



## Spokane County

Building & Planning Department  
1026 WEST BROADWAY AVENUE  
SPOKANE, WA 99260

### SPOKANE COUNTY SHORELINE PROGRAM SUBSTANTIAL DEVELOPMENT PERMIT LETTER OF EXEMPTION

**TO:** Neil and Buppha Begalman  
23808 E. 3<sup>rd</sup> Avenue  
Liberty Lake, WA 99019

**FROM:** Corey Smith, Principal Planner

**DATE:** May 25, 2017

**FILE NO.:** SLE-5-16

**SUBJECT:** *Normal maintenance or repair* of existing structures or developments (protective bulkhead) is exempt from a Substantial Development Permit pursuant to WAC 173-27-040(2)(b) of the administrative code of the Shoreline Management Act (SMA), RCW 90.58, and the Spokane County Shoreline Master Program.

**LOCATION:** The project is located along the north shoreline of Liberty Lake. The project is approximately 300 feet east of the intersection of E 3<sup>rd</sup> Avenue and S Della St, located within the NW  $\frac{1}{4}$  of Section 23, Township 25 North, Range 45 EWM, Spokane County, WA. The site is addressed as 23808 E. 3<sup>rd</sup> Avenue. The site tax parcel number is 55232.1402.

**PROPOSAL:** Replace a previously constructed 2-tier log protective bulkhead separating a residential lawn area from a lower beach area. The existing bulkhead runs the width of the property, along the shoreline approximately 55-60 feet, and is approximately 36" high from the bottom to top of bulkhead. The existing bulkhead has cracked and decomposed and wave-force erosion is occurring landward behind the bulkhead, causing soil contamination into the lake and damage to the residential yard above. The new bulkhead utilizes a bioengineered approach with a burlap sock product called Shoresox, which will be filled with approximately 9 cubic yards of natural, native materials. The sock will be placed in the exact location as the existing bulkhead and will run the length of the shoreline, extending no taller or wider than what currently exists. The product will be seeded and/or planted with native vegetation, and is expected to grow into a living biomass, rooted in place within 5 years, in accordance with the manufacturer's design. The existing log bulkhead materials will be removed and no digging, excavating, or back filling is necessary. The Shoresox will be staked into the ground and conform to the existing contours of the soil along the entire length

of the property. The material in the sock will become saturated and the new bulkhead will stay in place by gravity. Work is anticipated to be performed immediately before the summer boating season is underway, and will be done at a time when boating traffic and wind is minimized to avoid the possibility of erosion.

Project plans submitted with the JARPA application show the location and extent of the work.

**SPOKANE COUNTY SHORELINE DESIGNATION:** SHORELINE RESIDENTIAL

**EXEMPTION AUTHORITY:** The proposed repair project is exempt from the requirements of a Substantial Development Permit as the repairs and maintenance qualify as exempt pursuant to:

**WAC 173-27-040** *Developments exempt from substantial development permit requirement.*

**(2)** *The following developments shall not require substantial development permits:*

**(b)** *Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to the shoreline resources or environment;*

**SEPA CATEGORICAL EXEMPTION:** As the lead agency for this project, the Spokane County Building & Planning Department has determined that this project is categorically exempt from the requirements of SEPA Environmental Review per *WAC 197-11-800(3)*.

**COMPLIANCE WITH SPOKANE COUNTY SHORELINE MASTER PROGRAM, WAC 173-27, and RCW 90.58:** The proposal, as conditioned below, has been determined to meet the regulatory use regulations for bulkhead replacements as found in Spokane County Shoreline Master Program Section 5.3.18 "Shoreline Modifications", Section 6.5 "Nonconforming Use and Development", and has also been found to be consistent with all other policies and regulations in the Spokane County Shoreline Master Program, WAC 173-27, and RCW 90.58.

**CONCLUSION:** The project qualifies as "exempt" from a Substantial Development Permit to accomplish repair/replacement of a bulkhead pursuant to Section 6.4.2(2) of the Spokane County Shoreline Master Program.

**DECISION:**

**Approved as submitted**

**CONDITIONS OF APPROVAL:**

**SPOKANE COUNTY SPECIFICALLY DISCLAIMS ANY AND ALL LIABILITY AS TO ANY DAMAGES THAT MAY RESULT FROM THIS EXEMPTION.**

1. This approval shall be for the work identified in the "Proposal" section above only. No other use or activity is approved per this Shoreline Exemption.
2. The project is located within the Shoreline Residential Environment, which requires a 100-foot vegetated buffer, as measured from the Ordinary High Water Mark of Liberty Lake. This decision does not establish any official decision as to the legal non-conforming status of existing improvements within the required buffer that may have been legally established prior to the effective date of the current shoreline regulations. The Shoreline Master Program does permit legally established activities and uses to continue to exist within required buffer areas, if they are not enlarged or expanded.

No substantial change to the grade or landscaping landward of the bulkhead is allowed. The site may be restored to pre-construction (legal non-conforming) conditions, in accordance with the provisions of the Spokane County Shoreline Master Program.

3. This exemption is issued pursuant to the Shoreline Management Act, RCW 90.58, and **NOTHING IN THIS EXEMPTION SHALL EXCUSE THE APPLICANT FROM COMPLIANCE WITH ANY OTHER FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES OR REGULATIONS APPLICABLE TO THIS PROJECT.** Water Quality Standards Modification, Hydraulic Project Approval, Flood Plain Development Permit and other Permits may be needed.

Prior to starting work on your project, you are advised to contact other agencies to determine if any other regulation or permits apply to this project

4. The applicant is responsible for the below conditions of approval. The applicant shall ensure that all employees, contractors and subcontractors are aware of the below conditions of approval. It is suggested that the below conditions be made part of all construction contracts to ensure compliance and clarify any potential liability for non-compliance.
5. The applicant shall obtain a Hydraulic Project Approval from the Washington State Department of Fish & Wildlife. The applicant shall comply with all provisions of the Hydraulic Project Approval.
6. Best Management Practices shall be utilized to ensure that construction related equipment, machine fluids and fuels shall NOT be operated, stored, located, and/or

transferred in any part of the shoreline area in a manner where such fluids or fuels can drain into or later make their way into the water, can contaminate the water quality, or can harm the related water or wildlife habitat.

7. Best Management Practices shall be utilized to prevent erosion of the shoreline area and prevent project related runoff or debris from entering the water. Silt fencing and/or other erosion control techniques shall be used to ensure that water quality is not degraded.
8. Repairs shall conform to plans submitted for the project.
9. Prior to starting work the applicant shall obtain all required permits.



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Corey Smith, Principal Planner



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Date