

No. 14-0605A

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF APPROVING REVISIONS)
TO THE SPOKANE COUNTY SHORELINE)
MASTER PROGRAM REQUIRED IN A)
STIPULATED AGREEMENT IN GROWTH)
MANAGEMENT HEARINGS BOARD CASE NO.)
13-1-003C PERTAINING TO ON-SITE SEWAGE)
DISPOSAL)

MOTION

Mr. Chairman:

I hereby move:

- (1) that the Board adopt the Revised Shoreline Master Program as amended, which amendment consists of revisions pertaining only to on-site sewage disposal which were the subject of the public hearing on July 8, 2014, as well as additional deletions from the Revised Shoreline Master Program as amended, consistent with the revisions considered by the Board at the public hearing; and
- (2) that the Chairman of the Board or a majority of the Board be authorized to execute Findings Of Fact and Decision reflecting this motion to be executed at other than an open public meeting; and
- (3) that the Department of Building and Planning shall forward the Revised Shoreline Master Program, as amended, to the Department of Ecology for its consideration pursuant to chapter 90.58 RCW, together with all appropriate supporting documentation.

PASSED AND ADOPTED this 22nd day of July 2014.



BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

Al French
AL FRENCH, Chair

ATTEST:

Todd Mielke
TODD MIELKE, Vice-Chair

Daniela Erickson
Daniela Erickson
Clerk of the Board

Shelly O'Quinn
SHELLY O'QUINN, Commissioner

No. 14-0605B

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF APPROVING REVISIONS TO THE)
SPOKANE COUNTY SHORELINE MASTER PROGRAM)
REQUIRED IN A STIPULATED AGREEMENT IN GROWTH)
MANAGEMENT HEARINGS BOARD CASE NO. 13-1-003C)
PERTAINING TO ON-SITE SEWAGE DISPOSAL)

**FINDINGS OF FACT
AND
DECISION**

WHEREAS, pursuant to RCW 36.32.120(6), the Board of County Commissioners of Spokane County, Washington ("Board") has the care of County property and management of County funds and business; and

WHEREAS, pursuant to the provisions of chapter 90.58 RCW (Shoreline Management Act of 1971) ("SMA"), the Washington State Department of Ecology ("DOE") adopted the Spokane County Shoreline Master Program on January 15, 1975; and

WHEREAS, pursuant to the provisions of the SMA and WAC Chapter 173-26, the Master Program Planning Guidelines, and Department of Ecology Grant Contract No. 0400147, the Board is responsible to revise and update the Spokane County Shoreline Master Program, hereinafter referred to as the "RSMP"; and

WHEREAS, the SMA, WAC Chapter 173-26 and chapter 36.70A RCW set forth goals, policies and procedures to guide the development and adoption of the RSMP and amendment of the Comprehensive Plan; and

WHEREAS, on January 8, 2013, DOE approved the Revised Shoreline Master Program for Spokane County with an effective date of January 22, 2013 ("Decision"); and

WHEREAS, the Decision by DOE was appealed to the Growth Management Hearings Board by Futurewise, The Lands Council, Spokane Riverkeeper, The Lands Council, and Trout Unlimited (jointly along with DOE and the County referred to as "Parties") under Case No. 13-1-0003c; and

WHEREAS, the Growth Management Hearings Board issued a Final Decision and Order in Case No. 13-1-0003c on December 13, 2013 wherein it determined in part:

1. *As to Legal Issue 4 relating to On-Site Sewage Systems, the Growth Management Hearings Board reverses the Department of Ecology's decision approving Spokane County's 2013 Shoreline Master Program Update and remands this matter to the Department Ecology and Spokane County for the purpose of complying with the Shoreline Management Act consistent with this Final Decision and Order and in accordance with the following schedule.*

; and

WHEREAS, the Parties executed a pleading entitled "Stipulation among the Parties" on January 17, 2014 in Case No. 13-1-0003c ("Stipulation") wherein they agreed:

2. *Spokane County and the Washington State Department of Ecology agree to address the issues raised in the decision pertaining to Issue 4, On-Site Sewage Systems, pp. 28-50, and the Order and compliance schedule, p 62 of that decision.*

; and

WHEREAS, in response to the Stipulation, Spokane County and the Department of Ecology, in consultation with the appellants and technical experts in hydrology developed proposed revisions to the Spokane County Shoreline Master Program pertaining to on-site sewage disposal systems utilizing best available science that significantly reduces phosphorous discharge from on-site sewage disposal systems to achieve no net loss of ecological function in shoreline jurisdictions; and

WHEREAS, on July 8, 2014, after providing public notice as set forth in Spokane County Resolution No. 14-0441, the Board held a public hearing to consider proposed revisions to the Spokane County Shoreline Master Program, as provided for in the Stipulation among the Parties; and

WHEREAS, on July 8, 2014 at the conclusion of their public hearing to consider proposed revisions to the Spokane County Shoreline Master Program as provided for in the Stipulation among the Parties, the Board closed the record on further oral and written testimony on the revision to the Spokane County Shoreline Master Program pertaining to on-site sewage disposal systems, left the record open to July 15, 2014 to consider comments on the Determination of Nonsignificance (DNS) issued for the non-project action and continued their decision on this matter to July 22, 2014 at 2:00 p.m.; and

WHEREAS, pursuant to the State Environmental Policy Act and Spokane Environmental Ordinance, a Determination of Nonsignificance (DNS) was issued on June 30, 2014 with regard to the proposed revisions to the Spokane County Shoreline Master Program as provided for in the Stipulation among the Parties. The public comment period with regard to the DNS expired on July 15, 2014. No further comments on the DNS were received. The DNS was not appealed.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Spokane County, Washington pursuant to the provisions of chapter 90.58 RCW, that the Board hereby adopts the RSMP as amended, which amendment consists of revisions pertaining only to on-site sewage disposal, a copy of which are set forth in Attachment A, attached hereto and incorporated herein by reference, as well as additional deletions consistent with Attachment A which are set forth in Attachment B, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Spokane County, Washington, that Department of Building and Planning shall forward the RSMP as amended to the Department of Ecology for its consideration pursuant to chapter 90.58 RCW, together with all appropriate supporting documentation.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Spokane County, Washington that in adopting the RSMP as amended the Board does hereby adopt each and every recital set forth above as a finding in support thereof as well as the following additional

FINDINGS OF FACT

I.

The following public notices were given to offer the public participation opportunities consistent with the adopted Spokane County Public Participation Guidelines:

- a. Notice of the July 8, 2014 Board of County Commissioners public hearing published in the Spokesman Review 15 days prior to the public hearing.
- b. The draft RSMP was available on the Spokane County Department of Building and Planning website prior to the public hearing on July 8, 2014.

II.

Pursuant to State Environmental Policy Act and Spokane County Environmental Ordinance, a Determination of Nonsignificance (DNS) was issued on June 30, 2014 following conclusion of the public comment period on July 15, 2014 wherein it was determined that the adoption of the RSMP was a non-project action that did not have a probable significant adverse impact on the environment. The DNS was not appealed.

III.

The adoption of the RSMP will further the public health, safety and general welfare.

IV.

The RSMP as amended and the adoption process provided the citizens of Spokane County the opportunity to be involved in a planning process that is predictable and specific to the community.

V.

The process employed by Spokane County in preparing and reviewing the draft RSMP is in compliance with Chapter 90.58 RCW, WAC Chapter 173-26, the adopted Spokane County Public Participation Guidelines, and DOE SMP Grant 0400147.

VI.

The above recitals are adopted as Findings of Fact herein to the extent that they contain facts related to the adoption of this updated Shoreline Master Program.

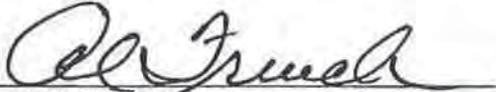
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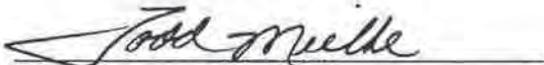
The Board of County Commissioners incorporates all its deliberations minutes to further support and show their work in conjunction with this decision.

PASSED AND ADOPTED this 22nd day of July, 2014.



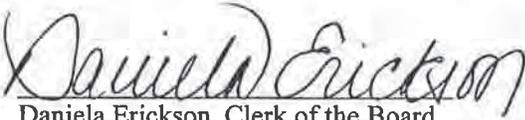
BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON


AL FRENCH, Chair


TODD MIELKE, Vice-Chair


SHELLY O'QUINN, Commissioner

ATTEST:


Daniela Erickson, Clerk of the Board

ATTACHMENT A

NEW LANGUAGE

SHORELINE MASTER PROGRAM

SECTION _____

SHORELINE ONSITE WASTEWATER TREATMENT SYSTEMS

x.1 Operative Standards

The development standard for all development within the shoreline is no net loss of shoreline ecological functions.

x.2 Location Standards

1. As required under WAC 246-272A-0025 and subject to the applicable concurrency requirements of Title 13 of the Spokane County Code, where the property to be developed is within the UGA and within 200 feet of a public sewer system, the property shall connect to public sewer and septic drainfields are prohibited.
2. Where new residential lots are created that include property within the shoreline jurisdiction of this Shoreline Master Program, such lots shall be configured so that all septic drainfields are located outside of shoreline jurisdiction except as provided for in Subsection (4) below.
3. Where new development is proposed on a lot of record within shoreline jurisdiction that includes property outside of the shoreline jurisdiction, the septic drainfield shall be located outside of the shoreline jurisdiction except as provided for in Subsection (4) below.
4. Where site, lot or other physical constraints combined with the requirements of sections (2) or (3) would prohibit all reasonable use of the property, a septic drainfield may be located within the shoreline jurisdiction, provided the following minimum standards shall be met:
 - a. The owner shall have a special report prepared by a licensed professional engineer that incorporates one or more of the tools from Table 5.3.8 (4) below, that are necessary and appropriate to demonstrate a minimum phosphorous effluent reduction or phosphorus discharge concentration limit of 1 mg/liter or less for the projected flow from the structure over the life of the system.
 - b. The report shall include the site development plan required under Section 4.1.3 and identify a combination of physical and locational constraints and the onsite wastewater treatment system operation, monitoring, performance, and maintenance program that is designed to achieve the phosphorus effluent discharge concentration limit of 1 mg/liter or less through the life of the system. The onsite wastewater treatment system

ATTACHMENT A

Table 5.3.8 (4) Options for new on-site wastewater treatment systems in shoreline areas and for systems subject to provisions of Location Standards (5)

- shall become part of the building/septic design and any shoreline permits required for the development of the site.
- c. The drainfield setback shall be landward of the residence and the farthest feasible distance from the shoreline but not less than 100 feet measured horizontally landward from the line of ordinary high water.
 - d. The report shall identify a monitoring program at a point that this compliance point is "immediately downstream of the engineered media discharge point and before the drain field consistent with the following requirements:
 - i. Monthly monitoring upon installation until the 1 mg/liter total phosphorus concentration threshold is met.
 - ii. Once tests show the system is working as planned, annual monitoring program to show the system is functioning and being properly maintained.
 - iii. In the event of an exceedance over the 1mg/liter phosphorus concentration in any report, another sample will be tested again within the next 30 days. If the second laboratory analysis detects a total phosphorus concentration greater than 1.0 mg/L, the homeowner shall present a plan to the Building and Planning Department within 30 days to correct the exceedance and upon approval shall implement the plan at the earliest opportunity (weather permitting), within one year after the date of the plan approval.
 - iv. Reports shall be maintained with the Building and Planning Department, which shall maintain a log of reports and shall monitor reports for both timely submission and compliance with the 1 mg/liter standard.
 - v. Water quality tests shall be conducted at an Ecology accredited laboratory, which will provide the reports to the County Building and Planning Department no less than 30 days from date of the laboratory analysis.
 - vi. The County Building and Planning Department shall notify both Ecology and any homeowner if a report is not timely filed or has any evidence that the system is not functioning as required, and shall have the authority to require additional water quality testing at the homeowner's expense if any report is more than 90 days late.

ATTACHMENT A

Table 5.3.8 (4) Options for new on-site wastewater treatment systems in shoreline areas and for systems subject to provisions of Location Standards (5)

- vii. Failure to properly maintain an onsite wastewater treatment system in the shoreline area of Spokane County under the terms of this section shall be grounds for declaring the system a failed system under Section 8.2 of the master program with *authority to declare the system out of compliance with County requirements and take such steps to assure continued violations do not occur* .
-
- 5. Where an existing lot of record is developed with a septic drainfield system that does not meet the specifications of this section and new development or redevelopment (including remodels) with a cost or fair market value (whichever is more) of 50% of the assessed value of the improvements on the property or increases the number of bedrooms and/or bathrooms on the property, the requirements of section x.2.4.a-c shall be a condition of any permit issued for such work.
 - 6. Onsite wastewater treatment systems serving allowed uses in conformance with the SCSMP must also be in compliance with regulations administered by the Spokane Regional Health District.
 - 7. The County will revisit the effectiveness of Section XX Shoreline Onsite Wastewater Treatment Systems and the best available affordable technology for phosphate removal that meets the requirements of no net loss at its next SMP update.

ATTACHMENT A

Table 5.3.8 (4) Options for new on-site wastewater treatment systems in shoreline areas and for systems subject to provisions of Location Standards (5)

Element	Description
<i>P Removal Technology specifications</i>	Requirements for Soil Absorption System (SAS) or Advanced Treatment System (ATS) which includes filtering with enhanced medium (e.g., Limestone, tire chips).
	Requirements for specific SAS design configurations (e.g., long/narrow trenches or shallow SAS designs).
<i>Site conditions</i>	Groundwater/watershed boundary within the 200 foot buffer zone that prevents effluent within the buffer from reaching the nearby water body (immediately).
	Establish a minimum vertical separation distance (e.g., no less than 10 feet) to maximum site groundwater elevation to maximize phosphorus adsorption.
	Construct Onsite Wastewater Treatment System (OWTS) on the most topographically upgradient property boundary perpendicular to groundwater flow to allow for the maximum possible adsorption of phosphorus.
<i>Operations and Maintenance</i>	Requirements for periodic Septic Tank "pump-outs" to reduce the build-up of solid-phase phosphorus concentrations and subsequent aqueous phase effluent concentrations.
	Require regular (annual) OWTS inspections to ensure proper system operation.
	Requirements for the period replacement and off-site disposal of ATS media. Off-site disposal and off-site re-use areas for spent treatment media. (e.g., acid mine drainages, forestry applications horticulture)
<i>Monitoring</i>	Requirements for initial and ongoing testing of ATS systems (e.g., periodic total phosphorus and pH testing) to ensure performance requirements are being met.
	Requirements for the installation of groundwater piezometers to enable periodic testing of phosphorus concentrations in groundwater over the first ten years of operation.
<i>Existing OWTS Systems</i>	Requirements for monitoring of existing OWTS within the 200 foot shoreline buffer zone to determine total phosphorus discharge concentrations.

ATTACHMENT B

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~~

ATTACHMENT B

~~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.~~

**Spokane County
Shoreline Master Program**

Effective: January 22, 2013

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SECTION 1

TITLE, AUTHORITY, PURPOSE AND INTENT

1.1 Title

This chapter shall be known and may be cited as the “Shoreline Master Program” and may be referred to as the “Shoreline Management Program” or “Shoreline Program” and such terms shall have the same meaning as the term “Shoreline Master Program.”

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.

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 Section 2, and 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, 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 for complying with this Shoreline Master Program pursuant to the goals, policies and use regulations in Sections 4 and 5 and Section 6, and the regulations specified in Section 6.4 pertaining to Exemptions.

These regulations shall apply to all applicable shorelines and shorelands in Spokane County 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.

1.4.1 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 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.

1.5 Program Content

This Shoreline Master Program shall consist of all Sections herein summarized as follows:

- a. The Shoreline Elements Goals and Policies set forth in Section 2 and embodied in the Comprehensive Plan in Chapter 10, Natural Environment, Sections NE.28, 29, 30, 31 and 34.
- b. The Shoreline Management Environment Designations as described in Sections 3 and 10, to include shoreline designation management policies, designation criteria and detailed descriptions of shorelines of the state subject to the Shorelines Management Act. Sections 3 and 10 are embodied in the Comprehensive Plan in Chapter 10, Section NE 34. Appendix II of this Shoreline Program and Comprehensive Plan, Chapter 10 include detailed mapped illustrations of the Shoreline Designations.
- c. The Shoreline Master Program Regulations set forth in Sections 4, 5, 6, 7, 8, and 11 including the Shorelines Designations Map illustrated in Appendix II.
- d. The Official Shoreline Designation Map maintained in the Department of Building and Planning and appended to Title 4 of the Spokane County Code and embodied in the Comprehensive Plan in Chapter 10, Section NE 34.
- e. The Shoreline Protection and Restoration Plan set forth in Section 12.
- f. The Critical Areas Ordinance in Appendix I, provided that said ordinance applies only to shorelines of the state illustrated in Appendix II.

SECTION 2

GOALS AND POLICIES FOR SHORELINE ELEMENTS IN SPOKANE COUNTY

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.

Policy 1: Physical and visual access to water is an important public value and should be preserved and increased.

Policy 2: Access design and spacing of access points should be based on the ecological function of the shoreline features and should protect fragile shoreline elements.

Policy 3: Except for carefully designed access points such as boat launches, roads and motorized vehicles should be kept as far from shorelines as feasible.

Policy 4: Where access to the water's edge by motor vehicles is necessary, parking areas should be kept as far from the shorelines as feasible.

Policy 5: Access for public recreational use should be maintained and increased as needed in order to incorporate recognized lake, river and stream areas that either are currently being used or may be used for public recreation in the future.

Policy 6: Implementation of Goal 1 and Policies 1 through 5 shall be consistent with the goal and policies set for the in Section 2.10, Protection of Property Rights Element 10.

2.3 Element 3 – Circulation

Goal 1: Provide a safe, convenient circulation system that will minimize disruption to the shoreline environment.

- Policy 1:** All circulation elements should be designed to minimize conflict between modes of travel, particularly between recreation and through traffic, and between auto, bicycle, and foot traffic.
- Policy 2:** Circulation elements should be adapted to the ecological functions of the shoreline area
- Policy 3:** Corridors for transportation and utilities should be combined when possible.
- Policy 4:** Motorized vehicle circulation systems should be located as far from the shoreline as physically feasible.
- Policy 5:** Vehicular circulation facilities should be on the upland side of development whenever physically feasible.
- Policy 6:** Bike paths, foot paths, and bridle paths should be encouraged while still protecting fragile shoreline elements.

2.4 Element 4 – Recreation

- Goal 1:** Preserve, increase and diversify recreational opportunities on the shorelines of Spokane County.
- Policy 1:** Encourage appropriate public agencies to preserve shorelines for public use and to dedicate or transfer appropriate shoreline land for recreational uses.
- Policy 2:** Both passive and active recreation should be encouraged for appropriate shorelines.
- Policy 3:** Public and private recreational uses should be consistent with maintaining the ecological functions of the shoreline resources to support such use.

2.5 Element 5 - Shoreline Use

- Goal 1:** Assure that shoreline uses are either water-dependent or water-related, and are compatible with adjacent land uses.
- Policy 1:** Shoreline uses should consider the environmental impact of their location, distribution and design.
- Policy 2:** All existing and proposed developments should be provided with a full range of utility services adequate to serve the developments and protect against hazards to the public and the physical environment.
- Policy 3:** Adverse changes to the natural character of the shorelines and interference with the public's use of publicly owned water bodies and shoreline areas should be minimized or prevented.

2.6 Element 6 – Conservation

- Goal 1:** Preserve natural shoreline resources including but not limited to scenic vistas, aesthetics, and areas vital for fisheries and wildlife habitat.

Policy 1: Unique and fragile shoreline resources should be preserved because they cannot be replaced.

Policy 2: Natural and semi-natural open spaces should be preserved and enhanced.

Policy 3: Identify, conserve and enhance the unique and fragile qualities of shoreline resources and their associated wetlands.

Policy 4: Science based on the scientific method shall be used to identify, conserve and enhance the unique and fragile qualities of shoreline resources and their associated wetlands.

Policy 5: Aesthetics, scenic vistas and irreplaceable resources should be preserved.

2.7 Element 7 - Historical and Cultural

Goal 1: Identify, protect, preserve, acquire, and restore shoreline resources that have cultural, historic, educational, or scientific values.

Policy 1: All actions within shoreline areas should identify, preserve, and restore buildings, sites or areas that have cultural, historical, educational or scientific significance in accordance with all current applicable local, state and federal regulations.

Policy 2: Public acquisition through purchase, gifts, bequests, or donations of buildings or sites having cultural, scientific, educational, or historical value should be encouraged.

2.8 Element 8 - Shoreline Restoration and Protection

Goal 1: Rehabilitate those shorelines where ecological functions have been degraded

Policy 1: Develop and implement a program to restore the ecological functions of degraded shorelines.

Policy 2: Developing and implementing a restoration program should be a collaborative effort among public and private entities and interested citizens.

Policy 3: Developing and implementing a restoration program should include, at a minimum, the following:

- a. shoreline rehabilitation strategy to include rehabilitation priorities and benchmarks, levels of restoration to be achieved, a post rehabilitation monitoring and maintenance program.
- b. A citizen involvement program encouraging the participation of citizens willing and able to contribute to the rehabilitation of degraded shorelines.
- c. a program promoting a collaborative partnership of private and public entities willing and able to contribute to the rehabilitation of shoreline resources.

Goal 2: Ensure that no net loss of ecological functions will result from the development and use of the shorelines.

Policy 1: Permitted development, public and private, will not cause a net loss of shoreline ecological functions.

- a. Develop regulations and mitigation standards in the shoreline master program to ensure implementation of the no net loss policy.

Policy 2: Emphasize prevention of degradation of the ecological functions of the shoreline and address, at a minimum, the following elements:

- a. Preserve priority habitat. (see WAC-173-26-020 for definition of priority habitat.)
- b. Use the full array of media options and academic venues to disseminate information regarding the proper care and use of shoreline resources and that fosters a stewardship approach to shoreline protection.
- c. Encourages citizens, businesses and public agencies with shoreline resource stewardship interests to work together in collaborative partnerships to protect the ecological functions of the shorelines. Such strategies may include, but not be limited to, land banking, shoreline acquisition (e.g. conservation futures), conservation easements, transfer of development rights and clustering of development.
- d. Identify the specific factors and mitigation measures to achieve a “no net loss of ecological functions” determination prior to issuance of development approvals. consistent with the requirements of WAC 173-26-201(e) pertaining to environmental impact mitigation.

Policy 3: Monitor and track exempt and permitted development and uses to assure compliance with the goals, policies and use and development regulations of this Shoreline Master Program.

Goal 3: Limit development and shoreline modifications that would result in interference with Latah Creek, Pine Creek, Deadman Creek, Dragoon Creek, Rock Creek and the Little Spokane River, long term channel meandering process.

Policy 1: Prohibit residential, commercial and industrial development within the Latah Creek, Pine Creek, Deadman Creek, Dragoon Creek, Rock Creek and the Little Spokane River Channel Meander Belts illustrated on the Channel Meander Belt Maps in Appendix III and on Channel Meander Belt Maps on display in the Department.

Policy 2: Provide adequate buffering from the Channel Meander Belts to assure that such development is protected from adverse effects resulting from long term natural channel meandering processes.

Policy 3: Carefully evaluate shoreline improvements and protection measures for their potential adverse impacts on the natural long term channel meandering processes. The evaluation shall be accomplished by a professional fluvial geomorphologist or civil engineer with hydraulic experience during any permitting process required by Spokane County development regulations.

2.9 Element 9 - Special Flood Hazards

The Shorelines Management Act requires a Special Flood Hazards Element giving consideration to the statewide interest in the prevention and minimization of flood damages. Spokane County Comprehensive Plan Goals NE.28, NE.29, NE.30, NE.31 and associated Policies pertaining to "Frequently Flooded Areas" hereby serve as the Special Flood Hazards Element of the Spokane County Shoreline Master Program. Those goals and policies are as follows: (Note: nearly all of the wording in the goals and policies below are already in effect in Chapters 28 and 30 of the Comprehensive Plan. Chapters 28 and 30 will be modified to be consistent with the below wording)

Goal NE.28: Recognize the multiple values of special flood hazard areas and educate people as to those values.

Policy NE.28.1: Recognize that special flood hazard areas are a natural physical feature of a watershed. The function of a frequently flooded area is to convey and store runoff during periods of heavy rainfall and snowmelt when overtopping of the normal river, stream or drainage channel occurs and adjacent low-lying areas are flooded.

Goal NE.29: Identify special flood hazard areas and drainage ways, sink areas, runoff areas, floodways and meander belts that contribute to frequently flooded areas.

Policy NE.29.1: Standard hydrologic and hydraulic study methods shall be used to identify special flood hazard areas.

Goal NE.30: Protect and improve the natural dynamics of special flood hazard areas.

Policy NE.30.1: Special flood hazard areas, marshes, should be used as rangeland, forest, wildlife habitat, open space, recreation and other appropriate uses.

Policy NE.30.2: Minimize impacts of new development on existing flooded special flood hazard areas through design that accommodates flood events without property damage.

Policy NE.30.3: Maintain, protect or restore natural drainage systems to protect water and environmental quality.

Policy NE.30.4: The natural drainage network should be preserved and utilized for flood control and to maintain environmental quality.

Policy NE.30.5: New developments and land use activities should be designed to:

1. Protect the drainage functions of flood plains, natural drainageways, sink areas and other existing drainage facilities.
2. Preserve and incorporate natural features such as streams, ponds, significant drainageways and wetlands in a manner that maintains their natural functions.
3. Consider the site's topography as it relates to frequently flooded areas in the design and placement of physical improvements such as roads and structures.
4. Retain natural vegetation buffers adjacent to the high water mark of a perennial or intermittent stream or other special flood hazard

areas.

5. Retain trees and native vegetation that contribute to controlling erosion on slopes adjacent to special flood hazard areas.
6. Restore and enhance vegetative buffers adjacent to the land use action with native vegetation.

Goal NE.31: Manage special flood hazard areas to enhance environmental quality and to minimize the risks to life and property.

Policy NE.31.1: Minimize impacts from flooding problems such as erosion, property damage, potential property devaluation and impaired ground and surface water quality.

Policy NE.31.2: Use bioengineering techniques, where possible, rather than hard engineering structures to stabilize the floodway if risk to life or property is threatened.

Policy NE.31.3: Guide development away from designated special flood hazard areas.

Policy NE.31.4: Permit and encourage land uses compatible with the preservation of natural vegetation within special flood hazard areas.

Policy NE.31.5: Development should not occur on lands identified as being within a special flood hazard area or as having a history of flooding, unless the developer provides mitigation measures acceptable to the appropriate regulatory agency.

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.

2.11 Element 11 – Education

Goal 11: Encourage appropriate public agencies, owner associations, businesses, property owners and other shoreland user groups to understand and promote good stewardship of the shorelines.

Policy 1: Promote establishment of owner associations within each shoreline designation.

Policy 2: Provide educational resources necessary to empower associations to promote good stewardship and shoreline development techniques which do not degrade ecological function.

Policy 3: Provide resources to educate property owners, shoreline user groups and the development community and other stakeholders regarding shoreline management regulations.

2.12 Shorelines of Statewide Significance – Goals

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 shorelands 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.

SECTION 3

SHORELINE ENVIRONMENT DESIGNATIONS AND MANAGEMENT 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 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.

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. These 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. 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. 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.
9. Achieve sustained resource utilization by encouraging conservation practices.

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. 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 Urban Conservancy Environment

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.

3.4.2 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. 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.

3.5 Shoreline Residential Environment

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.

3.5.2 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. 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.

3.5.3 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 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.
3. Current shoreline designation.
4. Relevant information within shoreline assessment documents prepared by the Spokane County Conservation District (2005 Stream Assessment), URS Corporation (2002 Lakeshore Assessment), and Landau Associates 2005 Lake and Stream Report.

SECTION 4

SHORELINE PROTECTION AND RESTORATION

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 no 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 maintenance 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."

SECTION 5 USE REGULATIONS

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:

- 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 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

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. All uses, activities and developments undertaken in Spokane County shorelines shall be consistent with the goals, policies and use regulations of this SMP.
3. 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.
4. 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 than 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 than that contained within the standard buffer prior to averaging;
 - iv. The minimum buffer width at its narrowest point shall not be less than 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.
 - Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 - 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 or public safety concerns. 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 new development and uses including appropriate after-the-fact permits for emergency actions allowed under Section 6.4.2 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 will be authorized only for the purpose of constructing or maintaining bridges, existing roads and trails, 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, and protection of existing roads and trails.

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 though 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 is 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 5B 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, unless demonstrated to be technically infeasible. In that case, they must be located as far landward of OHWM as technically feasible, and impacts shall be mitigated in accordance with Section 4.
- 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 permanent 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. Utility pipelines or cables shall cross streams either by being constructed on public roadway bridges designed for, or capable of, accommodating the inclusion of such utility pipelines or cables, or by being constructed below-the stream bed. The construction of bridges solely for utility pipelines or cables is prohibited.
- f. An advance emergency plan for the cleanup of leaks and spills shall be submitted with the permit application for 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 cut permanent 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 buried utility pipelines or cables 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 are constructed below the streambed or which cross streams on public roadway bridges designed for, or capable of accommodating, the inclusion of such utilities.
- b. Utility pipelines or cables shall be installed underground.
- c. Utility pipeline or 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 except as allowed under Section 5.3.15 Fill.

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. Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian Tribes before construction may begin.
- b. 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.
- e. 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.

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, except as allowed under Section 5.2.5.5.

5.3.15 Fill

1. All Environments

- a. Fill is permitted when necessary as a design component of an authorized ecological restoration or where justified by an overriding public interest.
- 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 or where justified by an overriding public interest.

2. Natural Environment

- a. Except for fill associated with shoreline ecological restoration or permitted bridges, public trails, or roads, 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, public trails, roads, 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, or where justified by an overriding public interest, 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 (such as bridges, roads, or public utilities) 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.

- 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 booms 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

SHORELINE USES	NATURAL	RURAL CONSERVANCY	URBAN CONSERVANCY	SHORELINE RESIDENTIAL
Agriculture (new)	A	A	A	X
Aquaculture	X	A	X	X
Commercial				
Water Dependent Commercial	X	A	A	A
Water Enjoyment Commercial	X	A	X	X
Water Related Commercial	X	A	A	X
Non-Water Oriented Commercial	X	X	X	X
Forest Practices	X	A	A	A
Industrial	X	X	X	X
Mining	X	CUP	CUP	X
Parking				
Primary Parking	X	X	A	A
Accessory Parking	X	A	A	A
Residential				
Single Family	CUP	A	A	A
Multi-Family	X	X	X	A
Roads, Bridges	A	A	A	A
Railroads	X	X	A	X
Signs	A	A	A	X
Utilities				
Primary Utilities	CUP	A	A	A
Accessory Utilities	A (CUP for overhead electric or communication cable stream crossings)	A	A	A
Utilities for gas, petroleum or ore slurries	CUP	CUP	CUP	CUP
Shoreline Modification				
All Shoreline Modifications	X (Except for bridge abutments or exclusively as a component of ecological restoration work or for existing development preceding 1992.))	X (Except exclusively as a component of ecological restoration work or for existing development preceding 1992.)	X (Except exclusively as a component of ecological restoration work or for existing development preceding 1992.)	X (Except exclusively as a component of ecological restoration work or for existing development preceding 1992.)
Artificial Beaches	X (except exclusively as a component of ecological restoration work by SDP)	CUP, public use only X (except exclusively as a component of ecological restoration work by SDP)	X (except exclusively as a component of ecological restoration work by SDP)	X (except exclusively as a component of ecological restoration work by SDP)
Bulkheads	X	Prohibited (X) for new development. SDP for existing	Prohibited (X) for new development. SDP for existing	Prohibited (X) for new development. SDP for existing

SHORELINE USES	NATURAL	RURAL CONSERVANCY	URBAN CONSERVANCY	SHORELINE RESIDENTIAL
		development preceding 1992.	development preceding 1992.	development preceding 1992.
Dredging (when allowed)	CUP	CUP	CUP	CUP
Dredging for ecological restoration work	A	A	A	A
Dredging for maintenance of established navigation channels and basins	CUP	CUP	CUP	CUP
Fill, general	X	X	X	CUP
Fill for ecological restoration work or project of overriding public interest	A	A	A	A
Fill for public boat ramp	CUP	CUP	CUP	CUP
Revetments and Riprap	X (Except for bridge abutments)	X (Except exclusively as a component of ecological restoration work by SDP)	Prohibited (X) for new development. SDP for existing development preceding 1992.	Prohibited (X) for new development. SDP for existing development preceding 1992.
Channel Modifications	X (Except for bridges and ecological restoration by SDP)	X (Except for bridges and ecological restoration by SDP)	X (Except for bridges and ecological restoration by SDP)	X (Except for bridges and ecological restoration by SDP)
Restoration & Rehabilitation (including toxic and hazardous waste cleanup)	A	A	A	A
Solid Waste Disposal	X	X	X	X
Wastewater Treatment				
Sewage Treatment Plants	X	X	A	A
Community Wastewater (On-site) Disposal	X	X	X	X
Individual Wastewater (On-site) Disposal	A	A	A	A
Water Dependent Recreation Facilities				
Boat Ramps	X	A (public or community use only)*	A (public or community use only)*	A (public or community use only)*
Buoys	A	A	A	A
Docks	CUP	A**	A**	A**
Marinas	X	A	A	X
Non-Water Dependent Recreation				
Camping Facilities	A (primitive campsites only)	A	A	X
Public Trails	CUP	CUP	CUP	CUP
Private Trails perpendicular to shoreline	A	A	A	A

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**

SHORELINE USES	NATURAL	RURAL CONSERVANCY	URBAN CONSERVANCY	SHORELINE RESIDENTIAL
Agriculture (new)	X	150' minimum buffer	150' minimum buffer	X
Aquaculture	X	150' minimum buffer for upland facilities	150' minimum buffer for upland facilities	100' minimum buffer for upland facilities
Commercial				
Water Dependent Commercial	X	No buffer	No buffer	X
Water Enjoyment Commercial	X	X	150' minimum buffer 35' max height	X
Water Related Commercial	X	150' minimum buffer 35' max	150' minimum buffer 35' max height	X
Non-Water Oriented Commercial	X	X	X	X
Forest Practices	X	50' minimum buffer	50' minimum buffer	50' minimum buffer
Industrial	X	X	X	X
Parking				
Primary Parking	X	X	landward of allowed uses	landward of allowed uses
Accessory Parking	X	landward of allowed uses	landward of allowed uses	landward of allowed uses
Residential**	200' minimum buffer 35' maximum height	150' minimum buffer 35' maximum height	150' minimum buffer 35' maximum height	100' minimum buffer 35' maximum height
Residential maximum density	One unit per parcel	density per Spokane County zoning ordinance	density per Spokane County zoning ordinance	density per Spokane County zoning ordinance
Roads	200 foot minimum buffer	150' minimum buffer	150' minimum Buffer	100' minimum buffer, accessory roads only
Bridges	No buffer	No buffer	No buffer	No buffer
Railroads	X	X	150' minimum buffer	X
Signs	X (Except interpretive signs 3 square feet maximum)	32 square feet maximum	32 square feet maximum	3 square feet maximum

SHORELINE USES	NATURAL	RURAL CONSERVANCY	URBAN CONSERVANCY	SHORELINE RESIDENTIAL
Utilities	Within road and railroad rights of way, and on road and railroad bridges only	150' minimum buffer	150' minimum buffer	100' minimum buffer
Sewage Treatment Plants	X	X	150' minimum buffer (no buffer for outfall construction)	150' minimum buffer (no buffer for outfall construction)
Individual Wastewater (On-site) Disposal	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
Boat Ramps	X	No buffer	No buffer	No buffer
Marinas & Boating Facilities	X	No buffer	No buffer	X
Trails				
Public Trails	200' minimum buffer or 5' maximum width, for water access only*	150' minimum buffer**	150' minimum buffer**	100' minimum buffer**
Private Trails	5' maximum width, for water access only	5' maximum width, for water access only	5' maximum width, for water access only	5' maximum width, for water access only

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

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. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, or any development which does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. On September 15, 2012 the dollar threshold was increased to six thousand four hundred and seventeen dollars by the Office of Financial Management. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
3. Construction of the normal protective bulkhead common to single family residences;
4. Emergency construction necessary to protect property from damage by the elements;
5. 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;
6. Construction or modification 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 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;
8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single 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;
9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;
10. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;
12. 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;
13. 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)

14. 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

15. 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

16. 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

17. 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)

18. 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

19. 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

20. 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

21. 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 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 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 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.
 - i. 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 additon of space to the exterior of the main structure by more than 25% of the existing foot print, 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 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 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 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, and Washington Administrative Codes adopted to implement the SMA.
- Evaluation of project application technical information
- Technical analysis accomplished by Spokane County

6.8 On-site Inspection Required

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 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.

SECTION 7 VARIANCES AND CONDITIONAL USES

7.1 Variance

7.1.1 Purpose and Intent

In some cases, strict application of the provisions of these regulations may cause practical difficulties regarding the use of a property on a shoreline. This Section provides a procedure for a person to request a variance from certain standards in Section 5.

7.1.2 Scope

A Variance approval is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this regulation where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the this regulation will impose unnecessary hardships on the applicant or cause the proposal to be inconsistent with the Shoreline Management Act, RCW 90.58.020 and this Shoreline Master Program. Any standard in Section 5 which specifies a prohibition is not subject to this variance process and therefore cannot be varied from.

7.1.3 Application

An application for a Variance shall be filed with the Department on such forms as required by the Department subject to an application fee as established by the Board. A Variance is subject to the requirements for a Type II project permit application as set forth in Title 13 (Application Review Procedures) Spokane County Code. A Type II permit requires a public hearing before the Hearing Examiner. The applicant shall provide information demonstrating that the variance request is consistent with the criteria in Section 7.1.4.

7.1.4 Variance Criteria (WAC 173-27-120)

The Hearing Examiner may approve an application for a Variance if all the following criteria are met.

1. The applicant must demonstrate that extraordinary circumstances exist and the public interest shall suffer no substantial detrimental effect by approval of the variance.
2. Strict application of the performance standards set forth in this regulation precludes, or significantly interferes with, reasonable use of the property.
3. If based on a hardship, such hardship shall be specifically related to the property and be the result of unique conditions such as but not limited to lot shape, size, or natural features and precludes reasonable use of the property.
4. The design of the project shall be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this regulation.
5. The approval of the variance shall not cause adverse impacts to the shoreline environment.
6. The variance shall not constitute a grant of special privilege not enjoyed by the other properties in the area.
7. The variance requested shall be the minimum necessary to afford relief.

8. The public rights of navigation and use of the shorelines will not be adversely affected.
9. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses and developments in the area where similar circumstances exist the total impact of the variances shall also remain consistent with the goals and policies of the Comprehensive Plan and shall not cause substantial adverse effects to the shoreline environment.
10. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and environmental designation in which the property is situated.
11. The proposal is consistent with the variance criteria specified in WAC 173-27-170.
12. The granting of the variance shall be consistent with the general intent and purpose of the Comprehensive Plan, the purpose and intent of these regulations and the Shoreline Management Act, RCW 90.58.
13. Other considerations: The approval of a variance should not:
 - a. Be based upon the precedent established by illegal or nonconforming circumstances.
 - b. Establish a precedent that will adversely affect the environmental designation concept for the land in the area or the County as a whole.
 - c. Be based upon a lack of reasonable economic return or a claim that the existing structure is too small.
 - d. Permit the establishment of a use otherwise prohibited in the environmental designation in which the property is located.
 - e. Be based on unique circumstances or hardship caused by the actions of the applicant or subject landowner.

7.1.5 Conditions Authorized

The Hearing Examiner may attach conditions to the variance necessary to carry out the intent and purpose of these regulations, the Comprehensive Plan and Shoreline Management Act, RCW 90.58, to ensure that the variance will be compatible with other permitted uses in the area, and will not be materially detrimental to the public health, safety or welfare. 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
- restoration of preexisting on-site degraded shorelines
- enhancement of existing shoreline buffers
- construction timing and sequencing

- post development management and operations
- scheduling of shoreline protection and enhancement measures
- Any other reasonable restrictions, conditions, or safeguards that will uphold the purpose and intent of the environment designation in which the proposal is located and the Comprehensive Plan

Approval of the variance does not preclude the applicant from complying with all other applicable requirements of this regulation.

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 RCW 90.58.140.(6)". Development permits shall not be issued by the Director until the Department of Ecology approves the variance. The Director may issue development permits following the Department of Ecology's affirmative action on the variance. The 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 Conditional Uses

7.2.1 Purpose and Intent

The purpose of a conditional use permit is to provide a process which allows flexibility in the application of use regulations in a manner consistent with the Comprehensive Plan and the Shoreline Management Act, RCW 90.58.020. The intent of a Conditional Use permit is to establish criteria for determining the conditions under which a conditional use(s) may be permitted. A conditional use is subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses in the area and consistency with the goals and policies of the Shoreline Master Program.

7.2.2 Application

An application for a conditional use shall be filed with the Department on such forms as required by the Department and subject to an application fee as established by the Board. Conditional Use permits applications are subject to the requirements for a Type II project permit application as set forth in Title 13 (Application Review Procedures) of Spokane County Code. A Type II permit requires a public hearing before the Hearing Examiner.

7.2.3 Review criteria for Conditional Use Permits (WAC 173-27-160)

Uses which are classified as Conditional Uses may be authorized by the Hearing Examiner, provided that the applicant demonstrates all of the following:

1. The proposed use is consistent with the Shoreline Management Act RCW 90.58.020, the Comprehensive Plan and the Shoreline Master Program.
2. The proposed use will not interfere with the normal public use of shorelines.
3. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan.
4. The proposed use will not cause significant adverse effects to the shoreline to include no net-loss of shoreline ecological function.
5. The public interest suffers no substantial detrimental effect.

6. In the granting of all Conditional Use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the vicinity of the proposal.
7. Uses which are specifically prohibited by the master program may not be authorized pursuant to the Conditional Use permit process.
8. The special standards set forth for the Conditional Use in the underlying environment designation are met.
9. Design of the site is compatible with the surroundings and the purpose and intent of these regulations and the Comprehensive Plan.

7.2.4 Conditions Authorized

The Hearing Examiner may attach conditions to the Conditional Use necessary to carry out the intent and purpose of these regulations, the Comprehensive Plan and Shoreline Management Act, RCW 90.58, to ensure that the Conditional Use will be compatible with other permitted uses in the area, and will not be materially detrimental to the public health, safety or welfare. Conditions may address but not be limited to the following:

- control of use
- provision for front, side, or rear setbacks greater than the minimum standards of the zone in which the property is located as specified in the Spokane County Zoning Code
- special landscaping, screening, fencing, signing, off-street parking
- requirements for street dedications and/or roadway and drainage improvements necessary as a result of the proposed use
- control of points of vehicular ingress and egress
- control of noise, vibration, odor, glare, and other environmental contaminants
- control of operating hours
- duration or time limitations for certain activities
- 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
- any other reasonable restrictions, conditions, or safeguards that will provide consistency with the Comprehensive Plan, this regulation and the Shoreline Management Act

When a use activity is proposed which may result in a net-loss of ecological function the Hearing Examiner shall apply conditions which 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.

7.2.5 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 rescinded 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.

7.2.6 Department of Ecology Review

Following receipt of the written approval of a Conditional Use by the Hearing Examiner the 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 RCW 90.58.140(6). Development permits shall not be issued by the 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 Director may issue development permits following the Department of Ecology's affirmative action on the variance. The Director shall provide timely notification of the Department of Ecology's action on the Conditional Use to the applicant and interested persons requesting notification.

SECTION 8 ADMINISTRATION AND ENFORCEMENT

8.1 Administrative Determinations

8.1.1 Purpose and Intent

The purpose of this section is to provide procedures for issuing administrative determinations and interpretations of this regulation by the Department.

8.1.2 Applicability

Administrative determinations and interpretations subject to the requirements of this section are as follows:

1. Director's decisions regarding a shoreline use 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 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 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 Director within the time limit 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 or Development

It is recognized that all possible uses and developments and variations of use or development that might arise cannot reasonably be listed or categorized in Section 5 of this regulation. Any use or development 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 it most nearly resembles.

A use or development not classified in this regulation and not similar to any permitted use activity specified in Section 5 of this regulation shall be reviewed as a shoreline conditional use and shall be reviewed as provided for in Washington Administrative Code (WAC) 173-27-160. The shoreline conditional use application submission and review procedures are subject to the requirements of Section 7.2 of this regulation.

8.2 Enforcement and Penalties

8.2.1 Purpose and Intent

It is the intent of this Section to provide authority for, and the procedures to be used in, enforcing the provisions of this regulation to the end of furthering the purposes and objectives thereof.

8.2.2 Enforcement

1. It shall be the duty of the Director, except as otherwise provided herein, to interpret and enforce the provisions of this regulation and conditions of approval imposed by the Director regarding any use activity permit or approval issued by the Department or approved by the Hearing Examiner.
2. The procedures set forth herein this are not exclusive. These procedures shall not in any manner limit or restrict the County from remedying violations or abating violations in any manner authorized by law.

8.2.3 Violation, Misdemeanor/Civil Violation

1. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this regulation or conditions of approval imposed by actions of the Director or Hearing Examiner shall be guilty of a misdemeanor and shall be punished by imprisonment in the Spokane County Correction facility for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$2,000, or by both such imprisonment and fine. Each day that a violation is permitted to exist shall constitute a separate offense.
2. As an alternative to the above, as determined by the Director, any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this regulation or conditions of approval imposed by actions of the Director or Hearing Body shall be deemed to have committed a civil violation subject to the monetary penalties set forth in section 8.2.8. Each day that a violation is permitted to exist shall constitute a separate civil violation.

8.2.4 Civil Investigation Procedures

1. The Director may initiate an investigation of a violation of this regulation in response to a signed written complaint, field observations by a public agency employee in the course of his/her official duties, or other reliable information.
2. The following procedures shall apply to an investigation of a violation of this regulation:
 - a. A physical inspection of the property and/or circumstances identified in the complaint or referral shall be conducted. The physical inspection must comply with legal right of entry requirements, as established by state and constitutional law.
 - b. The Director shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and applicable County codes, whether a violation has occurred.
 - c. When a violation has been confirmed, a Notice of Investigation shall be mailed to the property owner of record and/or those person(s) who are creating or contributing to the violation. The notice shall contain those items specified in Section 8.2.5.

8.2.5 Notice of Investigation - Determination of a Civil Violation

A Notice of Investigation represents a determination by the Director that a civil violation has been committed. The Notice of Investigation shall include the following:

1. A statement that the Notice of Investigation represents a determination by the Director that the person named in the notice has committed a civil violation.
2. A statement of the options provided in this chapter for responding to the Notice of Investigation and the procedures necessary to exercise these options.
 - a. A statement that the person must respond to the Notice of Investigation and show proof of compliance as provided for in this chapter within 14 days.
 - b. A statement that failure to respond to a Notice of Investigation and show proof of compliance may result in a civil violation.
 - c. A statement that a civil violation is a non-criminal offense and a violation thereof is not subject to imprisonment.
 - d. A statement of the specific civil violation for which the Notice of Investigation is being issued.
 - e. A statement of the monetary penalty established for the civil violation.
 - f. A directive to remedy the violation within a specific timeframe.

8.2.6 Violation Remedy Procedures

1. The person(s) to whom a Notice of Investigation is sent, as set forth in Section 8.2.5, shall have 14 days to respond or show proof of compliance. Proof of compliance includes, but is not limited to, entry into a Voluntary Compliance Agreement under Section 8.2.7.
2. If proof of compliance is not received within the 14 day period as specified in Section 8.2.6(1), the Director may issue a Notice of Violation and assess monetary penalties based on the schedule contained in Section 8.2.9.
3. A copy of the Notice of Violation shall be served upon the person to whom it is directed, either personally or in the manner provided for personal service of notices or complaints in District Court, or by mailing a copy of the Notice of Violation by certified mail, postage prepaid, return receipt requested, to such person at the person's last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person affecting service, declaring time, date and manner by which service was made.
4. The Director for good cause shown may extend the date for correction in the Notice of Violation, provided that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.
5. A copy of all Notices of Violation may be sent to other agencies if the violation may also be a violation of other agencies' regulations.
6. The Director may withdraw or modify a Notice of Violation issued under this chapter if the original Notice of Violation was issued in error. Such withdrawal or modification shall identify the reasons and underlying facts.
7. The payment of monetary penalty does not relieve a person of the responsibility for correcting a violation.

8.2.7 Voluntary Compliance Agreement

Whenever the Director determines that a violation of this regulation has occurred or is occurring, the Director shall make reasonable efforts to secure voluntary compliance from the person responsible for the violation. A Voluntary Compliance Agreement may be entered into any time after a Notice of Investigation has been sent to the violator.

The agreement shall include as a minimum the following:

- a. The name and address of the person responsible for correction of the code violation.
- b. The address or other identification of the location of the violation.
- c. A description of the violation and a reference to the codes, ordinances, and regulations that have been violated.
- d. A detailed description of the necessary corrective action to be taken and the date or time by which compliance must be completed.
- e. If the violation resulted in a net-loss of shoreline ecological function the agreement shall include a strategy approved by the director to reverse the degradation and enhance the ecological functioning to the condition existing prior to the violation and shall include a commitment to fully implement the strategy by a date acceptable to the Director.
- f. The amount of monetary penalties that will be imposed if the Voluntary Compliance Agreement is not satisfied.
- g. An acknowledgement that if the Director determines that the terms of the Voluntary Compliance Agreement have not been met, it may impose any remedy, retroactive to the date the agreement was signed, as authorized by this chapter.
- h. The signature of the violator and a statement that the violator will implement the voluntary agreement.

8.2.8 Collection of Civil Violation Monetary Penalty

1. The Director, on behalf of Spokane County, is authorized to collect the monetary penalties by any and all appropriate legal means including, but not limited to, commencing appropriate legal proceedings in the Spokane County District Court Small Claims Department. No further action in an open meeting by the Board is necessary to authorize initiation of any legal action.
2. The monetary penalty is due and payable on the later of:
 - a. Fourteen days after the service of the Notice of Violation; or
 - b. Fourteen days after the service of the Notice of Decision on any appeals.
3. The assessment or payment of monetary penalties does not relieve a person of the responsibility for code compliance of his or her duty to correct the violation, nor does it prevent the assessment of additional monetary penalties so long as the violation continues to exist.

8.2.9 Monetary Penalties

1. Monetary penalties shall be assessed for each violation identified in a Notice of Violation pursuant to the following schedule:

Violation	\$400
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Additional penalties may be added in the following amounts for violations where there is:

Cumulative Monetary Penalties	+\$50 per day violation exists
Public health risk	+\$100 to \$500
Environmental damage	+\$100 to \$500
Damage to property	+\$100 to \$500

2. The Director may suspend monetary penalties if the person responsible for correcting the code violation has entered into a Voluntary Compliance Agreement. Penalties shall begin to accrue again pursuant to the terms of the Voluntary Compliance Agreement if any necessary permits applied for are denied, canceled or not pursued, or if corrective action identified in the Voluntary Compliance Agreement is not timely completed pursuant to the Compliance Agreement.
3. Person(s) responsible for correcting a violation(s) have a duty to notify the Enforcement Authority of any actions taken to achieve compliance with this regulation. For purposes of assessing monetary penalties, a violation shall be considered ongoing until the person responsible for compliance has come into compliance with this regulation.

8.2.10 Department of Ecology

Enforcement actions pursuant to this regulation do 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. Pursuant to RCW 90.58 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.

8.3 Post Approval Inspections

Following approval of a SSD permit, variance, conditional use or an exempted activity the Director shall initiate such site inspections deemed appropriate to monitor construction and management of the use activity to assure conditions of approval authorized by this regulation and applied by the Director are fully met. The Department shall conduct a minimum of one on-site inspection prior to issuance of a final certificate of occupancy (CO) or prior to approval to operate or conduct the activity in such situations where a final CO is not required. The Director may deny occupancy or initiation of the use of activity if all applicable conditions of approval are not met.

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 that incorporating segments of the critical areas regulations and flood damage protection regulations as use regulations in this shoreline master program, ensures that 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. Critical areas within shorelines of the state in Spokane County are managed exclusively through the provisions of this Shoreline Master Program. Critical areas are specified in the following sections of the Spokane County Critical Areas Ordinance (March 22, 2011) and the Flood Damage Protection Ordinance (March 22, 2011) which are hereby adopted by reference as use regulations of this SMP:
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 adopted as regulations in the Shoreline Master Program (Refer to Appendix I) 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 shall apply.
 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;
 - Section 11.20.090 Appendix O- Critical Areas Maps; and
 - 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.g, reference to WAC 222-16-031; and
 - 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 jurisdiction of this master program. No development on shorelines of the state shall be constructed, located, extended, modified, converted, or altered without full compliance with the provisions of the Critical Areas

Ordinance and Flood Damage Protection Ordinance adopted as use regulations of this Shorelines Master Program.

- E. For development within critical areas within shoreline jurisdiction, the following shall apply:
1. Any use, modification, or development within critical areas shall result in no net loss of ecological functions.
 2. Any use, modification, or development shall only be approved, and shall only proceed after meeting the requirements for mitigation sequencing as specified in Section 4 of this Shoreline Master Program.
 3. Any use, modification, or development within two or more critical area types shall adhere to the standards that are most protective of the ecological functions of the subject shoreline or critical area.
 4. 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.

8.5 Shoreline Master Program and Relationship to Other Regulations

- A. Any use, modification, and development in the shoreline jurisdiction shall meet the use and development requirements of the shoreline environment and district in which it is located, the underlying zone, and any other zoning overlay in which it is located. In the case of irreconcilable conflicts between the regulations of the shoreline jurisdiction and the underlying zone classification, the most restrictive regulation shall apply.
- B. In addition to these regulations, other Washington State statutes that may be applicable to shoreline development or use include, but are not limited to:
1. Flood Control Zone Act, RCW 86.16;
 2. Forest Practices Act, RCW 76.09;
 3. Fish and Wildlife, RCW 77;
 4. Water Pollution Control Act, RCW 90.48;
 5. Land Subdivision Act, RCW 58.17;
 6. Surface Mining Act, RCW 78.44;
 7. Washington Clean Air Act, RCW 70.94;
 8. State Environmental Policy Act (SEPA), RCW 43.21C;
 9. Camping Resorts Act, RCW 19.105;
 10. Water Resources Act of 1971, RCW 90.54;
 11. Growth Management Act, RCW 36.70A;
 12. State Hydraulic Code, RCW 77.55;
 13. Spokane County Zoning Code, Chapter 14.700
- C. Federal statutes that may be applicable to shoreline development or use include, but are not limited to:
1. Rivers and Harbors Act of 1899;
 2. Fish and Wildlife Coordination Act of 1958;
 3. National Environmental Policy Act of 1969, (NEPA);

4. Coastal Zone Management Act of 1972, as amended;
5. Federal Water Pollution Control Act, as amended;
6. Flood Insurance Act of 1968, as amended;
7. Clean Air Act, as amended;
8. Endangered Species Act (ESA)

D. Compliance with the provisions of these shoreline regulations does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The applicant is responsible for complying with these requirements, apart from the process established in these shoreline regulations.

8.6 Severability

If any provision of this regulation shall be held to be invalid, illegal, unenforceable or in conflict with other laws by a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions of this regulation shall not in any way be affected or impaired thereby.

SECTION 9

PROGRAM REVIEW AND PERIODIC UPDATE

9.1 Shoreline Management Program Periodic Review and Revision

The Spokane County Shoreline Master Program 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 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 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 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.

SECTION 10

DESCRIPTIONS OF SHORELINES OF THE STATE

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 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.

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:

- | | |
|---|--|
| 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. |
| 4. Coulee Creek | From the confluence of Coulee Creek and Deep Creek downstream to its mouth at the Spokane River. |

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. Newman Lake is a shoreline of statewide significance.

10.3 Shorelines

Shorelines are as follows:

1. Deadman Creek From the north section line of Sec 4, T26N, R44E) downstream to mouth at Spokane River (Sec 33, T27N, R43E).
2. Dragoon Creek From the north section line of Sec. 9 T28N, R42E downstream to mouth at the Little Spokane River (Sec 4, T27N, R43E).
3. Little Spokane River From the Pend Oreille County line (West Branch) (Sec 35, T29N, R43E) downstream through Eloika Lake to mouth at Little Spokane River (Sec 26, same township).
4. Pine Creek From Whitman County line (Sec 34, T21N, R43E) downstream back to Whitman County line (Sec 31, same township).
5. Rock Creek From the confluence of Rock Creek and Rose Creek (Sec 34, T23N, R45E) downstream to mouth at Latah Creek (Sec 11, T23N, R43E).
6. Fishtrap Lake
7. Downs Lake
8. Unnamed Lake T21N, R40E, Sec 7B/C
9. Williams Lake
10. Feustal Lake
11. Badger Lake
12. Unnamed Lake T21N, R41E, Sec 30-P
13. Bonnie Lake
14. Unnamed Lake T22N, R40E, Sec 6F/L
15. Alkali Lake
16. Hog Lake
17. Mason Lake
18. Amber Lake
19. Unnamed Lake T22N, R41E, Sec 16L/P & nw1/4 of Sec. 21
20. Unnamed Lake T22N, R41 E, Sec 27J
21. Unnamed Lake T22N, R41E, Sec 32-KQ
22. Chapman Lake²³
23. Unnamed Lake T22N, R41E, Sec 36-P/Q
23. Unnamed Lake T22N, R41E, Sec 36-P/Q
24. Philleo Lake
25. Fish Lake
26. Unnamed Lake T23N, R42E, Sec 14, NW
27. Intermittent Lake T23N, R42E, Sec 22-N
28. Intermittent Lake T23N, R42E, Sec 27-C
29. Intermittent Lake T23N, R42E, Sec 35-G/H
30. West Medical Lake
31. Hedlin Lake T24N, R40E, Sec 21-J/R
32. Lonelyville Lake
33. Silver Lake
34. Medical Lake
35. Otter Lake
36. Ring Lake
37. Granite Lake
38. Willow Lake
39. Meadow Lake
40. Clear Lake
41. Queen Lucas Lake

42. Shelley Lake
43. Liberty Lake
44. Horseshoe Lake
45. Woods Lake
46. Knight Lake
47. Bear Lake
48. Dragoon Lake
49. Eloika Lake
50. Reflection Lake
51. Intermittent Lake at T23N, R41E, Section 21-J.
52. Intermittent Lake at T23N, R41E, Section 22-N.
53. Intermittent Lake at T23N, R42E Section 35 G/H, Section 36-west 1/2
54. Davis Lake at T26N, R40E Section 2-SW ½, and Section 11-NW1/4

Turnbull Wildlife Refuge Lakes

55. Reeves Lake at T22N, R41E, Section 1-H.
56. Campbell Lake at T22N, R41E, Section 3-D/E
57. Turnbull Slough – East Segment at T22N, R41E, Section 2-K.
58. Ballinger Lake at T22N, R41E, Section 9-NE ¼ .
59. Turnbull Slough – West Segment at T22N, R41E, Section 9-R.
60. Hale Lake # 2 at T22N, R41E, Section 11, SW ¼ .
61. McDowell Lake at T22N, R41E, Section 12-L.
62. Isaacson Lake – West Segment T22N, R41E, Section 13-W ½.
63. Intermittent Lake at T22N, R41E, Section 16-H/J.
64. Unnamed Lake at T22N, R42E, Section 5-N.
65. Stubblefield Lake at T22N, R42E, Section 16-E ½. 7 mi. SE from Cheney.
66. Unnamed Lake at T22N, R42E, Section 18-H.
67. Unnamed Lake at T23N, R41E, Section 25-C.
68. Lasher Lake at T23N, R41E, Section 34-N/P.
69. Cossalman Lake at T23N, R41E, Section 35-N/P.
70. West Tritt Lake at T23N, R41E, Section 35-R.
71. Intermittent Lake at T23N, R41E Section 27-C.
72. Keppler Lake at T23N, R42E Section 32.

10.4 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.

SECTION 11

DEFINITIONS

11.1 General

1. For the purpose of this regulation, certain words and terms are defined herein. The word "shall" is always mandatory. The word "may" is permissive, subject to the judgment of the Director.
2. Words not defined herein shall be construed as defined in Webster's New Collegiate Dictionary.
3. The present tense includes the future, and the future the present.

11.2 Definitions

Agricultural uses – means uses and practices including, but not limited to producing, breeding, or increasing agricultural animal and vegetation products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities. The terms agricultural activities and agricultural practices have the same meaning as agricultural uses.

Applicant – a person who files a request for an approval from the Department for a use activity located in the shorelines of the state pursuant to Spokane County development regulations. This definition also applies to the term “applicant for a permit.”

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)).

Aquaculture – Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants or animals.

Aquatic life – shall mean all living organisms, whether flora or fauna, in or on water.

Archaeological areas and historical sites – Sites containing material evidence of past human life, such as structures and tools and /or cultural sites with past significant historical events. These sites are nonrenewable resources and provide a critical educational link with the past.

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.

Billboard – refer to the definition of signs.

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.

Board or Board of County Commissioners – means the Board of County Commissioners of Spokane County.

Boating Facilities – shall mean marinas, covered moorages, boathouses, boat launches, mooring buoys, docks, and floats. Docks serving 4 or fewer single family residences are excluded from this term.

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 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.”

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.

Certificate of Exemption – a document issued by the Department pursuant to the Spokane County Subdivision Ordinance which formally exempts a division of land from the platting requirements of the State Subdivision Act, RCW 58.17 and Spokane County Subdivision Ordinance.

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.

Commercial Use – any activity carried out for pecuniary gain or loss and includes all facilities and improvements necessary to support the use. The term “commercial development” and this definition have the same meaning.

Community Use Dock – a single dock which serves three or more parcels subject to the jurisdiction of the Shoreline Management Act, and may have multiple slips. This term includes a dock intended to facilitate the general public’s access to the water.

Community wastewater treatment facility – a facility providing wastewater treatment service to 3 or more land uses and operated and managed consistent with State Health regulations.

Comprehensive Plan – the Comprehensive Plan of Spokane County, as amended, adopted by the Board of County Commissioners.

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 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.

Department – the Spokane County Department of Building and Planning or such other Department as designated by the Board of Commissioners to administer this regulation.

Development –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 – 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 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 bed of a body of water.

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 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 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 approaches 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).

Fill – means the addition of soil, sand, rock, gravel, sediment, or other material to a shoreline area in a manner that raises the elevation of the land or creates dry land from water areas or shoreline associated wetlands, or raises the elevation of streambeds or lakebeds.

Forest management practices – those methods and techniques used to protect, produce, and harvest timber.

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.

Individual wastewater treatment system – a facility which treats wastewater generated by one or two single family dwellings or by a duplex dwelling. The facility includes all improvements necessary to collect, distribute, treat and dispose of wastewater consistent with the requirements of the Spokane Regional Health District. This term does not include stormwater or stormwater treatment improvements.

Marinas – facilities which accommodate a variety of activities such as but not limited to moorage, sales, launching, renting, and storage of pleasure craft and may include backup parking, fuel, food, refreshments, and other incidental services which contribute to the recreational use of water bodies.

Mining – the extraction and removal of sand, gravel, minerals or other naturally occurring material from the earth for economic use.

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 algae, 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.

Alternative plant species that do not fit the above definition of “native” may be used by applicants for restoration and revegetation within Spokane County provided that:

- Native plants are the preferred option;
- The alternative plant species are approved by the Department of Ecology and Spokane County, in consultation with the WA Department of Fish and Wildlife and the Spokane County Conservation District;
- The alternative plant species provide the environmental functions equivalent to the Native plant species; and
- The alternative plant species are not considered noxious or invasive.

No net-loss of ecological function – 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 – a document which specifies that the Department has granted approval pursuant to Spokane County development regulations to undertake a specific use activity at a specific location in the shoreline area.

Permit application – a request for an approval from the Department of Building and Planning to undertake a specific use or development located in the shorelines of the state pursuant to Spokane County development regulations.

Person – a corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof and including any agency of the federal government.

Pipeline – gravity or pressurized pipeline utility which conveys or collects gas, liquids, wastewater, stormwater and commodities for long distances to and from processing facilities and end-users.

Qualified 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 –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 any constructed facilities or other substantial development.

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 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 –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 – 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.” Shorelines in Spokane County are specifically described in Section 10.3 of this regulation and illustrated on maps in Appendix II of this regulation.

Shoreline enhancement – any alteration of a degraded shoreline which constitutes ecological rehabilitation, and improves or restores the ecological functions of the shoreline area.

Shorelines of the state - The total of all “shorelines” and “shorelines of statewide significance” within the state.

Shoreline Master Program - means the comprehensive Shoreline Master 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 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. 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.

Single-family residence - a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. Normal appurtenances include a garage, deck, driveway, utilities, fence,; installation of a individual wastewater treatment system and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland (from WAC 173-27-040)

Signs – are public displays intended to provide information, direction, or advertising.

Solid Waste - means all putrescible and nonputrescible solid and semisolid material, including, but not limited to, garbage, refuse, bulky wastes, inert waste, agricultural solid waste, sewage sludge, and demolition and construction wastes.

Special flood hazard area – the area within and adjacent to the channel of a river subject to a 100 year flood event as illustrated on the Federal Emergency Management Administration (FEMA) Floodplain Insurance Rate Maps (FIRM) in the Spokane County Floodplain Management regulations, Spokane County Code Ordinance 03-800.

Stormwater facilities – include structural and non-structural practices intended to collect, convey and manage the volume, rate, and quantity of stormwater runoff.

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.).

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.

Substantial development - means any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. On September 15, 2012 the dollar threshold was increased to six thousand four hundred and seventeen dollars by the Office of Financial Management.

Substantially degrade - means to cause significant adverse impact on shoreline resources, aesthetics, natural character, or ecological functions. See also: definition of “Significant”.

Transmission lines - include (1) overhead wires and their supporting structures for the long-distance transmission of electric energy at or above 60,000 volts, and (2) gravity or pressurized pipelines for the long-distance transmission of water, petroleum products, natural gas, and other commodities such as ores in the form of slurries. This term includes communication and transmission cables.

2005 SCCD Inventory and Assessment – A Spokane County Conservation District (SCCD) document completed in 2005 which inventories 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.

Unique and fragile – a very rare or one-of-kind feature which can be easily damaged or once degraded is very difficult or impossible to restore.

Use – the use of the shoreline for a specific purpose which may or may not involve construction or installation of improvements.

Utilities – are services and facilities that produce, convey, store or process power, gas, water, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as water, sewer, or gas line, or power or communications cabling to a residence, are “accessory utilities” and shall be considered a part of the primary use (WAC 173-26-241(3)(l)).

Variance – 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 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 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 quality" refers only to development and uses regulated under this regulation and affecting water quantity, such as impermeable surfaces and storm water handling practices.

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.

SECTION 12

SHORELINE RESTORATION PLAN

Introduction

This restoration plan has been prepared in accordance with the Washington State Department of Ecology shoreline management guidelines. The guidelines direct local government review and updates of shoreline master programs. A significant feature of the guidelines is the requirement that local governments include within their shoreline master program, a “real and meaningful” strategy to address restoration of shorelines. WAC 173-26-186(8). The state guidelines emphasize that any development must achieve no net loss of ecological functions. The guidelines require a goal of using restoration to improve the overall condition of habitat and resources and makes "planning for and fostering restoration" an obligation of local government.

WAC 173-26-2012(f) states further that “...master programs provisions should be designed to achieve overall improvements in shoreline ecological functions over time when compared to the status upon adoption of the mater program.” The Guidelines require Spokane County to identify and assemble the most current, accurate, and complete scientific and technical information available regarding shoreline ecosystems. This required information is available in reports prepared by URS Corporation, Spokane County Conservation District and Landau Associates, referenced in this plan and available for review in the Department of Building and Planning.

The goals, policies and implementation strategies included in this plan are intended to protect shoreline ecological functions and promote restoration of impaired shoreline ecological functions necessary to sustain the shorelines’ ecological integrity. The goals, policies and implementation strategies specified in this Plan are based on the requirements of WAC 173-26 and the technical and scientific information referenced in this plan. This plan is intended to encourage the restoration of shoreline areas from significant degradation resulting from development or other human activity. The shoreline restoration strategy set forth in Element 4 is intended to prevent shoreline degradation and assure no net-loss of ecological functions.

This restoration chapter is designed to meet the requirements for restoration planning outlined in the Ecology guidelines, in which restoration planning is an integrated component of shoreline master programs that include inventorying shoreline conditions and regulation of shoreline development. The restoration plan builds off of the Spokane County Shoreline inventories and assessments and the Characterization Report which provide a comprehensive inventory and analysis of shoreline conditions in Spokane County, including rating specific functions and process of each shoreline segment.

12.1 Element 1 - Overall Goals and Policies

The Shoreline Management Guidelines, WAC 173-26, require that Spokane County include in its shoreline master program an element which addresses shoreline restoration. To satisfy this requirement, the Shoreline Master Program must include goals and policies which promote the restoration of shoreline ecological functions and promote restoration of impaired shoreline ecological functions. The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical and biological components that are interdependent in varying degrees and collectively produce the landscape and habitats that support and maintain the shorelines ecological functions. The purpose of this section is to set forth goals, policies and implementation

measures which serve to improve the overall condition of habitats and resources within Spokane County's shorelines as illustrated in Appendix D. The overall shoreline restoration goals and policies are as follows:

12.1.1 Goal 1 RESTORE THOSE SHORELINES WHERE ECOLOGICAL FUNCTIONS HAVE BEEN DEGRADED

- Policy 1** Develop and implement a program to restore the ecological functions of degraded shorelines.
- Policy 2** Developing and implementing of a restoration program should be a collaborative effort among public and private entities and interested citizens.
- Policy 3** Developing and implementing a restoration program should include, at a minimum, the following:
- a. a shoreline rehabilitation strategy to include rehabilitation priorities and benchmarks, levels of restoration to be achieved and a post rehabilitation monitoring and maintenance program.
 - b. a citizen involvement program encouraging the participation of citizens willing and able to contribute to the rehabilitation of degraded shorelines.
 - c. a program promoting a collaborative partnership of private and public entities willing and able to contribute to the rehabilitation of shoreline resources.
 - d. The restoration strategy will emphasize actions and programs addressing riparian habitat fragmentation, which is identified as the major reason for shoreline degradation.

12.1.2 Goal 2 ENSURE THAT NO NET LOSS OF ECOLOGICAL FUNCTIONS WILL RESULT FROM THE DEVELOPMENT AND USE OF THE SHORELINES

- Policy 1** Permitted development, public and private, will not cause a net-loss of shoreline ecological functions.
- a. a. Develop regulations and mitigation standards in the shoreline master program to ensure implementation of the no net-loss policy.
 - b. Commit to rigorous enforcement of the no net-loss regulations through permit conditions and post permit project monitoring.

- Policy 2** Emphasizes prevention of degradation of the ecological functions of the shoreline and address, at a minimum, the following elements:
- a. Preserve priority habitat. (see WAC-173-26 p. 8 for wording defining priority habitat.)
 - b. Use the full array of media options and academic venues to disseminate information regarding the proper care and use of shoreline resources and that fosters a stewardship approach to shoreline restoration.
 - c. Encourages citizens, businesses and public agencies with shoreline resource stewardship interests to work together in collaborative partnerships to protect the ecological functions of the shorelines. Such strategies may include, but not be limited to, land banking, shoreline acquisition (e.g. conservation futures), conservation easements, transfer of development rights and clustering of development.
 - d. Identification of the specific factors and mitigation measures to be addressed to achieve a “no net-loss of ecological function” determination prior to issuance of development approvals consistent with the requirements of WAC 173-26-201(e) pertaining to environmental impact mitigation.

Policy 3 Monitor exempt and permitted development and uses to assure compliance with the goals, policies and use activity regulations of the SMP. (development and uses not requiring a shorelines management substantial development permit as specified in WAC 173-27)

12.1.3 Goal 3 ENCOURAGE APPROPRIATE PUBLIC AGENCIES, OWNER ASSOCIATIONS, BUSINESSES, PROPERTY OWNERS AND OTHER SHORELAND USER GROUPS TO UNDERSTAND AND PROMOTE GOOD STEWARDSHIP OF THE SHORELANDS.

Policy 1 Promote establishment of landowner associations within each shoreline designation.

Policy 2 Provide educational resources necessary to empower associations to promote good stewardship and construction practices.

Policy 3 Provide resources to educate property owners, shoreland user groups and the development community regarding shoreline management regulations.

Policy 4 Encourage shoreland users to take advantage of the numerous public incentive programs which encourage the conservation, enhancement and restoration of shoreline resources.

12.2 Element 2 - Interagency Cooperation and Coordination

12.2.1 Purpose

Numerous public and private agencies have some management or oversight responsibilities regarding the restoration of shoreline areas. The responsibilities include the restoration of the shoreline ecological conditions, maintaining shoreline aesthetics, enhancing public access and enjoyment, maintaining recreation values and maintaining wildlife habitat. The list below may not be all inclusive as there is such a variety of public and private agencies involved directly or indirectly in shoreline protection and restoration. The agencies having interests in shoreline protection and restoration are as follows:

- Spokane County Conservation District
- Inland Northwest Land Trust
- WSU Cooperative Extension Service of Spokane County
- Silver Lake Property Owners Association
- Inland Paper Company/Centennial Land Company
- Newman Lake Property Owners Association
- Newman Lake Flood Control Zone District
- Washington State Lake Protection Association
- Washington State Department of Fish and Wildlife
- Liberty Lake Sewer and Water District
- Washington State Department of Parks and Recreation
- Washington State Department of Ecology
- Natural Resource Conservation Service
- Spokane County
- City of Spokane
- City of Spokane Valley
- *Avista Utilities*
- Northwest Power and Conservation Council
- Upper Columbia Association of Indian Tribes
- Washington State Department of Natural Resources
- United States Environmental Protection Agency
- US Fish and Wildlife Service
- Eastern Washington University
- Spokane Community Colleges

A description of each entity's shoreline related programs which provide shoreline restoration efforts in the state of Washington are referenced in Appendix A. There are likely other entities which promote shoreline restoration activities. These entities will be added to Appendix A as they are identified. The primary purpose of some of the listed programs may not be shoreline restoration. However, each program engages directly or indirectly in shoreline restoration.

To facilitate dissemination of shoreline restoration programs to the public, the following activities should occur:

1. Agencies should include information on their websites about their shoreline restoration efforts and guidelines and should include a contact person and phone number. The information should be readily accessible and would operate essentially as a “Shoreline Resource Guide.” The website should be designed to be as user-friendly as reasonably possible and the currency of the material should be adequately maintained.
2. Spokane County will post on its website a listing of all agencies listed in Appendix A. This site will include a summary of their shoreline restoration efforts together with the agencies website link. Spokane County will serve as a clearinghouse of shoreline restoration information.
3. The shoreline resource guide suggested in item 2 will be distributed to all agencies and all private entities having an interest in maintaining shorelines ecological values.
4. Encourage public agencies to alert their clients about the existence of other shoreline restoration programs sponsored by public and private agencies.

12.2.2 Promote Collaborative Partnerships

Spokane County should encourage collaborative partnerships among agencies which have shoreline restoration programs similar in purpose. The collaboration will encourage the sharing of technical information and improve the quality of information available to program clients, enabling the individual programs to be more effective. To the extent possible, the collaborations should also minimize or eliminate program policies and requirements which are at cross-purposes with programs administered by other agencies.

Since many rivers in Spokane County flow from or into neighboring jurisdictions Spokane County should foster collaborative relationships with those jurisdictions in order to more effectively protect shoreline resources. Shoreline and upland activities in neighboring jurisdictions can profoundly affect shoreline ecological values.

12.2.3 Repositories of Shoreline Restoration Print Materials

Resource management agencies listed in Appendix A are encouraged to maintain a listing of reference materials related to shoreline restoration which were generated by the agency. The list should be posted on the agency’s website and should include a very brief summary of the contents of each listing. Instructions should be provided directing how a person may acquire the material. The materials should be available in print form as well as available on the internet. Each agency should post on its website any shoreline restoration outreach efforts and upcoming seminars and conferences. Websites should add links to other agency websites which have programs addressing shoreline restoration.

12.3 Element 3 – Public Education

12.3.1 Purpose

Education and public participation will increase the public's awareness of the value, function and importance of protecting and restoring shorelines. This section is intended to encourage landowners to protect, maintain, and rehabilitate shoreline ecosystems. This Element will be implemented in partnership with public and private agencies having shoreline stewardship responsibilities identified in Appendix A (Inventory of Shoreline Restoration Programs). Following adoption of this plan, the Department of Building and Planning will develop a detailed strategy which will promote partnerships that implement the goals below.

12.3.2 Educational Goals

1. Increase awareness that shoreline (lakes, stream, rivers) landowners have special stewardship responsibilities and promote their involvement in restoration efforts.
2. Increase awareness of shoreline restoration that results in behavior change to maintain or re-establish shoreline ecological conditions.
3. Improve information availability, material distribution, and technical assistance through appropriate County and local resource agencies.
4. Establish a monitoring system to document the program's effectiveness.
5. Promote education about shoreline values, benefits, and functions.
6. Distribute information on existing regulations and current shoreline conditions.
7. Distribute shoreline materials to school districts, classes, and teachers.

A combination of education seminars, displays, booth exhibits, slide shows, power point presentations, trade shows and professional meetings will be used to generate public interest and to disseminate shoreline restoration technical information. The education activities will be designed to inform and educate residents about the sensitivity of shoreline ecosystems areas and shoreline values but they are intended to change the behavior of shoreline area residents. These activities are intended to promote a sense of pride in maintaining and protecting shorelines.

In pursuit of the educational goals the Spokane County Conservation District will partner with other agencies with shoreline stewardship responsibilities. To the maximum extent possible, the education activities will enable shoreland owners to interact and coordinate with personnel from other agencies including: 1) Natural Resources Conservation Service; 2) the Washington Department of Ecology; 3) the Washington Department of Natural Resources; 4) the WSU Cooperative Extension; 5) Spokane County; and 6) other state and local agencies.

The largest obstacle to increasing awareness and education may be the fact that landowners don't believe that their current practice is damaging. They often believe that the creek or stream vegetation has always been as they currently see it today (and it may have for the last 50-100 years). This makes it difficult to see another perspective or the need to change the current practice. A one-on-one approach in these rural areas may be more effective. However, sharing perspectives and the existing potential for the site may prove successful in some areas. Landowners are inexperienced with managing natural resources and initiating effective conservation practices, especially regarding the installation or maintenance of riparian corridors and buffers. Workshops and presentations will be conducted in a group format to find individuals interested in riparian projects. Emphasis shall be placed on protecting existing riparian corridors and plant communities and disseminating information about the availability of supporting resources.

Youth education about resource conservation bases numerous barriers. These barriers include lack of materials compatible with EARL and WASL requirements, age appropriate material for the spectrum of students, organization and coordination of classroom time during the school year, the costs associated with implementation of programs, and the perception that youth are being taught environmental education under governmental pressure.

New shoreline owners are often unaware or do not understand existing regulations. They usually do not understand the current condition of the shoreline and how an intact shoreline ecosystem benefits the area. They may further believe that a shoreline management program, with its various restrictions, is inconvenient and not an asset to the property. New shoreline owners should be informed about the shoreline issues and regulations prior to land purchase. Shoreline materials should be distributed to realtors to pass on to people who are considering purchasing shoreline property (i.e. property subject to the jurisdiction of the Shorelines Management Act).

12.3.3 Educational Opportunities

Many of the educational opportunities are annual events. The events are generally well attended and appeal to a broad range of interests. The following is a list of events attended or sponsored by a variety of agencies and entities where educational opportunities may exist.

- Water Festivals
- Conservation and Natural Resource Events
- Conservation Forum and Farm Models
- Regional Envirothons
- Country Living Shows
- Sixth Grade Conservation Days
- Fairs
- Annual Meetings
- Expositions
- Workshops and seminars in partnership with other agencies
- Workshops and seminars in partnership with related water quality improvement grants and project
- Interstate Fairs
- Home and Garden shows
- WSU Extension Service programs and seminars

The following is a list of agency efforts to distribute information to the public regarding techniques and methods to protect and restore shoreline ecological values:

WSU Cooperative Extension Service (WSUCES) of Spokane County Realtor Education Program provides information to realtors to clients regarding restoration and conservation of shoreline areas and encourages them to pass it on to their clients. Participating realtors will earn conservation education (CE) credit.

Master Gardner Training Program (WSUCES program) includes a block of information pertaining to conserving and protecting shoreline vegetation and if replanting is necessary what are the most appropriate plantings (referred to as 'natural landscaping') that will survive and protect and conserve shoreline functions.

Washington Water Program (WSUCES program)

The Cooperative Extension service also has a program under its service umbrella entitled "Washington's Water." Its website includes much information regarding streamside plantings which protect the shoreline ecology. The focal point for Washington State University's statewide water resource programs. The Washington's Water web site is <http://wawater.wsu.edu/> presented by the Water Resources Leadership Team, charged with the mission to provide statewide leadership, support, and coordination for the water resource educational efforts of WSU Extension. The Water Resources Leadership Team's continuing goal will be to provide statewide leadership and support for the many water

resources related programs occurring across the State. Below are 2 examples of streamside restoration and enhancement information available on the website.

The Newman Lake Property Owners Association (NLPOA) – A longstanding (formed in the 1950s) non-profit organization of volunteer citizens promoting preservation and enhancement of the Newman Lake Watershed through education and community involvement.

Liberty Lake Sewer and Water District

Through administration of its stormwater management program the District informs shoreland owners of techniques to protect the shoreline ecology as implementation of such techniques also maintains water quality.

Washington State Department of Ecology (DOE)

DOE also provides on its website a variety of educational material pertaining to shoreline vegetation which is intended to protect and/or restore the shoreline ecology. The information addresses bank restoration, native vegetation restoration and enhancement, noxious weed abatement. An excellent resource listed on the DOE website is a publication entitled “Riparian Restoration: A collection of Landowner’s Perspectives.”

The site also identifies some grant programs which would support group efforts to protect or enhance the shoreline ecology. The funding programs are focused on individual ecological issues as opposed to a comprehensive multi problem approach. Currently Ecology is offering funding to local governments for high-priority water quality projects from the Centennial Clean Water Fund. The projects are intended to fund implementation of riparian restoration and enhancement strategies recommended in Watershed Management Plans.

Polluted Runoff in Washington State - Education about Polluted Runoff

The challenging part about nonpoint education is that intelligent, well-meaning people unwittingly pollute. This pollution is often, through practices associated with pet ownership, gardening and landscaping.. Recent efforts to improve the effectiveness of environmental education have resulted in greater emphasis on measurable results, less emphasis on the written word, and more attempts to reach people on an interpersonal basis, rather than using old techniques of publications and mass media campaigns. Educators are beginning to understand that raising awareness is a good first step to changing behavior, but it doesn't motivate people to adopt new habits. EPA Region 10's Clearinghouse of Environmental Education and Information website provides information on environmental education and information materials in the Pacific Northwest. The National Project for Excellence in Environmental Education helps establish guidelines for development of "balanced, scientifically accurate, and comprehensive environmental education programs".

Plant Materials Program (Natural Resource Conservation Service Program)

The purpose of the program is to provide native plants that can help solve natural resource problems. Beneficial uses for which plant material may be developed include biomass production, carbon sequestration, erosion reduction, wetland restoration, water quality improvement, streambank and riparian area restoration, coastal dune stabilization, and other special conservation treatment needs. Scientists at the Plant Materials Centers seek out plants that show promise for meeting an identified conservation need and test their performance. After species are proven, they are released to the private sector for commercial production. The work at the 26 centers is carried out cooperatively with state and Federal agencies, commercial businesses, and seed and nursery associations.

Table 1: Shoreline Education Opportunities

Activity	Format	Target Audience	Purpose
Public Meetings	Classroom layout, slide shows with question/answer.	Landowners, producers, interest groups	Provide results and general information to local interest group.
Seminars, Workshops, Annual Events	Classroom layout with posters, presentations. Slideshows with question/answer session	Landowners, producers, local interest groups, local governments, schools K-12, youth and adults	Information, Education, Awareness
Activity	Format	Target Audience	Purpose
Displays and Exhibits	Posters with flyers, generally not staffed full time	General information to adults and children (message tailored for each)	Information, Education, Awareness
PSA	Radio Spots, TV Spots	Landowners, producers, interest groups	Inform audience of meetings and assistance
Trade Shows	Booth or display specific to a user group	Specific groups with information related to their activities	Provide project information and awareness
Field trips	Bus or vans	City/county governments, specific user groups, schools	On the ground examples of shoreline values and functions
Activity	Format	Target Audience	Purpose
Brochures/Fact Sheet	Trifold, single page fact sheet	Landowners, producers, interest groups	Provide results and general information to local interest group.
Newsletters and Newspaper Articles	N/A	Landowners, producers, interest groups	Information, education, Awareness, upcoming meetings
Pledge Program	N/A	Landowners, producers, interest groups, businesses	Information, Education, Awareness, Motivation
Streamside Welcome Package	Folder, brochure materials	Title companies, new streamside landowners	Information, Education, Awareness

12.4 Element 4 - Shoreline Restoration

12.4.1 Shoreline Restoration - Purpose

This Element serves as a tool for prioritizing and focusing restoration measures into specific shoreline areas. This Element is also intended to meet the requirements for restoration planning outlined in the Department of Ecology WAC 173-26-186(8)(c) guidelines, in which restoration planning is an integrated component of the Shoreline Master Program that include inventorying shoreline conditions and regulation of shoreline development. This plan builds off of the Spokane County Conservation District Stream Inventory and Assessment 2005, the URS Lakeshore Inventory and Assessment 2002, and the Landau Associates Shoreline Characterization Report 2005 which provide a comprehensive inventory and analysis of shoreline conditions in Spokane County, including rating specific ecological function and processes of each shoreline segment. The Landau Associates Report recommends lake and stream shorelines which have restoration opportunities. All three above referenced documents are maintained in the Department of Building and Planning and may be made available to the public on CDs, upon request. The Landau Associates Report (Appendix B of this Plan) is also posted on the Department's website at <http://www.spokanecounty.org/bp>. The Ecosystem-Wide Processes Charts in Appendix B (which is the Landau Associates Report) summarize the baseline condition of ecological processes and functions on the shorelines of the state within Spokane County.

Appendix B identifies restoration and maintenance actions for each lake and stream shoreline segment. The report is a general reference available for use by qualified ecologist when preparing site-specific shoreline restoration and maintenance strategies. In the development of detailed site-specific restoration strategies the ecologists shall also assess, at a minimum, site conditions including 1) general topography; 2) condition of the vegetative components; 3) assessment of native plant assemblages on or adjacent to the project site; 4) specific soil conditions; 5) hydrological processes present; and 6) description of wildlife habitat. In the preparation of detailed site-specific restoration strategies the SCCD and URS inventories and assessments cited above should be referenced.

In accordance with the state shoreline planning guidelines, it is valuable to establish general restoration strategies and benchmarks. Controlling environmental factors (such as hydrology, sediment type, etc.) provide the foundation for habitat structures (i.e., species and their abundance), and the structure supports habitat functions (i.e., production, food support, rearing, etc.). That is, restoration of habitat functions may be ineffective if habitat structures and controlling factors are not also restored. There is no universally accepted method for setting priorities for restoration or for determining what strategies are best applied to each site. Restoration of controlling factors is the key to successful and long-term shoreline restoration. Therefore, overall priority should be given to restoration of natural processes that are needed to support ecosystem and habitat functions. Restoration priority will also be based on access, funding, extent of benefit and willingness of involved landowners to participate.

12.4.2 What is Restoration?

The term restoration has a number of definitions, all of which share similar ideas. They often refer to the return of an area to a previous condition by improving the biological structure and function. Examples of definitions of restoration put forth by various authors and agencies include bringing back a former, normal, or unimpaired state; a return to a previously existing natural condition; reestablishing vegetation; and returning a damaged ecosystem to its pre-disturbed state. The Ecology shoreline master program guidelines state that:

“Restore,” “Restoration,” or “ecological restoration” means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

12.4.3 Lake Shorelines

After completion of the lake shoreline assessments, the URS analysis team developed criteria for grouping the lakes into three categories based on the individual shoreline characterization. Each lake was categorized based on the capability and potential for 1) restoration, 2) maintenance, or 3) preservation based on the individual shoreline assessments outlined in Section 4. The analysis team based its shoreline categorization on the following criteria:

- Individual shoreline proper functioning condition (PFC) ratings
- Ownership
- Land use capability
- Function and value of habitat
- Non-point source pollution potential
- Potential ecological need for restoration
- Ecological sensitivity to development

This categorization scheme provides Spokane County Division of Building and Planning the means to evaluate site specific projects over the short term through the permitting process in any of the lake areas. Additional analysis qualified ecologists will be necessary to develop the restoration or mitigation plan for each individual shoreline.

12.4.4 Shorelines Categorized for Preservation

Lakes that are categorized under the preservation category are lakes with little or no development with most of the existing ecological systems intact. The lakes in the preservation category are classified as such due to their lack of development. A preservation priority indicates a greater potential to preserve those ecological values and maintain entire lake and riparian areas in a natural state. This can be accomplished through a combination of activities to include but not be limited to site-specific shoreline planning, regulatory incentives, use of incentive focused resource restoration programs identified in Element 5 and Appendix A. Additionally, implementation of the public education program envisioned in Element 3 is essential to impressed upon shoreline owners and the public the significance of their shoreline stewardship responsibilities. Individual shorelines which provide the greatest opportunity for preservation are based on the URS Lake Inventory and Assessment and the Landau Associates Report. Lake shorelines in this category include:

Horseshoe Lake, Woods Lake, Bonnie Lake, Knight Lake, Mason Lake, Lonelyview-Hedin Lake, Hog Canyon Lake, Philleo Lake, Dagoon Lake (dry nearly all year), Feustal Lake, Queen Lucas Lake, Willow Lake, Lakes 8, 12, 14, 19, 20, 21, 23, 26, 27, 28

12.4.5 Shorelines Categorized for Maintenance

Lakes that are categorized for maintenance are under light to moderate development pressure or are impacted by nearby land uses and have many of their ecological systems intact. The lake shorelines categorized for maintenance are based on the criteria listed in section 4.3 which will affect the ecological balance and the stability of those systems. A shoreline categorized for maintenance indicates a greater need to protect, in a more natural state, the remaining functioning habitat. Without this restoration the shorelines

proper functioning condition will trend downward slowly over time. Shoreline maintenance can be accomplished through a combination of activities to include but not be limited to site-specific shoreline planning/mitigation, regulatory activities, use of incentive focused resource restoration programs identified in Element 5 and Appendix A. Additionally, implementation of the public education program as envisioned in Element 3 is essential to impressed upon shoreline owners the significance of their shoreline stewardship responsibilities. Regulatory activities will be in conjunction with the County development approval processes. Lake shorelines categorized for on-going maintenance are as follows:

Eloika Lake, Downs Lake, Amber Lake, Granite Lake, Bear Lake, Meadow Lake, Reflection Lake, Badger Lake, Alkali Lake, Chapman Lake, Fish Trap Lake, Otter Lake, Ring Lake.

12.4.6 Lake Shorelines Categorized for Restoration

Lake shorelines that are categorized for restoration are areas with development pressure and/or with limited ecological systems still intact. Individual shorelines for these lakes provide the greatest opportunity based on the individual shoreline assessments in the URS Lake Inventory and Assessment and the analysis in the Landau Associates Report. Lakes in the restoration category were categorized as such based on the potential for recovering more of an ecological balance in areas with development pressure. Without restoration activities the functional downward trend will accelerate. Shoreline maintenance can be accomplished through a combination of activities to include but not be limited to site-specific shoreline planning and mitigation, incentive based regulatory activities, use of incentive focused resource restoration programs identified in Element 5 and Appendix A. Additionally, implementation of the public education program as envisioned in Element 3 is essential to impressed upon shoreline owners the significance of their shoreline stewardship responsibilities. Regulatory activities will be in conjunction with the County development approval processes. Table 1 in Appendix C to this plan specifies the shoreline segments that are categorized for restoration, the strategies necessary to restore their ecological functions and restoration timelines. The affected lakes are as follows:

Clear Lake, Newman Lake, Williams Lake, Liberty Lake, Silver Lake, Fish Lake, Shelly Lake, Medical Lake.

12.4.7 Stream Shorelines

The Spokane County Conservation District (SCCD) completed a comprehensive Stream Inventory and Assessment in 2005. The SCCD inventory includes a comprehensive thorough review of all the existing data for the streams/rivers that are regulated by local Shoreline Management Programs (approximately 191.4 river miles). The Inventory and Assessment is also based on data collected by SCCD staff who conducted an enhanced physical function Proper Functioning Condition (PFC) assessment of each stream reach. The SCCD assessment addresses segments of the following systems: Spokane River (including Lake Spokane), Little Spokane River, West Branch of the Little Spokane River, Deadman Creek, Dragoon Creek, Hangman (Latah) Creek, Rock Creek, and Pine Creek. The SCCD Report also provides additional information for use in analyses of stream processes, wildlife use, and the current and potential future land use impacts. Functional-at-risk (FAR) reaches were usually a direct result of significant past or current land use influences. Residential and urban development, shoreline modifications, livestock grazing, degraded riparian ecological communities, road encroachments, agricultural production, and moderate to severe stream bank erosion were often typical in these reaches. Hangman Creek was by far the most critical system in Spokane County. Sixty three percent (63%) of its shorelines rated as FAR. Rock Creek, a major tributary of Hangman Creek, had 36 percent of its shorelines rated as FAR. The trends associated with FAR

reaches were upward and downward, dependent upon the site conditions and the level of river current influence.

Nonfunctional (NF) conditions were not common throughout the watersheds in Spokane County. These reaches exhibited severe hydrological problems such as lateral and vertical instability. Significant erosion and inadequate or absent riparian plant communities were characteristic. Hangman Creek was the only system identified with a NF rating (one reach). However, there were reaches in Hangman Creek and others that were listed at the lower end of FAR that could eventually result in a NF condition rating in the future. The SCCD inventory and assessment rated restoration potential of the individual stream reaches as good, fair, or poor. Streams rated as good and fair were included as having potential for restoration.

Additional analysis by the SCCD Report verifies that only five percent of the riparian-wetland habitats (48 river miles) are rated in good condition, 47 percent (89.8 river miles) in fair condition, and 28 percent (53.6 river miles) are characterized as poor condition. The Spokane River, the largest system in Spokane County, has only 24 percent (14.4 river miles) of its plant communities rated in good ecological condition. The Little Spokane River has more river miles in good ecological condition than any other system in Spokane County (10.5 river miles or 27 percent). Rock Creek, a tributary to Hangman Creek, has the highest percentage of its system rated as good ecological condition (63 percent or 9.8 river miles). The majority of the reaches in Spokane County are rated in Fair condition. These reaches are often either slightly disturbed from human influences or are naturally limited in their potential. Table 1 illustrates these streams ecological conditions.

TABLE 1
Ecological conditions of Spokane County SMP streams/river reaches

Stream/River	Ecological Condition					
	Good		Fair		Poor	
	RM(1)	Percent(2)	RM	Percent	RM	Percent
Spokane River(3)	14.4	24	32.2	55	12.4	21
Little Spokane River	10.5	27	19	48	9.7	25
West Branch Little Spokane River	1.6	41	1.8	46	0.5	13
Dragoon Creek	1.8	15	9.5	75	1.3	10
Deadman Creek	0	0	7.0	100	0	0
Hangman (Latah) Creek	9.9	20	17.5	35	22.9	45
Rock Creek	9.8	63	2.8	18	3.0	19
Pine Creek	0	0	0	0	3.8	100
Total	48	25	89.8	47	53.6	28
Notes:						
1. River miles; all miles are approximate measurements						
2. Percent values are based on individual streams						
3. Lake Spokane is considered part of the Spokane River						

One hundred percent of Deadman Creek is rated in fair ecological condition. A significant portion of Dragoon Creek (75 percent or 9.5 river miles) and over half of the Spokane River (54 percent or 32.2 river miles) are also listed in fair condition. A significant fraction of Spokane County shorelines are rated in poor ecological condition (28 percent or 53.6 river miles). Hangman Creek and the Spokane River comprise the majority of these

reaches (66 percent or 35.3 river miles). These areas usually exhibit accelerated erosion, poor land use management, highly modified shorelines (bulkheads and lawns), or altered natural conditions (impoundment).

Hangman Creek exhibits the worst ecological conditions in Spokane County.

Approximately 45 percent (22.9 river miles) of its shorelines are characterized as poor condition. Historic and current agriculture, livestock grazing, and urban/road encroachment are responsible for a majority of the modifications, loss of floodplain continuity, and general absence of riparian vegetation. The Little Spokane River and the Spokane River also contain large continuous reaches of poor condition ratings, while all of Pine Creek is listed in poor (poor-fair) condition.

Based on the ecological conditions and potential for restoration identified in the Landau Associates Report, the stream reaches in Table 2 in Appendix C are designated for restoration. Without restoration activities the functional downward trend will accelerate. Table 2 specifies the shoreline segments that are categorized for restoration, the general strategies necessary to restore their ecological functions and restoration timelines. Table 2 also generalizes impacts resulting from shoreline disturbances and outlines the benefits to be realized from restoration activity.

12.4.8 Shoreline Restoration Implementation

Shoreline restoration will be realized through a combination of activities to include but not be limited to site-specific shoreline planning and mitigation, incentive based regulatory activities, use of incentive focused resource restoration programs identified in Element 5 and Appendix A. Additionally, implementation of the public education program as envisioned in Element 3 is essential to impressed upon shoreline owners the significance of their shoreline stewardship responsibilities.

The shoreline restoration actions suggested in Tables 1 and 2 in Appendix C will be accomplished primarily as a result of volunteer efforts of individuals, landowners, volunteer organizations and, in some cases, public and private agencies. Preparation of restoration strategies should consider the information in the three technical reports cited in this Element. The strategies should also consider the education tools in Element 3 and the technical assistance resources cited in Element 5 and Appendix A. A qualified ecologist or team of experts in shoreline/riparian ecology shall be retained to assist in developing effective shoreline restoration plans and such plans shall at a minimum include a site specific restoration element, implementation element, performance assessment process, adaptive management techniques and provision for dissemination of plan implementation results.

With projected budget and staff limitations, Spokane County does not anticipate leading many restoration projects or programs. However, the County's Shoreline Management Program represents an important vehicle for facilitating and encouraging restoration projects and programs that could be led by a combination of public and private entities and having shoreline resource management interests. It is also expected that the list of restoration opportunities listed in Tables 1 and 2 in Appendix C may change over time, that new projects may be identified and existing opportunities may become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

12.4.9 Restoration Project Evaluation

When a shoreline restoration project is proposed by any entity within Spokane County the project shall be evaluated to ensure that the project's objectives are consistent with this Restoration Plan. When evaluating potential restoration projects, priority should be give to projects most meeting the following criteria:

- Restoration meets the goals and policies pertaining shoreline restoration.
- Restoration avoids residual impacts to other shoreline functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration.
- Restoration measures shall not adversely impact upstream or downstream properties.
- There is public support for the project.
- The project is supported by and consistent with other restoration plans, such as those for Water Resources Inventory Areas 54, 55, 56 and 57.

The five components of a restoration project plan shall at a minimum include the following: specific site plan, implementation, performance assessment strategy, adaptive management techniques, and dissemination of results. The Department of Building and Planning will develop a project “score card” as a tool to evaluate projects consistent with these criteria. In developing the score card, the Department will consult with other entities having expertise and experience in shoreline or riparian restoration.

12.4.10 Shoreline Restoration Implementation

This section addresses restoration and maintenance of shorelines of the state not listed for restoration in Tables 1 and 2 in Appendix C. Section 4.3 outlines the lake and stream shorelines categorized for preservation and maintenance. Restoration of shoreline areas helps to maintain the high quality of life that is enjoyed by the residents of Spokane County. Shoreline areas play valuable roles in water storage, stormwater disposal, flood prevention, water quality preservation, habitat for fish and wildlife as well as providing recreational opportunities. Restoration of shorelines makes economic sense, since the alternative is expensive and time consuming regenerating the lost ecological values.

The underlying approach to shoreline restoration is to rely on the regulatory measures and processes specified in Element 6 and the public education strategy outlined in Element 3. The education strategy’s primary goal is to promote a sense of shoreline stewardship to the public by focusing education effort toward private conservation organizations, businesses related to shoreline development, individual landowners and the general public.

Primary regulatory tools which will be utilized to protect shorelines are the use activity regulations in Sections 4 and 5 of the revised Shoreline Management Program Protection and the Critical Areas Ordinance. These regulations will promote maintenance of critical natural shoreline functions and values and avoid a net-loss of ecological functions. These regulations require shoreline developments to be designed and operated in manner which prevents a net-loss of shoreline ecological function. Other primary tools referenced in Element 6 of this plan include the Spokane County Zoning Code and the Comprehensive Plan. Both documents allow for very low density of development of shoreline areas located outside of the Urban Growth Area (UGA). The bulk of the shoreline areas in Spokane County are located outside of the UGA. The bulk of the shorelines within the UGA subject to this revised Shoreline Management Plan are in public ownership and are not planned for development. For a description of other regulatory and non-regulatory tools which will be utilized to implement the shoreline restoration goals and policies specified in Element 1, refer to Element 6 of this plan.

To assure effective implementation of the this Element, the Department of Building and Planning will display a map in the permit office showing the shoreline designations and

denoting the river and lake shoreline reaches as specified in Appendix B, the Landau Associates Report. The reaches will symbolically display the restoration actions appropriate to each reach as specified in this element and in the Landau Associates Report.

Implementation of the public education strategy outlined in Element 3 is another primary tool that will be relied upon to restore shorelines. This element is essentially a “preventative medicine” approach. Element 3 promotes a public education outreach program with the purpose of informing persons interested in or using shoreline areas to avoid actions which adversely impact shoreline ecological function. It is intended to instill a sense of shoreline stewardship responsibility. If this approach is successful it will prevent degradation of shoreline areas and thereby avoid expensive shoreline restoration and/or irreversible/permanent damage to shoreline ecology.

12.4.11 Development Opportunities

The Department of Building and Planning will work with shoreline development proponents (during permit review or implementation of capital facility plans) to achieve shoreline restoration as one of several elements to an overall environmental impact mitigation strategy. One mitigation strategy may include off-site shoreline restoration in lieu of on-site mitigation. The Department of Building and Planning will develop a list of shoreline restoration/mitigation opportunities based on a detailed review of the shorelines listed in Tables 1 and 2 in Appendix C. The restoration opportunities specified in Tables 1 and 2 will effectively serve as a master list of candidate restoration projects.

The use of the restoration opportunity list would apply when a proposed shoreline development degrades shoreline’s ecological functions, triggering the no net-loss of ecological function requirements of Sections 4 and 5 of the revised Shoreline Management Program. In certain cases, on-site mitigation opportunities may be extremely limited due to building site constraints, limited potential ecological gains, or other site-specific factors. In these instances, the jurisdiction shoreline manager will identify off-site restoration/mitigation opportunities for a shoreline developer from the list of restoration opportunities. During project review, the shoreline manager would identify an appropriate off-site restoration/mitigation opportunity that is proportional to the shoreline impact on ecological function resulting from the shoreline development project. The detailed mitigation strategy will then be developed and implemented by the project proponent consistent with the requirements of Section 4 of the revised Shoreline Management Program.

In order to assure effective implementation of the this Element, the Department of Building and Planning will display a map in the permit office showing the shoreline designations and denoting the river and lake shoreline reaches as specified in Tables 1 and 2 in Appendix C. The reaches will symbolically display the generalized restoration actions appropriate to each stream reach and lake shoreline. A shoreline restoration opportunity list referred to in the above paragraph will also be maintained in the Department for shoreline project proponents and the general public to review.

12.4.12 Mitigation Banking

Another tool available to protect and restore shoreline areas is the development and implementation of a shoreline mitigation banking program. Such a program would provide for a shoreline project proponent with the option to deposit funds in a mitigation bank under the custody of Spokane County. The funds would equal or exceed the costs of restoring lost ecological function resulting from the proponent’s shoreline development. Spokane County would have the discretion to combine the funds with other funds in the mitigation bank and restore shoreline segments listed in Table 1 and 2 in Appendix C. The funds will be expended within a specific time period not to exceed 2 years. If

possible, the restored shoreline segment should be as near as possible to the project site and should realize substantial benefits as outlined in Table 1 or 2 in Appendix C, whichever table lists the shoreline segments. The project proponent shall be responsible for retaining the expertise to evaluate the costs of the loss in shoreline ecological function resulting from the project and the full costs of restoring the shoreline segment selected by Spokane County. In addition, the project proponent shall add an additional 30% to the estimated cost to cover Spokane County's expenses to be incurred retaining and monitoring the entity which provides the shoreline restoration services. This requirement relates to the expenses which are exclusive of the actual costs of shoreline restoration labor and materials. All mitigation banking funds will be remitted to Spokane County prior to issuance of development approvals.

12.4.13 Shoreline Restoration Strategies

The shoreline restoration strategies specified in Tables 2 and 3 and outlined below are intended to provide generalized prescriptions for areas with compromised ecological functions and values. These prescriptions, however, require site specific assessments by qualified ecologist to collect detailed information relating to native plant assemblages, topography, and other site attributes. Once these assessments are conducted by a qualified wetland/riparian specialist, a detailed site restoration plan will be developed. Often site restoration plans require a combination of professional services including, but not limited to, geotechnical, civil engineering, landscape architecture, and wetland/riparian specialists. The restoration strategies addressed in Tables 2 and 3 are generalized as follows:

12.4.14 Biotechnical Bank Restoration

Biotechnical bank restoration 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 uses appropriate native plant materials to reestablish the native plant community which has been lost to previous disturbance.

Successful biotechnical bank restoration 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 restoration 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 restoration 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.

12.4.15 Native Plant Enhancement

This restoration strategy is most appropriate for areas that have been minimally disturbed and require less intervention to reestablish natural functions and values. This strategy includes:

- Planting of vegetation communities that closely mimic conditions found at intact sites adjacent to the area. Communities should include shrubs, trees, and herbaceous components.
- Use available hydrology necessary for the reestablishment of vegetation where drip irrigation is not necessary.
- Placement of small quantities of plant material in areas that have fairly intact habitat conditions to improve function and value.
- Placement of tree and shrub habitat components that are focused in providing habitat connectivity or canopy cover for fish and wildlife values.

12.4.16 Native Grass Strip Buffers

This restoration strategy is most appropriate for areas that require stabilization, filtration, and storage functions near adjacent water bodies. This strategy should be applied in areas adjacent to impervious surfaces, roadways, or other areas where native vegetation placement is not possible. This strategy includes:

- Planting of native grasses that are prevalent in the surrounding areas.
- Minor scarification of planting area to facilitate adequate germination, water storage, and rooting.
- Adequate mulching to protect grass seed and to provide moisture for an extended period of time.
- Monitoring and evaluation to include periodic watering, removal of noxious or invasive plants, and replacement of seed in areas of low grass reestablishment.

12.4.17 Buffer Requirements

This maintenance strategy implements buffer requirements, based on Best Available Science, to exclude encroachment into the established buffer area. This strategy maintains current ecological function and values. Encroachment into defined buffer areas requires mitigation under the Spokane County Critical Areas Ordinance.

12.4.18 Hydrology enhancement/alteration

This strategy provides re-establishment of natural hydrology to include:

- Culvert replacement removal.
- Dike removal or maintenance.
- Artificial drainage removal (tiling, ditching, etc.)
- Floodplain reconnection
- Barrier removal

12.5 Element 5 - Shoreline Restoration Incentives

The restoration plan must be coordinated with other components of a master program. As required by the Shoreline Master Program Guidelines (WAC 173-26), restoration planning has a particular purpose that exists separate from development regulations. The Guidelines focus restoration requirements on the use of master program “policies,” as opposed to “development regulations.” Under the guidelines, local governments will not require individual permittees to restore past damage to shorelines as a condition of permit approval for new development, although the permittee must fully mitigate for any new impacts. Restoration planning should describe the coordination of existing environmental restoration plans and programs, and emphasize economic incentives, participation in public agency resource management programs, use of private funding sources and implementation of the Education Element (Element 3) of this plan.

The regulatory tools listed in Element 6 are not intended to require restoration of shorelines which were degraded prior to the adoption of the updated shoreline master

program. They can, however, be used to provide the opportunity for future restoration. Shoreline Management Guidelines (WAC 173-26) specifies that effective restoration strategies hinge on a public education strategy and the use of incentives which encourage shoreland owners to restore degraded shorelands. If the public is educated regarding degraded shorelines and their implications to shoreline ecological condition as recommended in Element 3, the public and specifically shoreland owners, will be motivated to be much better stewards in the protection and restoration of shoreline ecological systems. The following is a list of existing efforts which encourage shoreland owners to restore degraded shorelines. Refer to Appendix A for more information regarding these programs and for web links to resource agency sites for more program details.

Spokane County Conservation District (SCCD) Buffer Cost-Share Program

This program includes different cost share rates on riparian replanting and other best management practices components (off-creek watering, fencing, plants). This SCCD program offers cost-share on such practices as stream-side fencing, off-creek watering facilities, buffer plantings, grass only, irrigation weed control (2 yr. maintenance). Buffers may vary, but most are narrow strips of land, planted with permanent vegetation, either grass, shrubs, and/or trees.

Backyard Conservation Program (SCCD Program)

A specific program providing revegetation advice that will help transform a yard into a natural haven for birds, blooms, and beauty. The program demonstrates how conservation practices that are used on agricultural land across the country to conserve and improve natural resources can be adapted for use on the land around a land owners home.

Water, Wetlands, Ponds Program (SCCD Program)

This program provides information to the public on water rights, water testing and maintaining local watersheds. This program assists landowners in the protection of wetlands and the design and implementation of artificial ponds.

Stewardship Incentive Program (SCCD Program)

This program provides financial assistance to support conservation efforts of farmers, ranchers or small acreage owners. Through partnerships with state and federal agencies, the SCCD can provide access to assistance for conservation practices such as irrigation and water management, erosion and flood control, animal waste management, and habitat restoration.

Sediment Reduction Program (SCCD Program)

SCCD assists agricultural producers to development and implement management practices to reduce sediment in our streams and rivers. Eligible practices include grassed waterways, buffer plantings and sediment basin Best Management Practices. The program can be combined with others such as CRP, EQUIP to ensure that the agricultural operation works economically and environmentally. For more information contact SCCD at 509-535-7274.

Watershed Conservation/Habitat Restoration Program (NRCS and SCCD Program)

This program is funded by the Natural Resource Conservation Service pursuant to the Federal Wetland Reserve Program and administered by Spokane County Conservation District. The District uses the funding to acquire trees and shrubs and plant them in shoreline areas with the intent of rehabilitating the shoreline/riparian ecosystem.

Inland Northwest Land Trust (INLT)

INLT identifies high ecological value land and negotiates long term conservations easements or outright land purchases. Some of these easements and purchases include shorelands.

Forestry Riparian Easement Program (DNR Small Forest Landowner Office)

The purpose of the easement program is to protect the qualifying timber and its associated riparian functions. Unlike a typical easement involving property or a road, a forestry riparian easement covers only qualifying timber (those trees which a landowner cannot harvest under the DNR Forest Practices rules) leased to the state by a small forest landowner.

The Newman Lake Property Owners Association (NLPOA)

NLPOA is a longstanding non-profit organization of volunteer citizens promoting preservation and enhancement of the Newman Lake Watershed through education and community involvement. A sub-committee of the NLPOA whose primary concern is promoting land use practices that maintain natural ecosystem functions in the watershed and aid in improving Lake Water quality.

Newman Lake Flood Control Zone District (NLFCZD)

The NLFCZD funds Newman Lake watershed protection activities. The District works with landowners and advises them on watershed protection measures.

Washington Department of Fish and Wildlife (WDFW)

The WDFW has both regulatory and non-regulatory programs that seek to protect, enhance, and restore shoreline areas. Below are some of the many non-regulatory programs that WDFW supports:

Backyard Wildlife Sanctuary Program(WDFW)

This program is managed by the WDFW Wildlife Program and designed to help landowners help wildlife around their home by enhancing native habitat. Some properties are adjacent to streams and lakes.

Landowner Incentive Program (LIP) (WDFW)

The LIP is a competitive grant process to provide financial assistance to private landowners for the protection, enhancement, or restoration of habitat to benefit “species at risk” on privately owned lands. Species at risk is defined for LIP as any fish or wildlife species that is federally or state listed as threatened or endangered, is proposed or is a candidate for listing as threatened or endangered, as well as any other animal species determined to be at risk by WDFW. This program applies to landowners with frontage on streams and lakes.

Watershed Stewardship Program (WDFW)

A primary role of the Watershed Stewardship Team (WST) biologists is to coordinate the agency's multiple resources in local planning and recovery efforts for salmonids, particularly those of Lead Entities and Regional Recovery Planning Boards.

Water Quality/Centennial Clean Water Program (Washington State Department of Ecology)

This program funds the Shoreline Inventory and Assessment Project referred to in Element 4 of this Plan. The program also includes a Total Maximum Discharge Limits (TMDLS) assessment of the Spokane River. This program established maximum pollution discharge rates for a variety of chemical pollutants which are intended to improve the water quality and ecosystem of the Spokane River.

Environmental Quality Incentives Program (Natural Resource Conservation Service [NCRS] Program)

The Environmental Quality Incentives Program provides technical, educational, and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands. The program provides assistance to farmers and ranchers in complying with Federal, State, and Tribal environmental laws, and achieves its ends through the implementation of a conservation plan which includes structural, vegetative, and land management practices on eligible land.

Wetlands Reserve Program Plant Materials Program (NRCS Program)

The purpose of the program is to provide native plants that can help solve natural resource problems. Beneficial uses for which plant material may be developed include wetland restoration, water quality improvement, streambank and riparian area protection and other special conservation treatment needs.

Wildlife Habitat Incentives Program (NRCS Program)

The Wildlife Habitat Incentives Program provides financial incentives to develop habitat for fish and wildlife on private lands. Participants agree to implement a wildlife habitat development plan and USDA agrees to provide cost-share assistance for the initial implementation of wildlife habitat development practices.

Watershed Program (NRCS Program)

The Small Watershed Program works through local government sponsors and helps participants solve natural resource and related economic problems on a watershed basis. Projects address watershed protection, erosion and sediment control, water quality protection, fish and wildlife habitat enhancement, wetlands creation and restoration. Both technical and financial assistance are available.

Landowner Incentive Program (LIP)(US Fish and Wildlife Service)

The purpose of this program is to provide grants to support on-the-ground projects that enhance, protect, or restore habitats that benefit "species-at-risk" on privately owned lands. Private landowners, individually or as a group, can submit project proposals.

Emergency Watershed Program (EWP) - Floodplain Easement Option

The Emergency Watershed Program (EWP) provides for NRCS purchase of floodplain easements as an emergency measure. Floodplain easements restore, protect, maintain, and enhance the functions of the floodplain; conserve natural values including fish and wildlife habitat, water quality, flood water retention, ground water recharge. NRCS may purchase EWP easements on any floodplain lands that have a history of repeated flooding (i.e., flooded at least two times during the past 10 years). A landowner voluntarily offers to sell to the NRCS a permanent conservation easement that provides the NRCS with the full authority to restore and enhance the floodplain's functions and values. NRCS may pay up to 100% of the restoration costs. For more information go to http://policy.nrcs.usda.gov/scripts/lpsiis.dll/M/M_440_514.htm or <http://www.nrcs.usda.gov/programs/wrp/>

North American Wetlands Conservation Act Grants Program (NAWCA) (US Fish and Wildlife Service)

The purpose of this program is to provide funding to support the long-term protection of wetlands and associated uplands habitats needed by waterfowl and other migratory birds in North America. Projects must support long-term wetlands acquisition, restoration, and/or enhancement. Organizations and individuals who have developed partnerships to carry out wetlands conservation projects may participate.

Partners for Fish and Wildlife (PFW) (US Fish and Wildlife Service)

The purpose of this program is to support voluntary restoration of wetlands and other fish and wildlife habitats on private land through public-private partnerships. Projects are designed to restore native habitat to as near a natural state as possible.

Private Stewardship Program (PSP) (US Fish and Wildlife Service)

The purpose of this program is to provide grants and other assistance on a competitive basis to individuals and groups for voluntary conservation efforts to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands. Private landowners and groups and organizations that partner with landowners may participate in this program.

Spokane County Open Space Taxation Program

Spokane County participates in the open space tax program pursuant to Chapter 84.43 RCW. This program provides the benefits to owners that keep their property undeveloped or in certain less intensive uses. The County will develop a “public benefit rating system” that can be used as a strategic shoreline protection tool by assigning relative benefit to open space properties based on the link between natural resource features on the property and their ecological function within the jurisdiction of the Shorelines Management Program. Property owners whose land is subject to the Shoreline Management Program may wish to investigate whether or not they are eligible for a reduction in their property taxes.

The Conservation Futures Program (Spokane County)

This program provides a means for counties to acquire lands and habitats important to the preservation of wildlife or lands having significant recreational, social, scenic, or esthetic values. Revenue for the program is generated through property taxes. The tax cost for a homeowner is \$6.00 per year for a \$100,000 home raising about \$920,000 each year in funds. The county has also leveraged the taxpayers’ money to get grants to restore wetland habitat on parcels previously farmed. The administration of this program is by volunteers, and existing parks staff and 100% of the funds are used to purchase desirable sites. The site characteristics are evaluated to determine those properties that contain the highest ability to preserve habitat areas, they are reviewed for such features as quality of wildlife habitat, water access, threat of development and loss, and need within an area and connection to existing habitats. The Program has acquired and will continue to acquire shoreline properties.

Cluster Development near Shorelines

Landowners and developers seeking to develop land outside of the Urban Growth Area are encouraged to consider use of Spokane County’s clustering provisions in the Spokane County Zoning Code which allow for small lots and in some cases higher densities if residential development can be clustered on the site away offering greater protection for shoreline areas. Information regarding clustering can be found in Sections 14.618.220 and 14.820 of the Zoning Code which is available on the Department’s website at <http://www.spokanecounty.org/bp> and prompt “documents and ordinances” or call the Department at 509-477-7200.

Again, please refer to Appendix A for more information regarding these programs or for an e-link for more details. Additionally, Appendix A includes descriptions of other shoreland related resource conservation programs.

12.6 Element 6 - Implementation

This Element sets forth the primary regulatory tools available to effectively implement the shoreline protection goals and policies. The tools listed below are not necessarily the only tools available. As other tools are recognized, and their use is proven, they will be added to the list below. This element is intended to implement the goals and policies pertaining to shoreline protection. Goals and policies related to shoreline restoration will be implemented on a volunteer basis through implementation of Elements 3, 4 and 5 of this Plan. The tools listed below, by themselves, will not necessarily fully implement the shoreline protection goals and policies in Element 1. The tools must be administered in concert with the implementation of Elements 2 through 5 of this Plan in order to effectively protect Spokane County's shorelines. Implementation tools are as follows:

12.6.1 Shoreline Management Regulations

Spokane County's Shoreline Management regulations will be amended to require that proponents of new substantial development and some exempt improvements which disturb the shoreline environment prepare a report demonstrating that there will be no net-loss of ecological function. The report is to be prepared by a person who is recognized as a Spokane County Qualified Biologist.. The term "no net-loss" infers that a portion of the shoreline may be degraded while another portion of the shoreline may be reasonably restored or enhanced in some scientifically credible manner, off-setting any degradation. Areas to be restored or enhanced should be in reasonably close proximity to the disturbed shoreline. The revised shoreline regulations implementing this Element will define the term "close proximity." The Director of the Department of Building and Planning may allow off-site mitigation exceeding 1,000 feet from the applicant's property under the following conditions:

- a. Spokane County has adopted a shoreline restoration program identifying and prioritizing the restoration of certain degraded shorelines.
- b. the applicant proposes a specific strategy to restore a shoreline prioritized for restoration as specified in the restoration program referenced in item "a" above.
- c. 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.
- d. the shoreline functional values at the site of the proposed restoration are significantly greater than the anticipated loss of shoreline ecological functions.

12.6.2 Critical Areas Ordinance

This ordinance as it currently exists protects lake and river shoreline areas through enforcement of required no disturbance buffers. Also, the ordinance discourages excessive road building and all-terrain vehicle usage near shorelines. Priority wildlife habitat areas are also given recognition by the ordinance and any disturbance of these areas may require a habitat management plan approved by the Washington State Department of Fish and Wildlife. This ordinance should be amended to resolve any conflicts or disparities between it and the updated Shorelines Management Plan so that these protection tools work harmoniously together. Lakeshore buffers should be imposed to afford the same level of protection provided to river shorelines.

12.6.3 SEPA Ordinance

The Spokane County Environmental Ordinance provides authority to require non-exempt shoreline development to mitigate adverse impacts to the shoreline environment resulting from development. Mitigation techniques should include no net-loss development strategies.

12.6.4 Comprehensive Plan

Incorporation of Shoreline Protection and Restoration Goals and Policies in the Comprehensive Plan will provide sound policies basis upon which to amend land development ordinances and provide shoreline protection measures. Protection of the shorelines is passively accomplished by the current Comprehensive Plan due the large percentage of the shoreline areas that are classified for very low density development.

12.6.5 Zoning Code

Amend the Zoning Code to reference shoreline protection measures in the SMP so that notice to the public is enhanced regarding compliance responsibilities. Spokane County has the option of incorporating the Shoreline Management Program regulations into the Zoning Code or combining them with the Critical Areas Ordinance. This assures zoning regulations will mesh with shoreline management regulations providing for more effective and consistent administration.

12.6.6 Subdivision Ordinance

The subdivision ordinance will assure that shoreline areas subject to the Spokane County Shoreline Management Program within plats, short plats and binding site plans will be managed consistent with the goals and policies of this plan.

12.6.7 Class IV Forest Management/Conversion and Permit Administration

Spokane County is responsible to administer the Class IV forest practices permit for the Department of Natural Resources pursuant to the Forest Practices Act. Class IV permits primarily relate to conversions of forest land to non-forestry uses. The revised SMP regulations should address Class IV permits and require that activity allowed by these permits comply with all requirements of the SMP. In its review of Class IV permits Spokane County should inform landowners harvesting timber and converting land to non-forestry uses of their responsibility to comply with shoreline protection requirements of the SMP.

12.6.8 Joint Aquatic Resources Permit Application Process

The Joint Aquatic Resources Permit Application (JARPA) is a generic application form for all federal, state, and local permits governing activities in aquatic and wetland environments. The JARPA review process is used by federal, state and local resource management and planning agencies as a means to collaborate on the review of shoreline and water related developments. Spokane County uses JARPA as its application for review of developments proposed in jurisdiction of the Shorelines Management Act. Use of JARPA is intended to help permit applicants by cutting red tape, since only one application is required instead of a separate application for each type of federal, state, or local permit. Use of JARPA is also designed to help assure that applicants are informed of all applicable state and local development regulations. This process will also serve as a tool to implement shoreline protection policies and regulations, for both substantial developments and activities which are exempt from the substantial development permit.

12.6.9 Violation Remediation

Spokane County will monitor development of the shorelines following the granting of development approval to assure that approved no net-loss strategies are properly applied. Spokane County will vigorously pursue remedial action. Should development and operations occur which conflict with the approved no net-loss development strategy.

Exempt and illegal development which degrades the shoreline ecological function will also be subject to the no net-loss policy of this plan and timely remedial actions which restores the ecological function of the degraded shoreline. Property owners violating the use regulations and no net-loss policy of this plan will be required to initiate timely remedial actions which restore the ecological function of the degraded shoreline.

12.6.10 Watershed Management Program

The current watershed planning effort was initiated in 1998 when funding was provided by the Washington State Department of Ecology under RCW 90.82. Spokane County is the Lead Agency and one of the initiating governments in completing these watershed planning efforts for the Little Spokane River, Latah River Watersheds and Spokane River watersheds (WRIAs 54, 55, 56 and 57 respectively). Components of watershed planning include a required water quantity element and optional water quality, habitat, and instream flow elements and an optional component of analyzing instream flow. All 3 WRIA plans include sections addressing the issue of 'habitat and land use' which include shoreline protection and restoration policies and action statements and providing that such activity is essential to maintaining environmental integrity intended to result in improving water quality. The primary purpose of the planning program is to maintain, conserve and protect water quantity and quality for use and support of human activity but also to protect and enhance wildlife. The draft programs recommend a public education program regarding conservation of watershed resources including associated riparian areas. (<http://www.spokanecounty.org/wqmp/projects/ASP/WhosIn.asp>)

12.6.11 Latah Creek Comprehensive Flood Hazard Management Plan

This Spokane County Plan proposes that land use and development regulations be used as tools to conserve and protect the Latah Creek Channel Meander Belt which is illustrated on Channel Maps in Appendix A of the Plan. The Latah Creek Channel Meander Belt is an area adjacent to or near Latah Creek which is subject to inundation from the creek waters due to the occurrence of long term natural creek channel meandering processes. The plan specifies that development be extremely limited in the Meander Belt including emergency shore protection/stabilization improvements. The plan encourages that improvements locating within the Meander Belt be reviewed by a professional fluvial geomorphologist or civil engineer with hydraulic experience. The review should include a detailed assessment of the site's meander width and potential for erosion or flooding and also include a determination regarding the improvement's potential to result in interference with Latah Creek's long term natural meandering processes. Improvements which interfere with Latah Creek's long term natural meandering processes should not be allowed.

12.6.12 Protection and Restoration Monitoring

Spokane County will maintain a list of consultants who are qualified and available to evaluate shoreline development and recommend strategies that achieve no net-loss of ecological function. The consultants will be utilized to monitor no net-loss mitigation strategies and assure that they are properly implemented. Retained consultants will be required to monitor implementation of those strategies to assure they are effectively applied and report their findings to Spokane County.

Every 3 years Spokane County will engage in a county-wide evaluation of the protection strategies and compile a report analyzing their success or lack of success. 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 plan. 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.

Consistent with WAC 173-26-186, the strategy for achieving the restoration potential on private properties is to encourage development applicants to include activities that restore shoreline functions in the immediate vicinity as components of redevelopments, to the extent allowed by constitutional and other legal limits. The timing and extent of restoration on private properties is a function of timing and other decisions made by the private sector.

The SMP regulations that may be relied upon to promote restoration of shoreline functions are summarized above in this Element. Restoration is an action, or actions that reestablish or upgrade ecological shoreline functions through measures that rehabilitate or reestablish physical, chemical, or biological site characteristics. Examples include revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. Restoration does not imply returning the shoreline area to aboriginal, or pre-European settlement conditions. The SMP regulations may include requirements which provide for:

- restoration of the shoreline where nonwater-dependent uses are proposed;
- reviewing mitigation measures to ensure that opportunities to recover ecological all functions are not precluded;
- requiring that unnecessary impervious surfaces be removed and buffers be provided which enhance or restore properties which are being redeveloped
- provisions for mitigation to occur during or shortly after project construction through
- through adaptive management and post development monitoring of the status of mitigation

12.6.13 Capital Facilities Planning and Implementation

The Growth Management Act, RCW 36.70A requires participating jurisdictions to develop a capital facilities plan and incorporate it into the Comprehensive Plan. The plan is intended to address the location and growth of various public services for a 6 year period. Spokane County has complied with this GMA requirement by including a capital facilities element in the Comprehensive Plan. Additionally, GMA requires annual updates of the plan. The plan addresses sewage disposal and water supply systems, stormwater facilities, schools, libraries, fire protection, solid waste disposal and essential public facilities. The plan updates should address impacts on shorelines and incorporate goals and policies which require that capital facility location and development avoid shoreline degradation and reduction of public access to the shoreline. The updated plan should specify that agencies developing or enhancing capital facilities comply with the requirements of the Shoreline Management Program.

In order to increase awareness of potential restoration opportunities, Spokane County will provide the information in this plan, to include the appendices, to property owners owning shoreline properties that have been identified as presenting restoration opportunities. It will also be included in pre-application materials provided to potential applicants for shoreline related permits and persons requesting exemptions.

Also see APPENDIX A and APPENDIX B OF SECTION 12

SECTION 13

SHORELINE MASTER PROGRAM AMENDMENT PROCEDURES

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, 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, 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 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.

4. Criteria for amendment approval:

An amendment may be approved when all of the following criteria are met:

- a. The amendment 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.

- d. The amendment is consistent with the Growth Management Act, RCW 36.70A.
5. Planning Commission Review and Recommendation:
 - a. The Planning Commission's recommendation shall be forwarded to the Board of County Commissioners for its approval or denial.
 - b. The Planning Commission may make such minor modifications to the proposal it deems appropriate prior to its approval.
 - c. Following Planning Commission action on the application, and if recommended for approval, notice shall be provided by the Director to the Washington State Department of 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 Commission's recommendation, the Board shall, at its next available regular meeting, set the date for a public meeting for consideration and decision on the proposed amendment.
7. Referral to Department of Commerce and Department of Ecology
 - 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.

APPENDIX I

Critical Area Ordinance and Flood Damage Protection Ordinance

To view Appendix I visit the Spokane County Department of Building and Planning Web Site at

<http://www.spokanecounty.org/bp/616/Shoreline-Master-Program>

Select: Appendix I: Resolution No. 8-0609 and Critical Areas Ordinance (Chapter 11.20.010), March 22, 2011 and Flood Damage Protection Ordinance (Chapter 3.20) March 22, 2011.

APPENDIX II Shoreline Designation Maps

To view Appendix II visit the Spokane County Department of Building and Planning
Web Site at

<http://www.spokanecounty.org/616/Shoreline-Master-Program>

Select: Appendix II: Proposed Shoreline Designations

APPENDIX III Channel Migration Zone Maps

To view Appendix III visit the Spokane County Department of Building and Planning
Web Site at

<http://www.spokanecounty.org/616/Shoreline-Master-Program>

Select: Appendix III: Channel Migration Zone Maps

APPENDIX IV Channel Migration Zone Maps

**To view Appendix IV visit the Spokane County Department of Building and Planning
Web Site at**

<http://www.spokanecounty.org/616/Shoreline-Master-Program>

**Select Maps found under: Attachment B2: Required Changes:
Channel Migration Maps**

