

Bill Fanning

From: Lori Barlow <lbarlow@spokanevalley.org>
Sent: Wednesday, July 15, 2020 4:31 PM
To: Fanning@21waterfront.com
Cc: Jenny Nickerson
Subject: Dock requirements for Coyote Rock properties

Bill,

Pursuant to SVMC 21.50.110. G Construction of a dock, including a community dock, for the private noncommercial use of the owner, lessee, or contract purchaser of a single-family or multiple-family residence is exempt from the requirement to obtain a Shoreline Substantial Development permit (SDP) if the value of the dock is less than \$20,000.00. However, a Letter of Exemption (LOE) from the City, which is an administrative shoreline permit, for the dock is required from the City. A single family or multifamily residence must exist or be under construction in order to receive an LOE. In the absence of a dwelling, a SDP is required. It should be noted that an LOE is an application that ensures that all the requirements of the City's Shoreline Regulations Chapter 21.50 SVMC are met. The Exemption is only from the lengthy public review process required by the SDP process.

Docks are allowed pursuant to SVMC 21.50.430 Piers and docks. See below. Note that in addition to the standards identified in B. 1 – 7, specific regulations are applicable to the Coyote Rock area (that area located east of the city of Millwood and west of the Centennial Trail Pedestrian Bridge). Regulations specific to that area are highlighted in yellow. The regulations require additional reports to accompany the SDP or LOE application. The additional reports include a Site Suitability Analysis, and Habitat Management Plan that must be completed by a qualified professional. It should be noted that other shoreline regulations affect access to the dock, vegetation conservation, and no net loss of ecological functions and will be evaluated through any applications submitted for a dock. But these regulations listed below are the reporting requirements that we discussed by phone.

Just as an FYI, Environmental review would likely be required through the application process, but is project dependent. Fees for the applicable applications are as follows: SEPA (Environmental) review is \$350; a SDP is \$840 or LOE is \$420 (note one or the other would be required for a dock); and a flood plain permit is \$315. All [Applications](#) can be found on the City's web site, as well as [Chapter 21.50 Shoreline Regulations](#).

Take a look and let me know if you want to discuss further. Thanks – Lori

21.50.430 Piers and docks.

A. Applicability. This section applies to the construction or expansion of piers and docks constructed waterward of the OHWM.

B. Standards.

1. Piers and docks designed for pleasure craft only, and for the private noncommercial use of the owner, lessee, or contract purchaser of single and multifamily residences, shall require a letter of exemption. Any other dock or pier permitted under the SMP requires a shoreline substantial development permit.
2. Piers and docks serving more than four residences and public or commercial piers and docks shall comply with SVMC [21.50.310](#), Boating facilities. Public or commercial piers and docks shall comply with SVMC [21.50.360](#), Recreational development and use.

3. New piers and docks shall only be allowed for water-dependent uses or public access. A dock associated with a single-family residence and designed and intended as a facility for access to watercraft is a water-dependent use.
4. New piers and docks shall be the minimum size necessary based upon a needs analysis provided by the applicant. However, the size shall not exceed 55 feet in length measured perpendicularly from the OHWM. Total deck area shall not exceed 320 square feet.
5. The City may require modifications to the configuration of piers and docks to protect navigation, public use, or ecological functions.
6. Wood treated with toxic compounds shall not be used for decking or for in-water components.
7. Existing legally established docks, piers, or viewing platforms may be repaired or replaced in accordance with the regulations of the SMP, provided the size of the existing structure is not increased.
8. Piers and docks proposed on the Spokane River and located east of the city of Millwood shall comply with SVMC 21.50.410(B)(4) and the following additional criteria:
 - a. The site suitability analysis shall demonstrate that:
 - i. The river conditions in the proposed location of the dock, including depth and flow conditions, will accommodate the proposed dock and its use; and
 - ii. Any design to address river conditions will not interfere with or adversely affect navigability.
 - b. The habitat management plan for any such docks shall demonstrate that the proposed dock will not result in a net loss of ecological functions, and shall include an analysis of the cumulative impact of additional requests for like actions in the area.
9. A new pier or dock accessory to residential development within the shoreline located east of the city of Millwood, and west of the Centennial Trail Pedestrian Bridge, shall provide joint use or community dock facilities, when feasible, rather than allowing individual docks for each residence. Application materials shall include documentation of the applicant's efforts to explore feasibility of and interest in a joint use dock with owners of any residential lots immediately adjacent to the applicant's sites. Such documentation may include copies of certified letters sent to owners of the immediately adjacent properties listed on title. Any proposal for a joint use dock shall include in the application materials a legally enforceable joint use agreement or other legal instrument, notice of which must be recorded against title of the properties sharing the dock prior to dock construction. The joint use agreement shall, at a minimum, address the following:
 - a. Apportionment of construction and maintenance expenses;
 - b. Easements and liability agreements; and
 - c. Use restrictions. (Ord. 15-024 § 3 (Exh. 1), 2015)

21.50.410 General regulations for specific shoreline modifications.

- A. Applicability. This section through SVMC 21.50.450 apply to all shoreline modifications. Shoreline modification activities are structures, including in-stream structures, or actions that modify the physical configuration or qualities of the shoreline area.
- B. General Shoreline Modification Standards.
 1. All shoreline modification applications shall also comply with:
 - a. Chapter 21.30 SVMC, Floodplain Regulations;
 - b. Chapter 24.50 SVMC, Land Disturbing Activities; and
 - c. Integrated Streambank Protection Guidelines (WDFW, Ecology and Transportation, 2003 as adopted or amended).
 2. All shoreline modification activities shall ensure that the no net loss of ecological function standard is met.
 3. Structural shoreline modifications within the regulated floodplain, geologically hazardous areas, and in stream shall only be allowed where it can be demonstrated that nonstructural measures are not feasible or the proposed activities are necessary to:

- a. Support or protect a legally existing shoreline use or primary structure that is in danger of loss or substantial damage;
 - b. Reconfigure the shoreline or channel bed for an allowed water-dependent use; or
 - c. Provide for shoreline mitigation or enhancement purposes.
4. All shoreline modifications within the regulated floodplain and in stream, with the exception of docks proposed on the Spokane River that are located west of the city of Millwood, shall provide the following:
- a. Site suitability analysis that justifies the proposed structure;
 - b. A habitat management plan prepared by a qualified professional that describes:
 - i. The anticipated effects of the project on fish and wildlife habitat and migration areas;
 - ii. Provisions for protecting in-stream resources during construction and operation; and
 - iii. Measures to compensate for impacts to resources that cannot be avoided.
 - c. An engineering analysis which evaluates and addresses:
 - i. The stability of the structure for the required design frequency;
 - ii. Changes in base flood elevation, floodplain width, and flow velocity;
 - iii. The potential for blocking or redirecting the flow which could lead to erosion of other shoreline properties or create an adverse impact to shoreline resources and uses;
 - iv. Methods for maintaining the natural transport of sediment and bedload materials;
 - v. Protection of water quality, public access, and recreation; and
 - vi. Maintenance requirements. (Ord. 15-024 § 3 (Exh. 1), 2015).

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