from the Requirement for a Substantial Development Permit

1. The Director shall review all requests for approval of exempted uses or developments which are submitted to the Department of Building and Planning as required in Section 6.4.1.4 (above). The Director shall require a detailed site development and compensation and mitigation plan as required in Section 4 of this SMP, to include but not be limited to a written description of site development, specific location of all site improvements and other site alterations whether concurrent with development or to occur within 3 years subsequent to initial development.

2. The Director shall review the proposal for consistency with all the criteria specified in Section 6.3.2 applicable to all uses and development, including substantial developments requiring the Shoreline Substantial Development Permit.

3. The Director shall act on the exemption in conjunction with the Director’s action on a development approval request pursuant to other applicable Spokane County Development regulations administered by the Department of Building and Planning.
4. The Director shall approve the exempted activity with appropriate conditions, by so noting in writing to the applicant that the proposed development or use is consistent with this SMP.

5. The written notation shall be included in the development file maintained in the Department of Building and Planning.

6. The written approval shall note all conditions authorized by this SMP applicable to the exemption.

6.4.4 Authority to Condition

1. The Director may attach conditions to the approval of exempted uses or development as necessary to assure consistency with the goals, policies, and use regulations of this SMP. Conditions may address but may not be limited to those listed in Section 6.3.3 of this SMP.

2. When an exempt use or development is proposed or substantially modified which may result in adverse impacts to shoreline ecological functions, the use or development shall comply with the provisions of Section 4 of this SMP pertaining to shoreline protection and restoration. The Director’s decision on an exemption may be appealed in the same manner as prescribed for a substantial development permit action in Section 6.3.4 of this SMP.

3. This provision is applicable to the Director’s consideration of measures which mitigate adverse effects to the scenic quality of the shorelines and to protect historical, cultural, or educational features on or in close proximity to the site. The Director may require mitigation in accordance with Section 6.3.3.

   a. Avoid the impact altogether by redesign and relocation of the project;

   b. Limit the degree or magnitude of the proposal, its methods of development, use of alternative materials, application of alternative color schemes and technologies;

   c. Rectifying the impacts by restoring the affected shoreline;

   d. Reduce or eliminate the impact over time by conservation and maintenance operations during the life of the action;

   e. Compensate for the impacts by replacing, enhancing, or providing substitute resources or alternative materials, or;

   f. Monitor the impacts and take appropriate contingency, maintenance or corrective measures.
6.4.5 Exempt Activities Which Are Subject to Federal Review

Some uses or developments in shorelines which are exempt from the requirement for a substantial development permit also require review and approval by federal agencies. Department of Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The following is intended to facilitate Ecology's coordination of Spokane County actions, with regard to exempt development, with federal permit review:

1. The Director shall prepare a letter of exemption, addressed to the applicant and the Department of Ecology, whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:
   a. A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or;
   b. A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.);
   c. The letter shall indicate the specific exemption provision from RCW 90.58 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the act.

6.5 Nonconforming Use and Development

1. “Nonconforming use or development”, means shoreline use or development which was lawfully constructed or established prior to the effective date of the shoreline Management Act or this shoreline master program or amendments thereto, but which does not conform to present regulations or standards of the master program.

2. Maintenance, repair, expansion or enlargement of nonconforming uses and developments in shorelines of the state within Spokane County shall be regulated using the definitions and standards in Chapter 173-27-080 WAC.

3. "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of
the act or the applicable master program, or amendments thereto, but which
does not conform to present regulations or standards of the program, with the
exception of residential uses and appurtenant structures as described in Section
6.5.5.

4. Structures that were lawfully legally established 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.

5. The following are considered conforming uses:

a. residential structures and appurtenant structures that were legally-lawfully
   established and are used for a conforming use, but that do not meet
   standards for the following to be considered a conforming structure: setbacks,
   buffers, or yards; area; bulk; height; or density; and

b. redevelopment, expansion, change with the class of occupancy use, or
   replacement of the residential structure if it is consistent with the Spokane
   County Master Program, including requirements for no net loss of shoreline
   ecological functions.

c. Single-family residences that are located landward of the ordinary high water
   mark may be enlarged or expanded in conformance with applicable bulk and
   dimensional standards by the addition of space to the main structure or by the
   addition of normal appurtenances as defined in WAC 173-27-040 (2)(g)
   provided that:

   i. The structure is located landward of the ordinary high water mark; and
   ii. No waterward enlargement or expansion beyond the existing
       structure’s foundations walls will occur; and
   iii. The enlargement, expansion or addition is in conformance with all
       other provisions of this SMP;
   iv. The increased height does not impair the public’s view of the shoreline;
       and
   v. Enlargements, expansions or additions will not increase the degree of
      non-conformity.
   vi. An enlargement, expansion or addition may be approved without a
       conditional use permit or variance provided that:

   a. Enlargements, expansions or additions that increase the total
      footprint of the existing structure(s) by up to ten (10) percent
      shall be allowed provided the the criteria of Section 6.5.5.c.i-iv
      are met and that no waterward or lateral enlargement or
      expansion beyond the existing structures’s foundation walls will
occur.
b. Enlargements, expansions or additions that increase the total footprint of the existing structure(s) greater than ten (10) percent but no more that twenty-five (25) percent or increase the structure height up to the limits allowed by this Program shall be allowed provided that the addition meets the criteria of Section 6.5.5.c. i-v; no waterward or lateral enlargement or expansion beyond the existing structure’s foundation walls will occur; and further provided that an equivalent area of shoreline buffer is enhanced through planting of native vegetation. The Director shall require a planting plan to ensure this standard is implemented.

vii. An enlargement, expansion or addition must be approved through a conditional use permit if:
   a. A single family residence is enlarged or expanded by the addition of space to the exterior of the main structure by more than 25% of the existing footprint, provided the expansion/enlargement occurs laterally or landward, but not waterward of the structure; or if
   b. Enlargements, expansions or additions shall be allowed provided that the addition meets the criteria of Section 6.5.5.c. i-v; and further provided that an equivalent area of shoreline buffer is enhanced through planting of native vegetation. The Director shall require a planting plan to ensure this standard is implemented.

d. For purposes of this section, "appurtenant structures" means garages, sheds, and other lawfully legally established structures. See the definition in Section 11 of this SMP. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.

e. Nothing in this section restricts the ability of the Spokane County Master Program to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains, channel migration zones and geologically hazardous areas; or affects the application of other federal, state, or local government requirements to residential structures.

6. Uses and developments that were lawfully legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded.

7. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not
been obtained shall be considered a nonconforming use.

8. 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.

9. A structure which is being or has been used for a legal nonconforming use may be used for a different legal nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

   a. No reasonable alternative conforming use is practical; and

   b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

   c. In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

10. A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.

11. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

12. 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. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

13. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed without a variance if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the Shoreline Master Program and the Shoreline
Management Act, and provided that:

a. The depth of the lot is equal to or less than the standard shoreline buffer;
b. The building area lying landward of the shoreline buffer and interior to required sideyard setbacks complies with applicable bulk and dimensional standards of this Shoreline Master Program and applicable Spokane County land use regulations;
c. All single family residences approved under this section shall not extend waterward of the common-line setback as measured in Section 5.2.5.7, if applicable;
d. All structures are as far landward as possible and not closer than fifty (50) feet from the ordinary high water mark;
e. Appropriate measures are taken to mitigate all adverse impacts, including using low impact development measures such as pervious pavement for driveways and other hard surfaces;
f. Opportunities to vary the sideyard and/or frontage setbacks are implemented to reduce the nonconformity when doing so will not create a hazardous condition or a condition that is inconsistent with this Program; and
g. The residence is located in the least environmentally damaging location relative to the shoreline and any critical areas.

6.6 Final Permit Decision

The decision to approve a SDP shall become final only after the appeal period has expired. If the decision to approve a SDP is timely appealed pursuant to the terms of this section, then the approval shall become effective only after the completion of the appeal process, including any appeal to a higher tribunal or court, and the expiration of the appeal period for any further appeal, provided that an appeal has not resulted in the approval of the permit being reversed.

6.7.8 Approval Conditions – Basis

Project approval conditions authorized by Section 6 shall be based on one or a combination of the following considerations:

- Shoreline Master Program Goals and Policies
- Implementation of Shoreline Master Program regulations
- Requirements of RCW 90.58, the Shorelines Management Act and the provisions of WAC 173-27, the Shorelines Management Administrative Code and Washington Administrative Codes adopted to implement the SMA.
- Evaluation of project application technical information
- Technical analysis accomplished by Spokane County
6.89 On-site Inspection Required

Following issuance of a shoreline development approval the Department shall inspect the shoreline project site to determine that all site alterations and improvements are consistent with the project conditions of approval. At a minimum, after approving uses and developments subject to this Shoreline Master Program, the Director shall inspect the site to assure that all site alterations and improvements are consistent with applicable buffers, structural setbacks, and other use regulations. The Director may require more than one multiple site inspections if deemed necessary to assure full compliance of project approval requirements. Determinations of non-compliance are subject to the enforcement actions authorized in Section 8 of this regulation entitled “Administration and Enforcement.”

6.9. Denial and Revocation of a Substantial Development Permit

A request for a Substantial Development Permit may be denied if the use or development is not compatible with other permitted uses in the area or will be materially detrimental to the shoreline. A Substantial Development Permit may be subject to periodic review to determine compliance with permit conditions. A Substantial Development Permit may be rescinded or modified in accordance with RCW 90.58.180 if, after a public hearing with notice as provided for a Type II project permit under Title 13, Spokane County Code, the Hearing Examiner finds that a grantee or their successors in interest failed to comply with conditions or restrictions included in the Substantial Development Permit.

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SECTION 7 VARIANCES AND CONDITIONAL USES

Throughout this section reference is made to “use activities”, which is a redundant phrase. Strike this phrase and replace with the phrase “uses and developments”;

Throughout this section reference is made to the “Shorelines Management Act”. Strike the letter “s” from “Shorelines”. The title of the Act is the “Shoreline Management Act of 1971”. The header for Section 7.1.4 Variance Criteria should reference the regulatory criteria, as does the header for Section 7.2.4 for Conditional Use Permits. The citations and criteria are different for the two processes. Sections 7.1.6, 7.2.6 and 7.2.7 are modified to include current contact information and the correct legal citation.

7.1.4 Variance Criteria (WAC 173-27-120)

7.1.6 Department of Ecology Review

Following receipt of the written approval of a variance by the Hearing Examiner the Director shall forward the variance application and the Hearing Examiner decision to the Department of Ecology, Eastern Regional Office and the Washington Office of the
Attorney General, Ecology Division for review pursuant to WAC 173-27-190 RCW 90.58.140(6)”. Development permits shall not be issued by the Director until the Department of Ecology approves the variance. The Department Director may issue development permits following the Department of Ecology’s affirmative action on the variance. The Department Director shall provide timely notification of the Department of Ecology’s action on the variance to the applicant and interested persons requesting notification.

7.2.6 Denial and Revocation of a Conditional Use Permit

A request for a Conditional Use may be denied if the use is not compatible with other permitted uses in the area or will be materially detrimental to the shoreline. A Conditional Use Permit may be subject to periodic review to determine compliance with permit conditions. A Conditional Use Permit may be suspended or revoked in accordance with RCW 90.58.180 if, after a public hearing with notice as provided for a Type II project permit under Title 13, Spokane County Code, the Hearing Examiner finds that a grantee or their successors in interest failed to comply with conditions or restrictions included in the Conditional Use Permit.

7.2.7 Department of Ecology Review

Following receipt of the written approval of a Conditional Use by the Hearing Examiner the Department Director shall forward the Conditional Use application and the Hearing Examiner’s decision to the Department of Ecology, Eastern Regional Office and the Office of the Attorney General, Ecology Division for review pursuant to WAC 173-27-190 RCW 90.58.140(6). Development permits shall not be issued by the Department Director until 21 days from the date of filing with the Department of Ecology or until Department of Ecology proceedings initiated within 21 days from the date of such filing have been terminated except as provided in RCW 90.58.140.5(a) and (b). The Department Director may issue development permits following the Department of Ecology’s affirmative action on the variance. The Department Director shall provide timely notification of the Department of Ecology’s action on the Conditional Use to the applicant and interested persons requesting notification.

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SECTION 8 ADMINISTRATION AND ENFORCEMENT

Throughout the section, replace “use activity” with “uses and developments”, to comply with RCW 90.58.030, and WAC 173-27-030(4),(6), and (7), and WAC 173-27-040.

Revise the following sections as shown, to comply with RCW 90.58.130(2), WAC 173-26-100, WAC 173-26-140, WAC 173-27-160 and RCW 36.70B.110 (11). Sections 8.2 and 8.3 as proposed by Spokane County are retained, with minor clarifications to Section 8.2.10.
8.1 Administrative Determinations

8.1.2 Applicability

Administrative determinations and interpretations subject to the requirements of this section are as follows:

1. Department Director’s decisions regarding a shoreline use activity or development action pursuant to this regulation;

2. Interpretations of the provisions of these regulations.

8.1.3 Procedures

1. If the administrative determination or interpretation of this regulation relates to a site specific use activity or development on a specific site, notification shall be provided by first class mail to adjacent property owners. If the administrative determination or regulation interpretation is not related to a site-specific use activity or development, then a notice of decision is not required. If notification is issued, it shall include statements explaining the action taken and specify that the decision may be appealed to the Hearing Examiner.

2. Written administrative interpretations shall only be rendered after consultation with the Washington Department of Ecology, to insure consistency with the purpose and intent of chapter 90.58 RCW and the applicable Shoreline Master Program Guidelines, WAC 173-26.

3. Any appeal of an administrative determination or regulation interpretation must be filed with the Department Director within the limited time limit consistent with the procedures required specified in Title 13 of the Spokane County Code. The appeal shall be on such forms as prescribed by the Department of Building and Planning and the appellant shall remit an appeal fee approved by the Board.

8.1.4 Interpretation of Permitted Use activity or Development

It is recognized that all possible use activities and variations of use or development activities that might arise cannot reasonably be listed or categorized in Section 5 of this regulation. Any use or development activity not specifically mentioned in Section 5 or about which there is any question shall be administratively classified by comparison with other uses identified in the Section 5. If the proposed use or development resembles identified use or development in terms of intensity and character, and is consistent with the purpose of this regulation and the individual shoreline designation in which it is located it shall be considered as a permitted/nonpermitted use within one or more shoreline designations subject to the development standards for the use or development activity it most nearly resembles.
The proponent of a use or development activity not classified in this regulation and not similar to any permitted use activity specified in Section 5 of this regulation may apply for be reviewed as a shoreline conditional use and shall be reviewed permit as provided for in Washington Administrative Code (WAC) 173-27-160 030(4) and WAC 173-27-190. The shoreline conditional use application submission and review procedures are subject to the requirements of Section 7.2 of this regulation.

To achieve consistency with WAC 173-27-160(1), (2), and (3), strike the following section:

As an alternative, the proponent of a use activity not resembling other identified permitted use activities specified in Section 5, may apply for an amendment to the Spokane County Shoreline Master Program pursuant to Section 13 of this regulation, entitled Shoreline Master Program Amendment Procedures.

Revise the following section as shown, to comply with RCW 90.58.130(2):

8.2.10 Department of Ecology

Enforcement actions pursuant to this regulation does not preclude the Department of Ecology and the Attorney General of Washington from pursuing any enforcement actions pursuant to the provisions of RCW 90.58 WAC 173-27. Pursuant to RCW 90.58 WAC 173-27 the Department of Ecology may join and assist the Department of Building and Planning in its enforcement actions pursuant to this regulation. The Department of Building and Planning may join and assist the Department of Ecology in its enforcement actions pursuant to RCW 90.58 WAC 173-27.

Amend the following section to achieve consistency with RCW 90.58 as amended by the 2010 Legislature in EHB 1653, RCW 90.58.090(7), and with WAC 173-26-221(2), criteria applicable to all development in shorelines of the state as set forth in WAC 173-27-140, and criteria applicable to shoreline Variance permits set forth at WAC 173-27-170:

8.4 Application of the Critical Area Ordinance and Flood Damage Protection Ordinance Regulations within the Shorelines of the State

For references purposes refer to an illustration of the shorelines of the state in Appendix II and the Critical Areas Ordinance and the Flood Damage Protection Ordinance in Appendix I. The purpose of this section is to clarify the application incorporating of segments of the critical areas regulations and flood damage protection regulations as use regulations in this shoreline master program, within shorelines of the state, ensures that result in environmental protection equal to or more protective than the Spokane County Critical Areas Ordinance as follows no net loss of ecological functions of critical areas within shorelines of the state in Spokane County will result from implementing the master program:
A. The provisions of the Spokane County Critical Areas Ordinance do not extend Shoreline Jurisdiction beyond the geographical limits specified in the Shoreline Master Program as specified in Section 10 and illustrated in Appendix II. When a critical area as described in the Critical Areas Ordinance, other than an associated wetland, overlaps into the shorelines of the state or is partly within and partly outside of the shorelines of the state, the buffer and/or setback from the portion of the critical areas, and buffers necessary to protect critical areas, that are located outside of the shoreline jurisdiction is are subject to the Critical Areas Ordinance, but not this shoreline master program, but not these Shoreline Regulations. Critical areas within shorelines of the state in Spokane County are managed exclusively through the provisions of this Shoreline Master Program. If there are any conflicts between these Shoreline Regulations and the Critical Areas Ordinance within shorelines of the state, the most restrictive regulations shall apply. The critical areas are specified in the following sections of the Spokane County Critical Areas Ordinance (June 2008) and the Flood Damage Protection Ordinance (2011) which are hereby adopted as part of this by reference as use regulations of this SMP by reference:

1. Section 11.20.050 Wetlands
2. Section 11.20.060 Fish and Wildlife Habitat and Species Conservation Areas
3. Section 11.20.070 Geologically Hazardous Areas
4. Section 11.20.075 Critical Aquifer Recharge Areas
5. Section 11.20.090 Appendix O-Critical Areas Maps
6. Section 3.20 Flood Damage Protection

B. Portions of the regulations and provisions of the Spokane County Critical Areas Ordinance and Flood Damage Protection Ordinance are herein incorporated into adopted as regulations in the Shoreline Master Program (Refer to Appendix I) with the following exceptions as follows:

1. If provisions of the Critical Areas Ordinance and other parts of the SMP conflict, the provisions most protective of the shoreline ecological functions resources shall apply, as determined by the Department;
2. Provisions of the Critical Area Ordinance adopted as regulations of this shoreline master program shall be administered exclusively through Sections 1 through 7, and in accordance with the goals, policies and all other provisions of this master program.
3. Specific provisions of the Spokane County Critical Area Ordinance and Flood Damage Protection Ordinance are adopted by reference as use regulations of the SCSMP and include:

Section 11.20.050 Wetlands;
Section 11.20.060 Fish & Wildlife Habitat & Species Conservation Areas; Section 11.20.070 Geologically Hazardous Areas;
Section 11.20.075 Critical Aquifer Recharge Areas;
Section 11.20.080 Incentives of the Spokane County Critical Area Ordinance; and
Section 11.20.090 Appendix O- Critical Areas Maps.
Section 3.20 Flood Damage Protection

4. Specific provisions of the Spokane County Critical Area Ordinance not adopted as use regulations of the SCSMP include:

Section 11.20.010 Title, Purpose and Intent;
Section 11.20.020 Definitions;
Section 11.20.030 General Provisions;
Section 11.20.040 Emergency Permits, Reasonable Use Exception;
Subsection 11.20.050C.6.c, storm water management facilities;
Subsection 11.20.060c.1.d public trails
Subsection 11.20.060C.1.g, reference to WAC 222-16-031.
Subsection 11.20.060C.1.h buffer widths for Type S streams

C. The provisions of the Spokane County Critical Areas Ordinance and Flood Damage Protection Ordinance, as adopted into this Shoreline Master Program, shall apply to any use, modification or development within Shoreline Jurisdiction of this master program, whether or not a shoreline permit or exemption approval is required. Unless otherwise stated, no development on shorelines of the state shall be constructed, located, extended, modified, converted, or altered without full compliance with the Critical Areas Ordinance and the provisions of the Critical Areas Ordinance and Flood Damage Protection Ordinance adopted as use regulations of this Shorelines Master Program.

D. 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. Any use, modification, or development shall include only be approved, and shall only proceed after meeting the requirements for mitigation sequencing as specified in Sections 6.3 and 6.4 Section 4 of this Shoreline Master Program.
3. 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 functions of the subject shoreline or critical area.
4. The granting of a reasonable use exception pursuant to Critical Areas Ordinance Section 11.20.040 shall not compromise the effectiveness of any provision in Section 5 of this Shoreline Master Program. Requests for relief from the bulk and dimensional standards of this Shoreline Master Program shall be reviewed through the Shoreline Variance Permit provisions set forth in Section 7 of this Shoreline Master Program.
5. Reasonable Use Exceptions pursuant to the Spokane County Critical Area Ordinance, Spokane County Code Chapter 11.20, are not applicable within jurisdiction of the Spokane County Shoreline Master Program.

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Amend the following section to assure consistency with the timetable and related provisions for local governments to develop or amend master programs set forth in Chapter 90.58.080(4) RCW, and Chapter 90.58.080(5) RCW:

SECTION 9 PROGRAM REVIEW AND PERIODIC UPDATE

9.1 Shoreline Management Program Periodic Review and Revision
The Spokane County Shoreline Management Master Program of Spokane County shall be considered a continuing program subject to periodic review and revision. Such review and revision shall involve open citizen participation as required by the Shoreline Management Act and the Growth Management Act and its implementing rules.

9.2 Program Monitoring - Review of Permits and Annual Reports
At the end of 2011 and at the end of every other year thereafter the Department Director shall prepare a report of shoreline development permits, conditional permits and variances including the exempt use activity approvals and the locations and effects of each, by type and classifications. This statistical and geographical summary shall be accompanied by comments on the effect of development with regard with the Shoreline Management Act. The report will include recommendations to improve policies and procedures which will improve the success of shoreline protection and restoration strategies. The evaluation will consider consultant monitoring reports, on-site analysis of selected sites and review of administration techniques and strategies to implement this SMP. Examples of the site characteristics that will be reviewed include habitat complexity, canopy coverage, water temperature, habitat diversity, properly functioning condition, shoreline stability, vegetation species and extent of coverage. Said report shall be submitted to the Board of County Commissioners and a copy thereof shall be provided to the Spokane County Planning Commission.

9.3 Program Revision and Amendments
The Spokane County Shoreline Master Program shall be reviewed for potential revision at least every eight (8) years from the date of its adoption by the Washington Department of Ecology, as required by RCW 90.58.080(4) and (5). The Spokane County Building and Planning Department and Spokane County Planning Commission will review the Shoreline Master Program in its entirety for the purpose of updating it. The update process shall be consistent with the Shoreline Management Act, RCW 90.58, the Shoreline Master Program Guidelines, WAC 173-26, and the Comprehensive Plan periodic update requirements of the Growth Management Act, RCW 36.70A.
SECTION 10 DESCRIPTIONS OF SHORELINES OF THE STATE

To render this section consistent with definitions of “Shorelines”, “Shorelines of Statewide Significance”, and “Shorelines of the State”, set forth in the SMA at RCW 90.58.030(2)(c), (d), and (e), amend as follows:

10.1 Application of Shoreline Areas

The Shoreline Management Act, Chapter 90.58 RCW, applies to all streams with a mean annual flow greater than 20 cubic feet per second and lakes, impoundments, and reservoirs larger than 20 acres. It applies to land extending landward 200 feet from the ordinary high-water mark and floodways on these waters and to all land underlying these waters. It also applies to the associated marshes, bogs, swamps, floodways, river deltas, and flood plains associated with said streams. The shorelines below are illustrated on maps in Appendix II. The following waters subject to this program were inventoried and classified upon the adoption of this program and remain as jurisdiction unless removed from jurisdiction by specific action to amend this program.

Delete all directives to exclude federal lands from Shoreline jurisdiction, as there is no provision in law to allow such exclusion.

10.2 Shorelines of Statewide Significance

Shorelines of Statewide Significance are as follows:

Portions of streams downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or portions of rivers downstream from the first three hundred square miles of drainage area, whichever is longer Streams with a mean annual flow of 200 cubic feet per second as follows:

1. Hangman Creek (Latah Creek) From the Whitman County -Spokane County Creek line (Sec 32, T21N, R45E) downstream to mouth on Spokane River (Sec 14, T25N, R42E).

2. Little Spokane River From the Pend Oreille County line (Sec 3, T29N, R44E) downstream to the mouth at the Spokane River and Stevens County line (Sec 32, T27N, R42E).

3. Spokane River including all impoundments resulting from the various dams thereon From the Washington-Idaho border (Sec 6, T25N, R46E) downstream to the Spokane County-Stevens County boundary, along said line to the Lincoln County line and Excluding all federal lands.
The Spokane River includes the Spokane Dam impoundment including Upper Falls impoundment, Nine Mile impoundment and Lake Spokane impoundment from the Washington-Idaho Border to the Spokane County-Lincoln County Boundary. This designation includes all dam impoundments and associated wetlands.

The SMA designates certain lake shorelines as shorelines of statewide significance. The shorelines that are so designated are lakes having 1,000 acres or more of surface water area. The following Spokane County lake exceeds 1,000 acres: Newman Lake is a shoreline of statewide significance.

—Newman Lake

10.3 Shorelines of the State

Shorelines of the State are as follows:

Delete the last few sentences of Section 10.3. It is superseded by WAC 173-18-044 and 173-20-044: Each local government master program shall include a list of streams and lakes constituting shorelines of the state within the jurisdiction of the master program that complies with the requirements of RCW 90.58.030 (2)(d). When such master program is approved by the department, subsequent to the effective date of this provision, the list within the master program shall be the official list for that jurisdiction and shall supersede the list contained herein.

10.3 Shoreline Maps

Shorelines of the state are illustrated on maps on file in the Spokane County Department of Building and Planning and replicated on the map in Appendix II of this Shoreline Master Program. The official maps from which the permit system will be administered are a county-wide coverage set of GIS maps maintained in the Department of Building and Planning and said maps replicate the jurisdiction of the Shoreline Management Act, RCW 90.58, as specifically described in and adopted as WAC 173-18-040 (lakes) and WAC 173-20-044 (streams). Said maps are also on file in the Department of Ecology.

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For clarity and organization, move “51. Coulee Creek -- From the confluence of Coulee Creek and Deep Creek downstream to its mouth at the Spokane River." to the list of shoreline streams on page 61.
SECTION 11 DEFINITIONS

Amend Section 11.2, the definitions, to bring them into conformance with RCW 90.58.030 and WAC 173-27-030, and correct technical practice; and to optimally implement the purposes of the SMA in conformance with RCW 90.58.090(4), WAC 173-26-191(1)(c), WAC 173-26-201(2)(a),(c),(e), WAC 173-26-241(2)(a) and (3):

**Artificial Beach** – means a beach created where none naturally exists, or to augment or expand a naturally occurring beach area, by placing sand, gravel or similar material imported to a location on the shoreline, either above or below the ordinary high water mark.

**Appurtenance** – An appurtenance or appurtenant structure is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield 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. (See WAC 173-27-040 (2)(g)).

**Bioengineered** – For purposes of this SMP, “bioengineered” means a design approach for stream bank or lake shore protection and restoration which relies primarily on living native plant materials to resist erosion and scour. “Bioengineered bank protection designs dissipate the erosive force of flowing water on the stream bank, and impart resistance to shear in the soil column through the plant materials’ root masses. Bioengineered bank protection treatments may be designed to be deformable where appropriate, facilitating natural channel forming processes.

- “Bioengineered” bank protection is a design approach, not a specific design, and may employ any of a range of techniques, singly or in combination.

- “Bioengineered” bank protection may incorporate non-living components including woody debris, biodegradable and synthetic geotextiles, and other materials.

- “Bioengineered” bank protection designs may in some cases be founded on a rock toe (“armored toe”) located below the elevation of the natural stream channel or lake bed. Armored toes are not located above summer low flows on streams, or summer lake levels, and do not extend upward toward the ordinary high water mark.

- Vegetated riprap, i.e., riprap with plant materials inserted in the interstices between riprap material, is not bioengineered bank protection (See also definition for biotechnical bank protection).
**Biotechnical Bank Protection**– “Biotechnical” bank protection is synonymous with “bioengineered” bank protection.

**Buffer** – a designated area adjacent to the ordinary high water mark and running landward to a width as specified by this regulation, as measured on a horizontal plane, intended for the protection or enhancement of the ecological functions of the shoreline area. The buffer will consist primarily of natural vegetation or planted vegetation which maintains normally exhibit the extant native plant community or a rehabilitated (revegetated) native plant community, which supports or enhances the ecological functions of the shoreline area. The term “buffer area” has the same meaning as “buffer.” (staff definition)

**Bulkheads** – Bulkheads are retaining wall structures erected to stabilize land at the water’s edge and prevent erosion. Revetments means the same as bulkheads. Bulkheads are retaining wall structures erected to stabilize shorelines against erosion. Bulkheads may be constructed of concrete, timber, steel or nonmetallic sheet pile or other materials. Bulkheads are a type of Revetment.

**Camping Facilities** – Means a range of recreational facilities to accommodate transient, recreational overnight lodging. Camping facilities may range from minimal, primitive sites with tent pads, accessible only by foot or watercraft, to extensively developed facilities with potable water, bathrooms, and utilities supporting recreational vehicles.

**Channel Migration Zone** - means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. The channel migration zone is illustrated on the county maps included in Appendix III of the SCSMP and on the Maps in Appendix A of the Latah Creek Comprehensive Flood Hazard Management Plan maintained in the Department of Building and Planning.

The Channel migration zone includes:
a. “50 year Channel Migration Zone” which means those non-disconnected portions of the channel that are likely to migrate within a 50-year timeframe.
b. “100 year Channel Migration Zone” which means those non-disconnected portions of the channel that are likely to migrate within a 50- to 100-year timeframe.

**Circulation** - Vehicular, non-motorized, and pedestrian transportation facilities and infrastructure, including roads, railroads, bridges, trails and related development.

**Channel Modifications** - Any activity which would temporarily or permanently alter the flows, hydrology, channel shape, or naturally occurring materials in the bed or banks of
streams, rivers and their floodways, including artificial placement of any materials in a stream channel or floodway.

**Community Use Dock**  a single dock which serves three or more parcels subject to the jurisdiction of the Shorelines Management Act, the use of such dock is on a lease or partnership basis. This term includes a dock intended to facilitate the general public’s access to the water.

**Conditional Use**  a use listed among those in any given environment designation and permitted to locate only after a public hearing and a decision by the Spokane County Hearing Examiner to grant a shoreline conditional use permit, imposing such performance standards as will make the use compatible with shoreline ecological functions and other allowed shoreline uses in the same vicinity and environment designation.  It is also a use which is not classified in the Shoreline Management Program.  Shoreline conditional use permits must also be approved by the Department of Ecology.

**Development**  any construction, expansion, installation of a structure, or use; any change in use of a structure or alteration or use of the shoreline that requires an approval from the Department pursuant to Spokane County development regulations.  “Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

**Director**  means the Director of the Spokane County Department of Building and Planning, or an official designee.

**Distribution Lines**  include overhead wires and their supporting structures for the long-distance transmission of electric energy below 60,000 volts, and gravity or pressurized pipelines for the transmission of water, petroleum products, natural gas within or between residential, commercial and industrial areas within a specific locality.  This term also includes communication and transmission cables.

**Dock**  a structure built over, or floating upon, the water used as a landing and moorage place for water transport or for recreational purposes.  A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.

(a) Private docks- over-water structures are constructed and utilized for private moorage by a single residential waterfront property owner;
(b) Joint use docks - are constructed and utilized by two or more residential waterfront property owners.
(c) Community docks- are typically designed and constructed to serve all or a significant component of the members of a residential development; which typically include waterfront property owners and often include non-water front property owners. A homeowner’s association usually owns a shoreline tract(s) or easement (s) providing for the placement of the dock facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and the entity has authorized dock facilities, the dock facilities for multiple upland property owners of a residential development would also be considered community dock facilities.

(d) Public docks- are constructed and utilized for use by the general public, typically owned and managed by a public agency and may include a boat ramp.

**Dredging** – the removal of sediment, earth, or gravel from the bottom bed of a body of water, either for the deepening of navigational channels, to mine the sediment materials, to restore water bodies or for flood control.

**Ecological functions" or "shoreline functions"** – means the work performed or role played by the physical, chemical, biological processes and attributes in the shoreline reach, and ecosystem-wide processes that contribute to the maintenance of the viability of aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

**Ecologically intact shorelines** – ecologically intact shorelines means those shorelines areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Ecologically intact status of a shoreline is determined on a case-by-case basis. Ecologically intact status of shorelines in Spokane County has been determined in the shoreline inventory and analysis, and may be reviewed on a case-by-case basis at the time of review of development proposals.

**Feasible-** means, for the purpose of this SMP, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

a) The action can be accomplished with the technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approached are currently available and likely to achieve the intended results;

b) The action provides a reasonable likelihood of achieving its intended purpose; and
c) The action does not physically preclude achieving the project’s primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

Feed Lot – a confined area or structure used for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste may accumulate faster than it can naturally dissipate without causing pollution or creating a potential for a health hazard, particularly with regard to surface and ground water. This term does not include barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods. (this definition is from the zoning code and modified to afford more protection to the shoreline ecosystem). Feed Lots may also be called Confined Animal Feeding Operations (CAFOs).

Hazard/danger tree – means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered.

High Quality Areas — those shoreline areas having high quality environmental features identified in the 2005 Spokane County Conservation District (SCCD) Stream Inventory and Assessment and subsequent shoreline inventories and assessments. A copy of said Stream Inventory and Assessment is archived in the Department and in the Office of the Spokane County Conservation District. High Quality Areas are specifically illustrated on the Shoreline Designations Map in Appendix II of this regulation. These areas require additional protection measures to prevent degradation or to facilitate long term restoration. High Quality environmental features include but are not necessarily limited to unique habitat types. The habitat types may have significant value to wildlife and may include one or a combination of the following environmental characteristics:
- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Sensitive fish spawning habitat;
- Significant wildlife habitat as determined by Washington Department of Fish and Wildlife and Spokane County Conservation District
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Significant rearing and foraging habitat;
- High vulnerability to habitat alteration;
- Unique or dependent species

Latah Creek Channel Meander Belt – that area adjacent to Latah Creek which is subject to inundation from the creek waters due to the occurrence of long term natural creek channel meandering processes. The channel meander belts are illustrated on the
Channel Meander Belt Maps in Appendix III and on duplicate maps maintained in the Department of Building and Planning. This definition also applies to the term “Meander Belt.” The Latah Creek Channel Meander Belt is illustrated in Appendix III and extends in places beyond 200 feet from Latah Creek’s ordinary highwater mark (OHWM).

Mitigation - “Mitigation” for the purposes of the SCMP means to take measures to compensate for, or replace damaged or destroyed shoreline and shoreland ecological function and attributes resulting from authorized development and uses, or to take measures to compensate for, or replace damaged or destroyed shoreline and shoreland ecological function and attributes resulting from violations of the goals, policies use regulations, or administrative procedures of this SMP.

Mitigation shall be implemented as a sequence of steps or actions in order to compensate for impacts to shorelines, shorelands and their associated wetlands. Mitigation sequencing refers to the prescribed order of the different mitigation steps. Compensatory mitigation is the stage of the mitigation sequence, where impacts to shoreline and shoreland ecological functions are offset (i.e., compensated) through restoration (re-establishment, rehabilitation), enhancement, or preservation of other ecologically intact shorelines of the state.

The term “mitigation” is used interchangeably with the term “compensation” unless referring to the entire mitigation sequence (i.e., “mitigation site,” “compensatory mitigation site,” or “compensation site” refers to the site that is being used for compensation).

Native – For purposes of this SMP, “native” means a plant or animal species that naturally occurs in Spokane County, or occurred in Spokane County at the time of Euro-American exploration and settlement, beginning in the early 19th century.

Native Plant Community – Native plant communities are the aggregation of submerged and emergent aquatic, wetland, riparian and upland plants including algaes, vascular plants including grasses, forbs, shrubs and trees, and for purposes of this SMP, fungi, which are native to, and co-evolved in the diverse shoreline and shoreland ecosystems of Spokane County.

No net-loss of ecological function – the aggregate impact of an improvement, disturbance or encroachment of a shoreline which does not result in an overall loss of ecological function. Any shoreline degradation is concurrently offset by an enhancement of ecological function on the same site or on property within 1000’ of the site which equals or exceeds the scope and ecological value (or function) of the degraded resource. Maintaining existing shoreline ecological functions and processes, through the cumulative effect of following mitigation sequencing through the planning process and ongoing administration of the SMP, resulting in 1) the protection of rare and unique shoreline resources and existing intact ecological functions; 2) minimizing unavoidable impacts to existing ecological functions and shoreline resources, and; 3) compensating and mitigating
minimized, unavoidable impacts resulting from new development and uses approved in shorelines.

**Non-Water Related Industry** – see the definition for “water related”

**Ordinary high water mark** – on all lakes, and streams is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by Spokane County or the Department of Ecology; PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**Permit application** – a request for an approval from the Department of Building and Planning to undertake a specific use activity or development located in the shorelines of the state pursuant to Spokane County development regulations.

**Qualified Ecologist** – a person who has obtained an undergraduate and graduate degree in one of the environmental sciences such as but not limited to biology, zoology, botany, wildlife management or bio-engineering from an accredited college or university and has a minimum of two years of field experience evaluating the impacts of human encroachments on riparian fish and wildlife habitats and on riparian vegetation species. Six years of field experience is acceptable in lieu of a graduate degree. Qualified Ecologist and Qualified Shoreline Ecologist have the same meaning. **Expert** – For purposes of preparation of a Shoreline Ecological Assessment as required in Section 5 of this SMP, a qualified expert shall be a person or firm with a professional credential(s) in biology, botany, wildlife management, landscape ecology, ecological rehabilitation or allied field, with demonstrated skills and experience in characterizing native and non-native vegetation and plant communities and associated ecological functions.

**Recreation** – a person’s pursuit of play, amusement, or relaxation in either passive or active forms. This term includes but is not limited to public parks, public open spaces and trails. Work activities for any purpose are excluded from this definition. Refreshment of the mind or body after work through an amusing or stimulating activity. For purposes of the SMA, and this SMP, further distinguished as:

a) **Active Recreation**: Recreation which requires some constructed facilities or other development or substantial development as defined in this SMP, such as team sport ball fields, golf courses, park facilities and organized activities.

b) **Passive Recreation**: Recreation which involves existing natural resources, and has a minimal impact. Examples include, but are not limited to, angling, hunting, hiking, horseback riding, cross country skiing, bird watching, photography, cycling and similar activities which do not require.
Residential – any building for residential purposes, including single-family, multifamily, cluster development or planned unit development, and any subdivision of the land for sale or lease (as defined in the Spokane County Subdivision Ordinance).

Restoration – the revegetation of a shoreline site cleared of vegetation and not covered by structures or occupied by other improvements following completion of a project. Restoration shall consist of the planting of plants and/or trees recommended by a qualified shoreline ecologist during the permitting process. The restoration may include such other shoreline stabilization measures deemed appropriate by the qualified shoreline ecologist. The restoration shall be compatible with the character of the shoreline area to the extent possible and shall at a minimum fully restore any loss of shoreline ecological function resulting from the project. the ecological rehabilitation of lake or stream shoreline or shoreland. Restoration (ecological rehabilitation) may consist of planting native vegetation, removing intrusive shoreline structures, restoring natural fluvial processes including hydrology, sediment transport, natural channel morphology, floodplain connectivity, and other similar measures.

Revegetation – refer to definition of restoration—reestablishing the native plant community in a shoreline or shoreland.

Revetment - structures placed on banks in such a way as to absorb the energy of wave action. See also Bulkheads and Riprap.

Riprap - Coarse angular rock randomly and loosely placed along the shoreline.

Shall – means a mandate; the action must be done.

Shorelands - "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

Shorelines or shorelines of the state – means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. The shoreline extends landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark and includes floodways and contiguous floodplain areas landward 200 feet from such floodways and all associated wetlands. This meaning applies to the terms “shoreline areas” and “shoreline jurisdiction” and “shoreland areas” and “shorelands.” The Shorelines of the state in Spokane County are specifically described in Section 10.3 of this regulation and
Shoreline enhancement – any alteration of a degraded shoreline that constitutes ecological rehabilitation, and improves or restores the ecological functions of the shoreline area, or any aesthetic improvement that does not degrade the shoreline ecological function of the shoreline.

Shorelines of the state - The total of all “shorelines” and “shorelines of statewide significance” within the state.

Shoreline Master Program - means the comprehensive Shoreline Management Master Plan Program for the shorelines of the state to include Shoreline Element Goals, Policies, and map incorporated in Section NE. 34 of the Comprehensive Plan, the Shoreline Management Ordinance, and the Shoreline Protection Restoration Plan developed in accordance with the requirements of the Shoreline Management Act, RCW 90.58 and implementing Washington Administrative Code, WAC 173-26. The terms Master Program or Shoreline Management Program, Shoreline Master Program and Shoreline Program have the same meaning.

Shoreline Protection – Means structural and nonstructural methods to control flooding or address erosion impacts to property and dwellings or other structures caused by natural processes, such as current, flood, wind, or wave action. The terms “shoreline protection measure” and this term have the same meaning. Substantial enlargement of an existing shoreline protection improvement is regarded as a new shoreline protection measure.

Significant - Any adverse impact to the natural character, resources and ecology of a shoreline or shoreland which is detectable after the passage of one growing season following the impact. All grading (but not necessarily all excavation) creates a significant impact. The natural character, resources and ecology of shorelines of the state includes but is not limited to: rock, soils, water quality, or native upland, wetland or aquatic vegetation or native fauna, and shoreline views and aesthetics.

Structure - any object constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or water (including towers, smokestacks, overhead transmission lines, etc.) but not including fences, retaining walls, signs or walls used as fences less than 6 feet in height.

Substantially degrade - means to cause significant adverse impact on shoreline resources, aesthetics, natural character, or ecological functions. See also: definition of “Significant”.

Subdivision and short plat – means divisions of land approved by Spokane County pursuant to the Spokane County Subdivision Ordinance and the Washington State Subdivision Statute, RCW 58.17. The term plat shall have the same meaning as
“subdivision”, and shall include subdivisions approved through the Certificate of Exemption.

2005 SCCD Inventory and Assessment – A Spokane County Conservation District (SCCD) document completed in 2005 which inventories and assesses the environmental characteristics of the streams of Spokane County subject to the Shorelines Management Act, RCW 90.58. This document is located in the Department of Building and Planning and in the office of the SCCD and is available to the public for review.

Use activity – the use of the shoreline for a specific purpose which may or may not involve construction or installation of improvements.

Variance – the means by which an adjustment may be made in the application of the specific regulations herein to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity in the same environmental designation. The adjustment allowed by a variance approval remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use of an otherwise prohibited use activity in the environment designation in which the property is located. The variance process shall not be a means to vary the allowed use activity of a shoreline. It is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

Water-dependent: a use activity is dependent on water by reason of the intrinsic nature of its operations. The following list includes examples of water-dependent use activities such as, but not limited to, bridges, marinas, dams for domestic/industrial water supply, flood control, and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. Water-oriented use – 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.

Water-enjoyment use - 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.

Water-oriented use - a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.
**Water-related** – a use or activity which is not intrinsically dependent on a waterfront location but has a strong relationship with water and facilitates the public’s use and enjoyment of the shoreline area. Such use or activities include but limited to facilities that provide water sports equipment and services, a restaurant providing water views, recreation vehicle parks, public parks. The term “water oriented” has the same meaning as “water related.” All water dependent use activities are intrinsically water related. whose economic viability is dependent upon a waterfront location because:

(a) 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:

(b) 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.

**Water quality** - means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity quality" refers only to development and uses regulated under this regulation and affecting water quantity, such as impermeable surfaces and storm water handling practices.

**Water related industry** - Water-related industries are those requiring water transportation or those which seek the advantage of water transportation as an alternative to other modes, and those which use or recycle large quantities of water.

**Wetlands** - means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. For the purpose of the Shoreline Master Program wetlands subject to the provisions of the program are adjacent to a shoreline of the state or lie within 200 feet of the ordinary high water mark and have a distinct hydraulic continuity with a shoreline of the state. "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities,
wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

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SECTION 12 SHORELINE PROTECTION AND RESTORATION PLAN

In this section and section title, remove the word “protection”. Protection is supposed to be incorporated into the goals, policies, environment designations use regulations and administrative provisions of the SMP, as set forth in RCW 90.58.020 and WAC 173-26, the SMP Guidelines. The scope and applicability of the restoration plan is set forth in WAC 173-26-186(8)(c), and WAC 173-173-201(2)(f). Amend the section to employ best technical practice and correct terminology in the ecological rehabilitation and biotechnical bank protection fields.

12.4.14 Passive Bioengineering
This restoration strategy is most appropriate for areas of moderate site disturbance and relatively intact habitat conditions. This strategy includes:
- Planting of native vegetation that mimics the adjacent plant communities. Communities should include shrubs, trees, and herbaceous components.
- Minimal grading or sloping to replicate natural topography.
- Drip irrigation to increase survivability of introduced vegetation.
- Monitoring and evaluation of plant survivability, including noxious weed removal, and replacement of dead vegetation.
- Livestock exclusion (through fencing and alternative stock watering systems) or livestock rotation to eliminate or minimize compaction of soil and impacts to native vegetation.
- Toe-slope armoring including native vegetation plantings.
- Slope stabilization including placement of bio-fabric, straw bale, erosion fencing, and straw waddles.

12.4.15 Hard Bioengineering
This restoration strategy is most appropriate for areas that have been moderately to severely modified or impacted. Often these areas require drastic changes to the local topography, drainage, and function and values. This strategy includes:
- Slope modifications using heavy equipment including backhoes, trackhoes, bulldozers, etc.
• Toe-slope armoring including large boulder placement, rip rap, large woody debris placement, rock and wood barbs, and rootwad placement.
• Slope stabilization including trenched willow waddles, gabions, and large rock or wood debris placement.
• Excavation of site to properly mimic natural conditions found pre-disturbance.

12.4.14 Biotechnical Bank Protection

Biotechnical bank protection and bank stratigraphy reconstruction, also referred to as soil bioengineering, is a design approach for stabilizing eroded upland slopes, lake shores and stream banks using which uses living plant materials as a primary structural element. In context of shoreline rehabilitation and restoration, biotechnical bank restoration and protection uses appropriate native plant materials to reestablish the native plant community which has been lost to previous disturbance.

Successful biotechnical bank protection and rehabilitation is based on an adequate understanding of current hydrology, wave energy, site hydraulics and scour potential, soil types, reference plant communities, risk assessment, channel migration potential, constructability and related factors. Across a range of techniques and reach conditions, biotechnical bank treatments may be designed to deform over time at geomorphic rates, as in rural agricultural or wildland settings, or to be fixed in place when employed to protect high value improvements such as public and private transportation and utility infrastructure, homes and other structures.

Biotechnical bank protection designs and techniques must not be confused with log cribwalls, riprap with vegetation added, or other conventional structural designs and techniques to which the use of living plant materials is not the primary structural design element.

Biotechnical bank protection designs require careful monitoring and contingency maintenance to assure successful establishment. Once well established, these bank treatments become resilient and self sustaining, in much the same manner as ecologically intact, undisturbed stream bank and lake shore reaches.
13.1 Purpose and Intent
The purpose and intent of this section is to provide procedures whereby any or all elements, including but not limited to the goals, policies, regulations, and the Shoreline Designation Map, Appendices, and portions of the Spokane County Critical Area Ordinance incorporated as part of the Shoreline Master Program, may be amended.

13.2 Initiation of Amendment
Amendments to this regulation may be initiated:
1. By the Planning Commission, when changed conditions or further study indicate a need; or
2. By the Board of Spokane County Commissioners (Board) when it deems it necessary for the public interest or when it considers a change in the recommendation of the Planning Commission to be necessary; or
3. By the Director, based on citizen requests or when changed conditions warrant adjustments to the Shoreline Management Program.
4. As required periodically by RCW 58.080(4) and WAC 173-26-090;
5. By any person upon submission of appropriate application forms and application fees.

13.3 Criteria for Amendment
The County may amend the Shoreline Master Program (SMP) when one of the following is found to apply:
1. The amendment is consistent with or implements the Comprehensive Plan and RCW 90.58, the Shorelines Management Act.
2. A change in economic, technological, or shoreline conditions has occurred to warrant modification of the SMP.
3. An amendment is necessary to correct an error in the SMP.
4. An amendment is necessary to clarify the meaning or intent of any portion of the SMP.
5. An amendment is necessary to provide for a use(s) that was not adequately addressed by the SMP.
6. An amendment is deemed necessary by the Board as being in the public interest.
7. An amendment is required periodically as set forth in RCW 58.080(4) and WAC 173-26-090.

13.4 Amendment Procedures
1. Applicability:
The procedures in this section shall apply to amendments of the Shoreline Master Program including the Shoreline Designation Map and the text of this regulation.
2. Initiation:
Amendment applications initiated by a person other than Spokane County shall be submitted to the Department of Building and Planning on such forms as prescribed by the Department of Building and Planning and is subject to such fees established by the Board.
3. Procedures:
   a. Amendment applications are subject to the notification and procedural requirements specified in applicable Washington State Statutes and Administrative Code.
   b. Upon receipt of an amendment proposal, the Department Director shall review the proposal for consistency with the criteria in item 13.3(4) below.
   c. The Director will consult the Washington Dept. of Ecology (ecology) to determine appropriate measures to pursue compliance with WAC 173-26-201, the Comprehensive process to prepare or amend shoreline master programs.
   d. The Planning Commission and Board of County Commissioners will consult with Ecology continuously while developing and adopting the proposed amendment.
   e. The Director will also consult other state and federal agencies, tribes, and other interested parties, and may conduct public meetings and make similar provision for open discussion and consideration of, and response to public comments.
   f. Once the review is complete, the proposed amendment shall be placed on the earliest available meeting agenda of the Planning Commission. The Director shall forward a staff report to the Planning Commission and said report may include alternatives other than those originally proposed, by the applicant.

4. Criteria for amendment approval:
   An amendment may be approved when all of the following criteria are met:
   a. The amendment bears a substantial relationship to advances the public health, safety, or welfare.
   b. The amendment advances and is consistent with the Goals and Policies of the Spokane County Comprehensive Plan and the Shorelines Management Act RCW 90.58.
   c. The amendment is consistent with the procedures and standards of the Shoreline Master Program guidelines, WAC 173-26. The amendment is consistent with the Growth Management Act, RCW 36.70A.
   d. The amendment is consistent with Shoreline Management administrative guidelines, WAC 173-26 and WAC 173-27. The amendment is consistent with the Growth Management Act, RCW 36.70A.

5. Planning Commission Review and Recommendation:
   c. The Planning Commission’s recommendation shall be forwarded to the Board of County Commissioners for its approval or denial.
   d. The Planning Commission may make such minor modifications to the proposal it deems appropriate prior to its approval.
   e. Following Planning Commission action on the application, and if recommended for approval, the notice shall be provided by the Department Director to the Washington State Department of Community Development (CTED) Commerce of
Spokane County’s intent to adopt development regulations pursuant to 36.70A
RCW. The notice shall be provided at least 60 days prior to final adoption and
shall include a copy of the proposed regulation.

6. Board of County Commissioners Review and Decision:
   a. Upon receipt of the Planning Commissions Commission’s recommendation, the
      Board shall, at its next available regular meeting, set the date for a public
      meeting to for consideration and decision on the proposed amendment.
   f. The Board’s action may be appealed to the Eastern Washington Growth
      Management Hearings Board as provided by the appeal process pursuant to
      RCW 36.70A.

7. Referral to CTEI Department of Commerce and Department of Ecology
   a. The Board’s decision shall be forwarded to the Department of Community
      Development (CTED) pursuant to RCW 36.70A.106. Following CTED’s concurrence
      the Board shall refer the amendment to the Department of Ecology for its review and
      concurrence pursuant to RCW 90.58 and WAC 173-27. Referral to the Department
      of Ecology shall occur after all appeal periods have expired and no appeals have
      been submitted to the Eastern Washington Growth Management Hearing Board. If
      appealed the amendment shall be forwarded to Ecology after the Growth
      Management Hearing Board has affirmed the adoption of the amendment in writing.
   b. Referral to the Department of Ecology shall occur after all appeal periods
      have expired and no appeals have been submitted to the Eastern Washington
      Growth Management Hearing Board. If appealed the amendment shall be
      forwarded to Ecology after the Growth Management Hearing Board has affirmed the
      adoption of the amendment in writing.
   a. The Board’s decision, together with materials and documentation required as set
      forth in WAC 173-26-110, shall be transmitted to the Washington Department of
      Ecology for formal review and approval as part of the statewide shoreline master
      program.
   b. The Department of Ecology shall review and approve or disapprove the
      amendment, as required by the provisions of WAC 173-26-120 and RCW
      90.58.090.
   c. A master program or amendment to a master program takes effect when and in
      such form as approved or adopted by the Department of Ecology. The effective
      date is fourteen days from the date of the Department of Ecology’s written notice
      of final action to the local government stating the department has approved or
      rejected the proposal. The Department of Ecology’s written notice to the local
      government must conspicuously and plainly state that it is the department’s final
      decision and that there will be no further modifications to the proposal.(RCW
      90.58.090(7))
d. Promptly after approval or disapproval of a local government’s shoreline master program or amendment, the Department of Ecology shall publish a notice consistent with RCW 36.70A.290 that the shoreline master program or amendment has been approved or disapproved. (RCW 90.58.090(8))

e. Spokane County, and any municipalities adopting amendments to this master program, shall comply with provisions of WAC 173-26-100(4).

f. The Department of Ecology’s decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

g. If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter, the policy of RCW 90.58.020 and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

h. If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the Department of Ecology unless the board, by clear and convincing evidence, determines that the decision of the Department of Ecology is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

i. The appellant has the burden of proof in all appeals to the growth management hearings board under this section.

SCSMP Appendix I

APPENDIX I Critical Area Ordinance

Re-name the section as indicated below, in conformance with WAC 173-26-2(3)(a) Applicability.

Add a copy of the Flood Damage Protection Ordinance Chapter 3.20 to address frequently flooded areas in the SMP as required in WAC 173-26-221(2) Critical Areas and (3) Flood Hazard Reduction.

APPENDIX I Critical Area Ordinance and Flood Damage Protection Ordinance
SCSMP Appendix II

APPENDIX II Shoreline Designation Maps

To comply with the requirements of RCW 90.58.020, RCW 90.58.100, WAC 173-26-181, WAC 173-26-186(8)(a) through (e), WAC 173-26-201(2) and (3), WAC 173-26-211(2) through 95, change environment designations set forth in Table II A, Attachment B, below:

SCSMP Appendix III

APPENDIX III Latah Creek Meander Belt Map

Re-name the section as indicated below, in conformance with WAC 173-26-2(3)(a) Applicability.

Add the generally located channel migration zones, provided to Spokane County by Department of Ecology, for Deadman Creek, Dragoon Creek, Latah Creek, Little Spokane River, Pine Creek and Rock Creek as required in WAC 173-26-221(3)(b) Principles, and (c) Standards. The channel migration zone designation incorporates the 100-year buffer, in accordance with WAC 173-26-221(3)(b). The maps are listed in Attachment B2.

APPENDIX III Latah Creek Meander Belt Map Channel Migration Zone Maps
Table II A
Attachment B1, Required Changes to Spokane County Shoreline Master Program
Spokane County Shoreline Lakes Ecological Condition and Parcel Analysis
Required Changes to Environment Designations and Shoreline Buffers

This table is derived from the Spokane County Shoreline Lakes Ecological Analysis Condition and Parcel Analysis, conducted by the Spokane County Conservation District and the Department of Ecology at the request of the Spokane County Board of County Commissioners during their deliberations in November and December, 2007.

<table>
<thead>
<tr>
<th>Lake</th>
<th>Reach</th>
<th>Spokane County proposed Environment Designations</th>
<th>Ecology Required Changes</th>
<th>Parcel Size Analysis (based on existing designations)</th>
<th>Ecology/Spokane County Cons. District (SCCD) Evaluated as Ecologically Intact</th>
<th>Ecology/SCCD Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake # 26</td>
<td>A</td>
<td>Rural Conservancy</td>
<td>Change to Natural</td>
<td>6 parcels (5-65 acres)</td>
<td>Yes</td>
<td>Parcels on the southeast side are developed, and remain Rural Conservancy</td>
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<td></td>
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<td></td>
<td>Except parcels 23142.9018 and 23145.9007 on the southeast side</td>
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<tr>
<td>Clear Lake</td>
<td>A</td>
<td>Rural Conservancy</td>
<td>Change to Natural</td>
<td>3 large parcels (30-100 acres)</td>
<td>Yes</td>
<td>Minor development. 2 parcels owned by DNR, 1 private undeveloped parcel</td>
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<td></td>
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<td></td>
<td>Starting from the southern point of the cove that includes the dock facilities to the southern end of the DNR parcel</td>
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<tr>
<td>Lake</td>
<td>Reach</td>
<td>Spokane County proposed Environment Designations</td>
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<tr>
<td>Horseshoe Lake</td>
<td>A</td>
<td>Rural Conservancy</td>
<td><em>Change the parcels at the northern end of the lake to Natural</em></td>
<td>17 parcels (3-160 acres)</td>
<td>Yes</td>
<td>No development, intact vegetation. Smaller parcels at the southeast end are developed, some farming, keep those Rural Conservancy</td>
</tr>
<tr>
<td>Lake Spokane</td>
<td>Reach 21</td>
<td>Rural Conservancy</td>
<td>Ecology Required Changes</td>
<td>Parcel Size Analysis (based on existing designations)</td>
<td>Ecology/Spokane County Cons. District (SCCD) Evaluated as Ecologically Intact</td>
<td>Ecology/SCCD Notes:</td>
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<tr>
<td><strong>Change to Natural</strong></td>
<td></td>
<td></td>
<td></td>
<td>Left bank of Lake Spokane, along Sections 1, 14, 15, 20, 21, 22, 23, 28 and 29, of T 27N, R40W (quadrant 16 of the Shorelines Designation Map, about 4 miles of shoreline).</td>
<td></td>
<td>Use regulations allow public boat docks and primitive recreation sites in the Natural Environment, which will accommodate Avista’s FERC license requirements to enhance recreation opportunities on Lake Spokane.</td>
</tr>
</tbody>
</table>

**Change to Natural:**
Section 1, 12:
Parcels 07015.9031 and 07015.9032
Sections 14, 14, 20, 21, 22, 23, 28 and 29:
From Parcel 07140.0001 south to west boundary of Parcel 07295.9005

**Leave as Rural Conservancy:**
Section 12 and 14:
From parcel 07121.9058 to north boundary of parcel 07140.9001 | | | Yes. Avista is primary land owner. Spokane County and DNR also own some large parcels. | | |
<table>
<thead>
<tr>
<th>Lake</th>
<th>Reach</th>
<th>Spokane County proposed Environment Designations</th>
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<td><strong>Mason Lake</strong></td>
<td>A</td>
<td>Rural Conservancy</td>
<td><em>Change to Natural</em></td>
<td>4 parcels (160-238 acres). State Parks trail along the lake.</td>
<td>Yes</td>
<td>No development, intact vegetation.</td>
</tr>
<tr>
<td><strong>Meadow Lake</strong></td>
<td>A</td>
<td>Rural Conservancy</td>
<td><em>Change southern end of lake to Natural</em></td>
<td>Affects 80 acre parcel 14261.9009 at the southern end of the lake</td>
<td>Yes</td>
<td>Vacant parcels, wetlands at southern end. Some residential structures on north and west side, farm on east side.</td>
</tr>
<tr>
<td><strong>Newman Lake</strong></td>
<td>A &amp; B North side of the lake</td>
<td>Rural Conservancy</td>
<td>*Extend Natural Designation From southwestern boundary of parcel # 57343.9008 to southern boundary of parcel # 57344.9010</td>
<td>Change affects parcels # 57345.9024 and 57344.9010</td>
<td>Yes</td>
<td>Extensive wetland.</td>
</tr>
<tr>
<td><strong>Otter Lake</strong></td>
<td>A</td>
<td>Rural Conservancy</td>
<td><em>Change to Natural</em></td>
<td>10 parcels (10 –80 acres)</td>
<td>Yes. Basalt cliffs, highly functioning riparian wetlands</td>
<td>Little development. Irregular shaped parcels.</td>
</tr>
<tr>
<td>Lake</td>
<td>Reach</td>
<td>Spokane County proposed Environment Designations</td>
<td>Ecology Required Changes</td>
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<td>Queen Lucas Lake</td>
<td>A</td>
<td>Rural Conservancy</td>
<td><strong>Change to Natural</strong></td>
<td>25 parcels (8-20 acres). Existing road and railroad do not affect buffer depth, expect they are legally existing uses</td>
<td>No. Rated as functional with impacts from stormwater runoff. Basalt cliffs on east and west side. Wetlands at ends of lake.</td>
<td>Dries up in summer. A few residential structures are set far back from shoreline. No development along shoreline.</td>
</tr>
<tr>
<td>Ring Lake</td>
<td>A</td>
<td>Rural Conservancy</td>
<td><strong>Change west half of lake to Natural</strong></td>
<td>12 parcels (2 to 10 acres). Development on the east side</td>
<td>Yes</td>
<td>Few existing structures. Oddly shaped parcels</td>
</tr>
<tr>
<td>West Medical Lake</td>
<td>A</td>
<td>Rural Conservancy</td>
<td><strong>Change to Natural</strong></td>
<td>2 parcels (30 – 50 acres) owned by WA Dept. of Veterans Affairs. Exception: DSHS parcel has old dairy farm and other structures. Keep as Rural Conservancy</td>
<td>Yes</td>
<td>No development. Parcels owned by the state.</td>
</tr>
<tr>
<td>Willow Lake</td>
<td>A</td>
<td>Rural Conservancy</td>
<td><strong>Change to Natural</strong></td>
<td>Affects one parcel no.14225.9057; 42 acres</td>
<td>Yes – western forested shoreline.</td>
<td>Owned by Spokane County.</td>
</tr>
</tbody>
</table>
Attachment B2 includes the Channel Migration Zone Maps for the Little Spokane River, Deadman Creek, Dragoon Creek, Latah (Hangman) Creek, Rock Creek and Pine Creek which are referenced in Attachment B1 under Appendix III. The GIS data for the map listed below have been provided to Spokane County and are available in PDF format on the Department of Ecology’s website.

Deadman Creek 1
Deadman Creek 2
Dragoon Creek 1
Dragoon Creek 2
Dragoon Creek 3
Latah Creek 1
Latah Creek 2
Latah Creek 3
Latah Creek 4
Latah Creek 5
Latah Creek 6
Latah Creek 7
Little Spokane River 1
Little Spokane River 2
Little Spokane River 3
Little Spokane River 4
Little Spokane River 5
Little Spokane River 6
Little Spokane River 7
Pine Creek 1
Rock Creek 1
Rock Creek 2
Rock Creek 3
Rock Creek 4
Rock Creek 5
Rock Creek 6