

Committee Agenda Sheet

Urban Experience

Submitting Department	Office of Council Member Lori Kinnear
Contact Name & Phone	Giacobbe Byrd; (509) 625-6715
Contact Email	gbyrd@spokanecity.org
Council Sponsor(s)	Lori Kinnear
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10 minutes
Agenda Item Name	Designation of Protection Zones Ordinance & Riparian Rehabilitation Resolution
Summary (Background)	<p>Council Member Kinnear has been working with City staff and community stakeholders since 2019 to create a project intended to be the next step toward providing adequate protections for the Spokane River.</p> <p>The Department of Ecology is currently working on clean-up efforts upstream, and the City now needs to do its part.</p> <p>This project has two main elements:</p> <ol style="list-style-type: none"> 1. The Designation of Protection Zones Ordinance – this ordinance gives Council, from time to time, the authority in areas that are in need of intervention of the harmful effects of human activity. 2. The Riparian Rehabilitation Resolution – this resolution designates specific public lands along the Spokane as protected public land zones in danger of critical deterioration due to destructive human activity and where unauthorized entry shall be strictly prohibited at all times until such time the designated area has been declared by City Council resolution as restored and no longer in need of protection. <p>By selecting critical areas along the bank of the Spokane River within City limits, the City has an opportunity to preform restorative management.</p> <p>After sites are established, treatments could include vegetative management techniques to promote re-introduction of native species and removal of invasive species as well as shoreline erosion management.</p> <p>Community stakeholders have generously provided their time and expertise in identifying favorable sites and restoration techniques for this project.</p>
Proposed Council Action & Date:	Final council action on both the ordinance and resolution proposed for March 14, 2022.
<p>Fiscal Impact: For the first year of restoration, costs associated with this project are likely to be mostly related to signage that explains the reason for the temporary restricted access to public land. Total Cost: approximately \$1,000-\$1,500 for around 30 custom metal signs.</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	

Funding Source One-time Recurring
Specify funding source:

Expense Occurrence One-time Recurring

Other budget impacts: (revenue generating, match requirements, etc.) Future budget impacts for restoration could be offset by partnering with community stakeholders to perform restorative management.

Operations Impacts

What impacts would the proposal have on historically excluded communities?
Educational messaging efforts would be needed to communicate the reason for the temporary restrictions on public land, especially targeted toward populations that have been historically excluded from the City decision making process.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?
N/A

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?
The Parks Department will monitor the protected public land zones, provide restorative management when possible, and collect data on the progress.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?
This project is in direct alignment with Water Resource Goal 1 of the Sustainability Action Plan.

- Goal 1 is to protect the Spokane River and natural aquatic ecosystems (wetlands, shorelines, aquatic ecosystems biodiversity, streams, floodplains, aquifer recharge areas).
- Priority action WR 2.1 under Goal 1 is to protect the following sensitive resources through acquisition, maintenance, and restoration strategies: wetlands, riparian areas, and spawning and rearing habitats of native fish species.

RESOLUTION NO. C-_____.

A resolution designating certain areas of public land within the city limits as protected public land zones in need of immediate protection from the harmful effects of human activity, and where unauthorized entry shall be strictly prohibited at all times until such time the designated area has been declared by City Council resolution as restored and no longer in need of protection.

WHEREAS the City of Spokane owns public lands and properties throughout the City limits which are home to trees, vegetation and wildlife and which are essential to the city's health and natural beauty, including the riverbanks along the Spokane River; and

WHEREAS the City seeks to preserve and maintain the river, the river banks and adjacent natural areas by establishing policies that protect these environmentally sensitive areas from destructive human activity causing disruption to the soil and vegetation along the river; and

WHEREAS the City Council adopted in 2018 the Protection of Public Lands and Properties ordinance with the purpose of protecting its public lands and all of the properties within its geographical boundaries over which it exercises stewardship, including but not limited to parks, trees, natural areas, conservation lands and the Spokane River from potential health and safety hazards which result from unregulated human activity; and

WHEREAS the City Council adopted in 2021 an updated Sustainability Action Plan, which includes a goal to protect the Spokane River and natural aquatic ecosystems through priority actions that protect the following sensitive resources through acquisition, maintenance, and restoration strategies: wetlands, riparian areas, and spawning and rearing habitats of native fish species; and

WHEREAS, the City of Spokane has the authority to adopt rules and regulations for public properties under the City's ownership and stewardship.

NOW, THEREFORE, BE IT RESOLVED BY THE SPOKANE CITY COUNCIL that the following public lands are designated as protected public land zones in danger of critical deterioration due to destructive human activity and, for purposes of preventing irreparable harm to the land and its natural ecosystem. This ordinance will be strictly and at all times enforced, and unauthorized entry, including camping, shall be prohibited at all times, in the following areas:

(1) The south bank abutting and extending 50 feet from the Spokane River between Mission Street Bridge and Greene Street Bridge, excluding any trails or designated footpaths; and

(2) The north and south banks abutting and extending 50 feet from the Spokane River between Monroe Street Bridge and Sandifur Bridge, excluding any trails or designated footpaths.

(3) Parkland under the jurisdiction of the Park Board along Latah Creek.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

ORDINANCE NO. C-_____

AN ORDINANCE relating to the designation of protection zones to restore and remediate adverse impacts on public lands and properties; amending SMC sections 12.02.1002; and adopting new section 12.02.1003 to chapter 12.02 of the Spokane Municipal Code.

Section 1. Section 12.02.1002 is amended to read as follows:

Section 12.02.1002 Definitions

The following definitions are applicable in this chapter unless the context otherwise requires:

- A. "Camp" or "camping" shall mean residing on or using public property for living accommodation purposes, as which may be exemplified by remaining for prolonged or repetitious periods of time or for any length of time in a manner not associated with ordinary use of such public property with one's personal possessions (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, cots, tarpaulins, hammocks, luggage, backpacks, kitchen utensils, cookware, or similar material), sleeping or making preparations to sleep, storing personal belongings as above defined, regularly cooking or consuming meals. This ordinance will not be enforced if there is no available shelter space for the individual/s engaging in otherwise prohibited camping conduct.
- B. "Public property" shall mean any property including but not limited to the public right of way, sidewalks, parks, riverbanks, waterways, conservation areas, natural areas, ~~rights of way,~~ easements, buildings, bridges, or other land or physical structures owned or managed by the City or other governmental agency.
- C. "Public Tree" is a tree on City-owned property or on the public right-of-way abutting City-owned property. A public tree may also be a street tree. "City-owned property" does not refer to the right-of-way.
- D. "Street tree" means any tree or shrub located within the public right-of-way.

Section 3. That there is adopted a new section 12.02.1003 to chapter 12.02 of the Spokane Municipal Code to read as follows:

Section 12.02.1003 Designation of Protection Zones

The City Council, by resolution, may designate certain protection zones within the city limits based upon findings that the lands or properties within the boundaries of such designations are suffering from serious adverse impacts and are in need of immediate intervention, remediation or protection. Upon the designation of a protection zone, the City Council shall implement the prohibitions set forth in subsections (A) and (B) of this

section, the purposes of which are to remediate or to protect the affected lands or properties within the boundaries of designation from further danger or deterioration. The following categories of designation are established:

A. Protected Public Land Zones

1. Definition

Protected Public Land Zones are areas of public land within the city limits consisting of natural areas or conservation land, including documented areas adjacent to the Spokane River, where the danger of critical deterioration due to fires, natural disaster or destructive human activity has been established, for purposes of restoration and prevention of further and irreparable harm to the land and its natural assets.

2. Prohibition.

It is unlawful at all times to enter or remain on property designated by Council resolution as a Protected Public Land Zone where such designation has been posted with signage in the affected location. A violation of this prohibition is a misdemeanor.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date