Thursday, July 27, 2023, at 9:00 A.M.

**Spokane County Planning Commission**

[www.spokanecounty.org/623/Planning-Commission](http://www.spokanecounty.org/623/Planning-Commission)

Commissioner’s Hearing Room, Lower Level, Public Works Building

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**Attachments:** (Click the Following Links for Review)

- [Agenda](#)
- [Legal Notice](#)
- Minutes of June 29, 2023 – DRAFT ([Will be posted Monday, July 24, 2023](#))
- [Staff Report – Amendment to Shoreline Master Program Map SMM-01-23](#)

**Comments:** Use the following link to submit or review comments:

- [https://www.spokanecounty.org/5175/Planning-Commission-News](https://www.spokanecounty.org/5175/Planning-Commission-News)

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**Public and Zoom Webinar Information**

Public Comments may be limited to three (3) minutes per speaker. The Planning Commission reserves the right to adjust the time frame allotted to speakers. Chat functions are not recognized for commenting—please use the web link.

For additional assistance contact us as [https://www.spokanecounty.org/5175/Planning-Commission-News](https://www.spokanecounty.org/5175/Planning-Commission-News), by calling 509-477-3675, or by emailing [planningcommission@spokanecounty.org](mailto:planningcommission@spokanecounty.org).

All public hearings are conducted in the Commissioner’s Hearing Room, Public Works Bldg. 1026 W. Broadway, Spokane, WA. Facilities are physically accessible for individuals with disabilities.

Questions or special needs may be directed to Elya Miroshin at [emiroshin@spokanecounty.org](mailto:emiroshin@spokanecounty.org) or (509) 477-7139.

**Webinar Link:**

[https://us06web.zoom.us/j/81213204662?pwd=dVd5aFZGaVRINUhvQ2ltVUhUZmVZbG09](https://us06web.zoom.us/j/81213204662?pwd=dVd5aFZGaVRINUhvQ2ltVUhUZmVZbG09)

**Telephone:** 1-253-215-8782 (toll free) | Meeting ID: 812 1320 4662 | Passcode: 576418
AGENDA

Chair Stephen Pohl, Vice Chair Pete Rayner, Clyde Haase, Wayne Brokaw, Melissa Wittstruck, Logan Camporeale, Alan Nolan

Thursday, July 27, 2023, at 9:00 A.M.

Spokane County Planning Commission

www.spokanecounty.org/623/Planning-Commission

Commissioner’s Hearing Room, Lower Level, Public Works Building

The public may participate in person or remotely utilizing web and telephone conference links.

Individuals are limited to one, three-minute comment period during the meeting.

Please keep your comments specific to the current agenda item.

Chat is not supported.

Call to Order 9:00am

Open Forum Public comment on any item not on the current agenda

Public Hearing Amendment Request to the Spokane County Shoreline Master Program (SMP) to change the shoreline map designation from Natural to Rural Conservancy on approximately 6.19 acres of shoreline along Liberty Lake.

Minutes June 29, 2023

Information Staff Report

Next Meetings August 17, August 31
NOTICE IS HEREBY GIVEN by the Spokane County Planning Commission pursuant to Chapter 36.70 and 36.70A RCW, that a PUBLIC HEARING with a virtual participation option, will be held in the Commissioner’s Hearing Room, Lower Level, Public Works Building, located at 1026 W. Broadway, Spokane, WA on Thursday, July 27th, 2023, at 9:00 a.m. The meeting will also be available via Zoom at:

Webinar Link: https://us06web.zoom.us/j/81213204662?pwd=dVd5aFZGaVRlNUhvQ2ltVUhUZmZz09

Telephone: 1-253-215-8782 (toll free)
Meeting ID: 812 1320 4662
Passcode: 576418

Spokane County Planning Commission
Thursday, July 27th, 2023 -- 09:00 AM Pacific Time (US and Canada)

The purpose of the public hearing is to consider oral and written testimony both for and against the following proposed action:

SMM-01-23; Proposed Amendment to the Spokane County Shoreline Master program to change the shoreline map designation from Natural to Rural Conservancy on approximately 6.19 acres of shoreline frontage. The site is generally located east of and adjacent to the shoreline of Liberty Lake, adjacent to Zephyr and Lakeside Roads, in Section 25, Township 25 North, Range 45 EWM, Spokane County, Washington. Parcel: 55252.9010 – The Department of Building and Planning will issue a Determination of Nonsignificance (DNS) for this proposal on July 12, 2023, with an appeal period ending at 4:00 PM on August 1, 2023.

Contact the Department for appeal procedures.

Public Comments may be limited to three (3) minutes per speaker. The Planning Commission reserves the right to adjust the time frame allotted to speakers. Chat functions are not recognized for commenting. Comments on these items may be made anytime at the Building & Planning web page (https://www.spokanecounty.org/5175/Planning-Commission-News).

For additional assistance contact us at https://www.spokanecounty.org/5175/Planning-Commission-News by calling 509-477-3675, or by email planningcommission@spokanecounty.org.

All public meetings are conducted in the Commissioners’ Hearing Room, Public Works Building, 1026 W. Broadway, Spokane, Washington.

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Questions or special needs may be directed to Elya Miroshin at emiroshin@spokanecounty.org or by calling 509-477-7139.

DATED THIS JULY 6, 2023
SPOKANE COUNTY DEPARTMENT OF BUILDING AND PLANNING
Proposal: Amendment to the Spokane County Shoreline Master Program (SMP) to change the shoreline map designation from Natural to Rural Conservancy on approximately 6.19 acres of shoreline along Liberty Lake.

Parcel Number(s): 55252.9010
Location: The site is generally located east of the and adjacent to the shoreline of Liberty Lake, and adjacent to and bisected by Zephyr and Lakeside Roads, in Section 25, Township 25 North, Range 45 EWM, Spokane County, Washington.

Agent: John Pederson
3219 W. Trinity Ave.
Spokane, WA 99208
(509) 999-5944

Owner: Zephyr Shores, LLC, c/o Dan Spalding
22 W. Main Ave., #5
Spokane, WA 99204
(509) 869-6169

Site Description/Existing Use:
The subject property is approximately 52 acres in size and located adjacent to the shoreline of Liberty Lake. The majority of the site is undeveloped and covered with areas of heavy natural vegetation. The topography of the site ranges from generally flat near the shoreline, rising to areas of steep slopes to the north and east. The site contains areas of large rock outcrops. Access is provided by both Zephyr and Lakeside Roads which bisect the site. The west ⅔ of the site contains a number of existing improvements to include two (2) lodges, a bunkhouse, caretaker’s residence, cabins, playfield, two (2) amphitheaters, and a dock. All improvements are located west of Zephyr Road and east of land on shoreline.

Surrounding uses include single family residences on lots ranging from 12,000 square feet to over 10 acres in size and undeveloped land. Liberty Lake Regional Park is located south of the site.
Critical Areas

<table>
<thead>
<tr>
<th>Aquifer Recharge Area:</th>
<th>The subject site is located within a Critical Aquifer Recharge Area (CARA) identified as having High Susceptibility.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish &amp; Wildlife Habitat Conservation Areas:</td>
<td>Spokane County Critical Areas identify the presence mapped Priority Habitat Species on and near the subject site to include White-Tailed Deer, Rocky Mountain Elk, and Waterfowl Concentrations. Maps also illustrate the location of two (2) Type 2 streams.</td>
</tr>
<tr>
<td>Floodplain:</td>
<td>FEMA identify a floodplain located adjacent to the shoreline on the site.</td>
</tr>
<tr>
<td>Geologically Hazardous Areas:</td>
<td>Spokane County Critical Areas Maps identify Geo-hazard Areas on the subject site in the form of erodible soils and slopes of 30% and greater.</td>
</tr>
<tr>
<td>Wetlands:</td>
<td>Spokane County Critical Areas Maps do not identify wetlands on or near the subject site.</td>
</tr>
<tr>
<td>Shorelines</td>
<td>Spokane County Shoreline Maps designate the shoreline of the subject site as Natural.</td>
</tr>
</tbody>
</table>

Comprehensive Plan:
The subject site is located within the Rural Traditional and Rural Conservation categories of the Rural Land Use Chapter of the Spokane County Comprehensive Plan. The Rural Category will include large-lot residential and resource-based uses. Rural residential clustering is permitted. Rural-oriented recreation uses will also play a role in this category. The Rural Conservation (RCV) category applies to environmentally sensitive areas, including critical areas and wildlife corridors. This category encourages low impact uses to protect sensitive areas and preserve open space.

The area of the site that is adjacent to the shoreline is within the Rural Traditional category.

Chapter 10, Natural Environment, recognizes shorelines to be among the most valuable and fragile of environments and includes goals and policies to manage the use of the shorelines so their protection, preservation and restoration are assured. Goal NE.34 directs the protection of these shorelines in Spokane County designated by the state Shoreline Management Act with the Spokane County Shoreline Master Program until it is replaced or amended. The current Shoreline Master Program was adopted on December 11, 2012, Resolution No. 01-1059.

A Periodic Update to the Shoreline Master Program was approved by the BOCC June 13, 2023, Resolution No. 23-0395. The Periodic Update has been forwarded to DOE for final review and approval.

Zoning:
The zoning of the subject site is Rural Traditional (RT) and Rural Conservation (RCV) zones. The intent of the RT zone is to provide for large-lot residential use, the use of rural clustering, farming, ranching and resource-based industries. Some rural recreational uses can also be found in this zone. The intent of the RCV zone is to permit large-lot and clustered residential...
uses and other uses that encourage protection of critical areas and the preservation of open space.

The area of the site that is adjacent to the shoreline is zoned Rural Traditional (RT).

Surrounding zoning consists of Rural Traditional (RT) and Rural Conservation (RCV) to the north, east and south of the site.

**Shoreline Designation:**
The shoreline designation for the subject site is Natural. Section 3.2, Natural Environment, of the Spokane County Shoreline Master Program states the intent of this designation is to provide protections for areas relatively free of intensive human use. This designation may also include the presence of unique natural or historic features that are valuable in their original or natural conditions. This designation prohibits new uses that include commercial, industrial, non water-related recreation, roads, corridors or parking areas within 200 feet of the ordinary high-water mark (OHWM) of the shoreline. Residential use may be allowed only as a conditional use.

**History/Background:**
A Nonconforming Use Determination (NCU), NCU-01-17, was approved for the subject site by the Department of Building and Planning on April 19th, 2017. The determination recognized the current use, or related uses, generally date back to 1902 when the original lodge was constructed. The original lodge was used as a roadhouse/speakeasy with overnight lodging. Around 1908 the lodge became the site of the Zephyr Hotel and Restaurant. Ownership was eventually transferred to the Catholic Diocese, and then sold to the Disciples of Christ Church Foundation in 1946 for use as a summer camp/retreat camp with rentals for weddings, reunions and conferences.

The determination granted nonconforming status for the use of the site as a church camp/retreat with limited overnight lodging, with recreational uses to include: swimming, boating, fishing, hiking, and to allow retreats, meetings, conferences, reunions, weddings, etc., limited to the previous scope and scale of these activities. Uses recognized as nonconforming do not include a hotel/motel, overnight camping or recreational vehicles, full-service restaurant or any other general commercial uses.

**Site Plan:**
The application materials include a site plan illustrating the location of current improvements on the site, existing topography, location of the shoreline and locations of the 200 foot shoreline setback as required by the Natural designation and 150 foot shoreline setback permitted by the requested Rural Conservancy designation.

The applicant also submitted a site plan illustrating the layout of a possible rural cluster, as permitted within the Rural Traditional (RT) and Rural Conservation (RCV) zones. The subdivision is not proposed as part of the requested amendment. The subdivision of the subject site into a rural cluster will require a separate application and review process with a public hearing before the Spokane County Hearing Examiner.
Proposed Amendment:
The applicant is proposing an amendment to the Spokane County Shoreline Master Program Map to change the shoreline map designation from the Natural Environment to the Rural Conservancy Environment for approximately 6.19 acres of shoreline adjacent to Liberty Lake.

Section 3.3, Rural Conservancy Environment, of the Shoreline Master Program states the purpose of this designation 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. Management Policies, as listed within Section 3.3.2, provide for residential uses and over water uses such as docks, while providing protection of shoreline ecological functions.

Table 5A, Spokane County Shoreline Master Program Use and Development Matrix, identifies the following differences between permitted uses in the Natural and Rural Conservancy Environments:

<table>
<thead>
<tr>
<th>Shoreline Uses</th>
<th>Natural</th>
<th>Rural Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water dependent comm.</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>Water enjoyment comm.</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>Water related comm.</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>Non-water-related comm.</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>Primary parking</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>SFR</td>
<td>CUP</td>
<td>A</td>
</tr>
<tr>
<td>MFR</td>
<td>X</td>
<td>A</td>
</tr>
<tr>
<td>Roads</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Primary utilities</td>
<td>CUP</td>
<td>A</td>
</tr>
</tbody>
</table>

Table 5B, Spokane County Shoreline Master Program Buffer, Bulk, and Dimensional Matrix, identifies the following differences between uses and corresponding shoreline setbacks:

<table>
<thead>
<tr>
<th>Shoreline Uses</th>
<th>Natural</th>
<th>Rural Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water dependent comm.</td>
<td>X</td>
<td>No buffer</td>
</tr>
<tr>
<td>Water enjoyment comm.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Water related comm.</td>
<td>X</td>
<td>150' min. buffer/35' max. height</td>
</tr>
<tr>
<td>Non-water related comm.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parking</td>
<td>X</td>
<td>landward of allowed uses</td>
</tr>
<tr>
<td>Residential</td>
<td>200' buffer</td>
<td>150' min. buffer</td>
</tr>
<tr>
<td>Roads</td>
<td>200' buffer</td>
<td>150' min. buffer</td>
</tr>
<tr>
<td>Utilities</td>
<td>Within roads</td>
<td>150' min. buffer</td>
</tr>
</tbody>
</table>
Procedures:
The proposed amendment is subject to the procedural requirements of Section 13 of the Shoreline Master Program.

**Section 13.2(4)** allows an amendment to be initiated by ‘any person upon submission of appropriate application forms and application fees.’

*Response:* The applicant submitted the appropriate forms and application fees.

**Section 13.3**, Criteria for Amendment, contains a list of criteria to determine when the County may amend the Shoreline Master Program (SMP). An amendment may be processed if one (1) of these seven (7) criteria is found to apply.

The applicant has responded to this requirement by stating the following criteria is applicable:

13.3(5). An amendment is necessary to provide for a use(s) that was not adequately addressed by the SMP.

Application materials contend the amendment is necessary to correct an error as the current Natural designation did not recognize the previous historical and ongoing semi-public and recreational uses of the subject site that have been well documented and recognized by Spokane County within an approved Nonconforming Use Determination, NCU-01-17. The applicant is now requesting the amendment to recognize the recreational use of the site and to allow the property owner to possibly develop the site consistent with those uses permitted within the existing Rural Traditional (RT) zone, to include residential use consistent with those uses located to the north and south of the site and along the shoreline of Liberty Lake. The existing Natural designation does not specifically support residential use within 200 feet of the OHWM of the shoreline. The requested Rural Conservancy designation allows for residential uses within 150 feet of the OHWM of the shoreline. Many of the existing residential uses to the north and south of the site are located closer than 100 feet to the shoreline.

**Section 13.4(4)**, Criteria for Amendment Approval, states that an amendment may be approved when all the following criteria are met:

a. The amendment advances the public health, safety and welfare.

*Applicant response:* The sustainment of the non-conforming historical and quasi-public uses requires additional economic return from the property. The value of possible residential lots increases with the ability to build within 150 feet of the shoreline as permitted within the Rural Conservancy designation. Approval of the non-project action will not impact the public health, safety or general welfare. Subsequent development will be subject to regulations that assure no net loss of ecological functions.

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.
Applicant response: Approval of the proposed amendment advances and is consistent with the goals and policies of the Comprehensive Plan and the Shoreline Management Act, RCW 90.58. This is a non-project action that does not change the underlying Comprehensive Plan designation. Future development will comply with the rural density policies of the Comprehensive Plan and the proposed amendment has been processed and evaluated consistent with RCW 90.58.

c. The amendment is consistent with the procedures and standards of the Shoreline Master Program Guidelines, WAC-173-26.

Applicant response: The proposed amendment to the Rural Conservancy designation is based upon the existing pattern of development located both on the site and adjacent properties and based upon the historical development pattern along the entire Liberty Lake shoreline. Any subsequent development on the site will be limited by the development standards of the Rural Traditional (RT) zone, the regulations of the Critical Areas Ordinance (CAO), and will be subject to additional environmental review. The use requirements of the Rural Conservancy designation will help to protect the ecological and biophysical functions of the shoreline environment. Said procedures have been followed and the Department of Ecology has been notified and consulted with.

d. The amendment is consistent with the Growth Management Act, RCW 36.70A.

Applicant response: Approval of the amendment is consistent with RCW 36.70A as it does not alter the existing Comprehensive Plan and Zoning designations. Subsequent development will not result in extension of public sewer outside of the UGA, consistent with the Concurrency regulations for development outside the UGA.

Section 13.4, Amendment Procedures, outlines the process the procedures for the processing of a map or text amendment to the Spokane County Shoreline Master Program. Building and Planning has processed the requested amendment consistent Section 13.4(3). The Department has notified and consulted with the Department of Ecology in the review of the proposal in addition to providing application review and public notice to local and state agencies of expertise, tribes and interested parties.

The Director has reviewed the proposed amendment for consistency with Section 13.4(4), as discussed above, and has determined the requested amendment may be generally consistent with the Goals and Policies of the Comprehensive Plan, the Shoreline Management Act, RCW 90.58, WAC 173-26, and RCW 36.70A.

Public Notice/Agency Review:
A Notice of Public Hearing was published within the legal notice section of the Spokesman-Review on July 6, 2023, 21-days prior to the scheduled public hearing.

A Notice of Public Hearing was mailed to all property owners located within 1,000 feet of the subject site by the applicant on July 12, 2023, and a Notice of Public Hearing sign was posted on the subject site on July 12, 2023.
State and local agencies of expertise, tribes and interested parties were provided formal Notice of Public Hearing on July 6, 2023. The Notice of Public Hearing, application information, and a staff report were posted on the Building and Planning website on July 6, 2023, consistent with Spokane County Public Participation Guidelines.

A 60-day Notice of Intent to Adopt Amendment was submitted to the Washington State Department of Commerce on June 28, 2023, consistent with RCW 36.70A.106.

Agency Comments

**Washington State Department of Ecology:**
Comments received requested the applicant address the potential cumulative impacts of permitted development and to complete a No Net Loss Assessment Analysis. The Applicant responded in an expanded narrative addressing the request and verifying the proposed amendment is a nonproject action and that any subsequent development will be subject to review at the time of application for these items together with numerous other additional state and local regulations.

**Liberty Lake Sewer Water and District:**
Comments received state that since the Natural designation of the site is the last remaining Natural shoreline on Liberty Lake and that maintaining the current designation promotes the public interest and welfare. Reduction of the shoreline buffer will result in impacts to the current function of the shoreline.

**Spokane Tribe of Indians**
Comments received highlight the extensive use of the shorelines along water bodies in years prior and the potential of evidence or artifacts related to cultural resources is high. The comments request an Inadvertant Discovery Plan be implemented in any future scope of work.

**SEPA:**
A Determination of Nonsignificance (DNS) was issued for the proposed amendment, per WAC197-11-340, by the Department of Building and Planning, as lead agency, on July 12, 2023, with a comment and appeal period ending on August 3, 2023.

**Action on Amendment:**
Section 13.4(4) of the Shoreline Master Program direct the Planning Commission to forward a recommendation, with minor modifications it deems appropriate, to the Board for approval or denial of the requested amendment.

The Board’s decision will be forwarded to the Department of Ecology for formal review and approval as part of the statewide shoreline master program. The Department of Ecology’s decision to approve, reject or modify the amendment shall be appealed to the Growth Management Hearings Board.
Summary:
The proposed amendment to the Shoreline Master Program (SMP) for the subject site has
been processed consistent with the requirements of Section 13 of the Shoreline Master
Program, WAC 173-26, and RCW 90.58. Public notice has been provided for as required by
state and local regulations.

The proposed amendment may be generally consistent with Goals and Policies of the
Comprehensive Plan, and with Section 13.4(4) of the Shoreline Master Program due to the
historic and continued use of the site which has included semi-public use and long-established
recreational use along and on the shoreline of the site. The use regulations of the requested
Rural Conservancy designation will help to preserve the ecological function of the shoreline
from any subsequent use of the site.

Prepared By: Date: July 6, 2023

Tammy Jones, Planning Manager
Spokane Tribe of Indians  
Tribal Historic Preservation Office  
P.O. Box 100 Wapiti WA 99040

May 9, 2023

To: Tammy Jones, Planning Manager

RE: Spokane County Shoreline Map Amendment, SMM-01-23

Ms. Jones,

The Spokane Tribe appreciates the opportunity to comment on your undertaking. The intent of this process is to preserve and protect all cultural resources whenever protection is feasible.

As you already know that the Spokane Tribe use of this area was extensive in years prior to arrival of euro-Americans, and clearly the Spokane River was a place of great cultural and economic importance to our tribe.

There are many previously recorded sites and more when the river fluctuates every year, these sites may be eligible for the National Register. While surface evidence or artifacts and human remains may be sparse after years of non-Indian occupation and development, evidence below the surface may still be in place and artifact and human remains may be entering the site through hydrological processes, and other means.

These cultural sites are very limited, irreplaceable and provide the historical and cultural foundations of the Spokane Tribe and includes the traditional cultural resources, ancestral and sacred sites, historic locations, and burial sites that are so important to the Spokane tribe. A TCP studies should be a part of every cultural resource study, just as a review of archaeological / historic sites in the area is a part of every cultural resource survey and no project is too small for a TCP study.

That an Inadvertent Discovery plan implemented in the scope of work, and this project may ignite section 106 of the National Historic Preservation Act (NHPA).

However, if any artifact or human remains are found upon inadvertent discovery this office should be notified and in the immediate area cease.

Should additional information become available our assessment may be revised.

RETURN TO AGENDA
Any further question or comment can be made to me at (509) 258-4222. Thank you.

Sincerely,

Randy Abrahamson
Tribal Historic Preservation Officer
May 12, 2023

Spokane County Building and Planning Department
1026 West Broadway Avenue
Spokane, WA 99260

Re: SMM-1-23, Proposal to change Shoreline Designation on Parcel # 55252.9010,

Ms. Tammy Jones,

Liberty Lake Sewer and Water District (LLSWD) has been responsible for maintaining water quality in Liberty Lake since the early 1980’s. This began with installation of a sanitary sewer collection system around the lake, and development of a restoration plan for historical nutrient loading problems to the lake. LLSWD is the entity in charge of implementing and meeting the EPA-approved, Ecology administered Phosphorus TMDL (in place since 1993). A major tool in this process of reducing nutrient inputs is through use of routing stormwater volumes, increased by human development, into vegetated infiltration galleries. The next major tool which reduces bulk erosion of the shorelines into the lake are properly functioning riparian buffer areas. LLSWD relies on Spokane County’s jurisdiction and Shoreline Master Program (SMP) to help protect the water quality of Liberty Lake through regulation of development activities and complete enforcement of the SMP. LLSWD is concerned that a decision in favor of the applicant will further impact the existing riparian buffer on this property. Yes, mitigation studies/plans are required in some cases, but in what manner are those verified? Before any map amendment is made, the applicant should have to show, at a minimum, a good faith effort that damages to the shoreline are being repaired, or at least progress is shown. Otherwise, the last remaining near-natural shoreline on Liberty Lake will just continue to be developed and negatively impact any remaining ecological function of the buffer area. Lastly, when shoreline designations were assigned to waterbodies in Spokane County, those were developed with considerations to each local, unique waterbody (as well as considerations for State and Federal water quality laws). The conditions and designations associated with Newman Lake are separate and different from Liberty Lake.

[SMP Amendment Application]

- Utility availability
- Liberty Lake Sewer and Water District (LLSWD) has capacity for additional sewer and water connections on this property.

- **SMP update discussion**
  - This property was discussed in the previous SMP update, which occurred in 2004. The Commissioner-appointed Shorelines Advisory Committee reviewed the Goals and Policies of Spokane County’s Shoreline Program and recommended appropriate amendments consistent with WAC-173-26. In this review, one item the Committee considered, was the existing classification of all shorelines in Spokane County, and whether or not a change in designation was warranted. Map data, aerial imagery, local insight, and peer to peer anecdotal information was all utilized in this process. Prior to the 2004 review, the property in question (then Zephyr Lodge Church Camp) had a Natural designation assigned to the shoreline. During the review, the committee compared Zephyr's shoreline to all others on Liberty Lake. Given the fact that this shoreline was the last remaining undisturbed riparian area on the lake, the decision was to maintain the existing designation as “Natural”.

- **Evidence to support proposed amendment**
  - Even though the ownership has recently changed from quasi-public to private since the last SMP, the inherent ecological functionality of the near-natural riparian area has not. A major part of the State’s Shoreline Master Program requirement to county governments is maintaining the integrity of the riparian area adjacent to Waters of the State, so as not to increase degradation of these waterbodies.

[SMP Amendment Application - Supplement]

- **Advances public health, safety, or welfare**
  - The position stated that the proposed amendment “...advances public health, safety, or welfare” is hard to understand, as there is no part of a buffer reduction which positively impacts any of these items.

  - One could counter with a waterbody having a more protected, natural shoreline, property values are higher than one with a completely maxed/built-out shoreline. Furthermore, greater development also increases the risk for water quality degradation (via algae blooms, invasive species spread, etc.), which will have direct negative impacts on property values. This is shown to be true in many independent studies of property values pre/post water quality degradation.

- “No land use changes will occur.....”

  - From what is included in the application, it seems that there is an inherent change in land use on the parcel in question.
"...adds an economic benefit...."
- While this may add an economic benefit to the property owner in maintaining such a property, one must consider the magnitude of economic benefit to the public...of which Liberty Lake is a Waters of the State (thus being in the Public Trust).
- "Site includes existing on-site public water and sewer services"
  - Liberty Lake Sewer and Water District has capacity for additional sewer and water connections on this property.

[Spokane County SEPA Checklist]
- (A.14.a.1) CARA & fluid disposal
  - Any current and future development within the Liberty Lake watershed are required to develop, install, and maintain on-site stormwater drainage facilities. Primary treatment in these facilities is from infiltration through vegetation and a sufficient soil profile (as required in the Eastern Regional Stormwater Manual). This includes access roads, parking areas, or any change in infiltrative abilities caused by site improvements.
- (A.14.b.1) Depth to GW and bedrock
  - The property has an existing Exempt well on-site, providing seasonal irrigation and fire protection to the property. The applicant can easily find/provide this information with a quick query of Ecology's Well Log database. As for depth to bedrock, this is also easy to gauge, as the bedrock is visible on the shoreline (toe of slope), as well as various outcrops on the property. There is an uneven distribution of soil over the property.
- (A.14.b.2) SW Discharge
  - The proposed projects will be required to discharge stormwater to the ground.
- (B.1.b) Steepest Slope on site
  - As shown on Spokane County GIS data, there are slopes present on site > (or equal to) 30%.
- (B.1.d) indications/history of unstable soil
  - Relatively shallow soil profile present on the property as you get closer to the shoreline. After the change in ownership, bulk amounts of vegetation were removed from the shoreline area. These removals increase the susceptibility of surface erosion to Liberty Lake.
- (B.1.f) Could erosion occur....
  - Erosion could occur in subsequent intended development actions stated in this application.
- (B.1.g) Percent of site covered by impervious....
There will be a net increase in impervious area on the parcel in question with subsequent intended development actions stated in this application.

(B.3.a.(2)) Work over/in/adjacent water....
- Work will be performed within 200' of the described waters if amendment is approved, per the applicant's stated intention (in this application packet) of subdividing the parcel via the Cluster Development designation.

(B.3.b.(1)) GW be withdrawn/discharged...?
- Yes, groundwater is currently in use on-site for irrigation and fire flow purposes with a private reservoir and transmission system. The groundwater source is technically rated as GWI (groundwater under the influence of surface water).

(B.3.c.(1)) Source of runoff....could waste materials enter ground/surface.....
- An increase in stormwater runoff volume would be expected if amendment is approved, as the applicant states a cluster development is the end goal of this proposed change to the shoreline designation.

(B.4.a) Correct listing of present plants
- Deciduous: alder, maple, ash, willow on-site;
- Evergreen: fir and pine species on-site;
- Shrubs are present;
- Water Plants: pondweed (multiple species), water lillies, milfoil, elodea, coontail, spatterdock, chara, nilella.

(B.5.a) Correct listing of present animals
- Mammals: deer, bear, elk, beaver, muskrat, moose, river otter, coyote;
- Fish: bass, trout, bluegill, perch, walleye, catfish.

(B.8.h) Any part of site classified as critical area...
- Slopes ranging between 15% & 30% (and greater) are present, as well as easily erodible soils. This is significant when considering potential water quality degradation.

(B.16.a) Utilities currently available on-site
- Liberty Lake Sewer and Water District has capacity for additional sewer and water connections on this property.

[Spokane County SEPA Checklist - Supplemental Sheet for Nonproject actions]

(D.1) how would proposal increase discharge to water....
- This proposal would result in increased stormwater volume, clearing of native & riparian vegetation, and addition of impervious area to the watershed of Liberty Lake.

(D.3) how would...affect env't. Sensitive areas....
This proposal would result in the modification/removal of the last remaining natural, undeveloped riparian buffer on Liberty Lake.

- (D.5) how would ... affect land and shoreline use
  - The change in designation would certainly increase land development and number of incursions into the riparian area of Liberty Lake.

- (D.6) how would ... increase demand on public utilities
  - The proposed subsequent development, if this amendment is approved, may have issues with adequate fire flow, if required by SVFD. This portion of LLSWD's system is nearing its ability to add more hydrants. System upgrades potentially would be required to connect further residences.

Please let me know if you have further questions regarding these comments. Liberty Lake Sewer and Water District appreciates the opportunity to participate in this Shoreline Map Amendment proposal.

Sincerely,

Jeremy Jenkins, M.S.
Environmental Manager

Phone: 509-922-5443 (x.230)
Email: jjenkins@libertylake.org
Jones, Tammy

From: Sikes, Jeremy (ECY) <JSIK461@ECY.WA.GOV>
Sent: Monday, May 1, 2023 10:43 AM
To: Jones, Tammy
Subject: RE: Circulation Memo for Spokane County Shoreline Map Amendment SMM-01-23

Thank you for the clarification. I saw the SEPA checklist and thought that's what I was seeing, but now see it was not sent to the register.

Jeremy Sikes
Regional Section Manager

Shorelands and Environmental Assistance (SEA) Program
Department of Ecology - Eastern Region
4601 N Monroe
Spokane, Washington 99205

Cell: (509) 481-1913

Please note: This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

From: Jones, Tammy <TMJones@spokanecounty.org>
Sent: Monday, May 1, 2023 10:24 AM
To: Sikes, Jeremy (ECY) <JSIK461@ECY.WA.GOV>
Subject: RE: Circulation Memo for Spokane County Shoreline Map Amendment SMM-01-23

Jeremy,
SEPA has not been issued for either amendment.

Tammy Jones

From: Sikes, Jeremy (ECY) <JSIK461@ECY.WA.GOV>
Sent: Monday, May 1, 2023 9:21 AM
To: Jones, Tammy <TMJones@spokanecounty.org>
Cc: Smith, Corey T. <ctsmith@spokanecounty.org>
Subject: RE: Circulation Memo for Spokane County Shoreline Map Amendment SMM-01-23

Hi Tammy and Corey.

I wonder if it might be best for the three of us to get on the phone to talk over this. I had understood that these proposed amendments would happen after the SMP review was complete. My confusion is probably from the amendment coming through SEPA for my review, where I would typically have this to review before SEPA. The county process to accept applications for desired SMP amendments is unique in the state, so that's what I mean by it not being recognized. I do understand that this is a county proposed amendment (based on the application).
Please do review the required steps in WAC 173-26-110. The 4 items in the email below are just a summary of the 10 provisions contained in the WAC. You will need to decide if you will go through the standard amendment process outlined in WAC 173-26-100, or the Joint Review process in WAC 173-26-104. Because this proposal will change the type and intensity of uses allowed on the parcel, an analysis of potential cumulative impacts the new allowed development, and a No Net Loss assessment will need to be completed. There should be a clear description of the potential changes in use at the site, as well as new maps depicting the change. I have only looked over the materials briefly, and may have more detailed feedback in the future.

I am familiar with the Zephyr Lodge location already and have met in the past with the owners and agent. Ecology is generally supportive of a change from Natural to Conservancy, but more analysis will be needed. All of the above also applies to the WDFW proposal at Chapman Lake. That proposal actually would result in a county-wide change in the potential intensity of uses in the Natural environment and will require a county-side assessment of those effects.

Jeremy Sikes  
Regional Section Manager  
Shorelands and Environmental Assistance (SEA) Program  
Department of Ecology - Eastern Region  
4601 N Monroe  
Spokane, Washington 99205  
Cell- (509) 481-1913  

Please note: This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

From: Jones, Tammy <TMJones@spokanecounty.org>  
Sent: Monday, May 1, 2023 8:00 AM  
To: Sikes, Jeremy (ECY) <JSik461@ECY.WA.GOV>  
Subject: RE: Circulation Memo for Spokane County Shoreline Map Amendment SMM-01-23

Good morning Jeremy,

The shoreline amendments will go to public hearing before the Spokane County Planning Commission with final decision by the Board of County Commissioners (BOCC). After that the amendment will proceed onto DOE. The application materials have been circulated to DOE for consultation and to all other agencies listed on circulation memo. The circulation is intended to notify DOE and so that DOE can comment as part of the consultation. Based upon this the amendments are being processed consistent with all four requirements listed within WAC 173-26-110. The updated Shoreline Master Program will be going to the BOCC this month for final approval and this will be completed prior to any public hearing for the proposed amendments. Both amendments are being proposed by outside parties and not by the County. Please detail why DOE cannot recognize amendments that are proposed by outside parties to a shoreline master program.

Thank you,

Tammy Jones