

**Agenda Sheet for City Council:****Committee:** Public Safety **Date:** 05/06/2024**Committee Agenda type:** Discussion**Date Rec'd**

4/25/2024

Clerk's File #

ORD C36522

Renews #**Cross Ref #****Council Meeting Date:** 05/20/2024**Submitting Dept**

CITY COUNCIL

Project #**Contact Name/Phone**

CM DILLON X6254

Bid #**Contact E-Mail**

PDILLON@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

Emergency Ordinance

Council Sponsor(s)

PDILLON LNAVARRETE

Agenda Item Name

0320 - ORDINANCE ESTABLISHING MORATORIUM IN LATAH VALLEY /

Agenda Wording

Ordinance establishing one-year moratorium on subdivision applications in the Latah Valley / Grandview Thorpe neighborhoods, and setting a hearing pursuant to RCW 36.70A.390.

Summary (Background)

An ordinance imposing an immediate one-year moratorium relating to subdivision applications for unplatted property in the Latah/Hangman and Grandview/Thorpe Neighborhoods, and setting a hearing per RCW 36.70A.390. This is due to a significant increase in residential development and an inadequate availability of fire protections resources, as well as ingress and egress in the event of an emergency. The ordinance includes an emergency clause.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ Unknown

Current Year Cost \$ Unknown

Subsequent Year(s) Cost \$ Unknown

Narrative

If enacted, the moratorium will trigger a need to conduct significant planning around wildfire safety and emergency ingress/ingress measures. The cost, timeline and funding source for such planning has not yet been identified.

Amount**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

\$

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Committee Briefing Paper

Public Safety & Community Health Committee

Committee Date	05/06/24
Submitting Department	City Council
Contact Name	Paul Dillon
Contact Email & Phone	pdillon@spokanecity.org X6254
Council Sponsor(s)	Dillon, Navarrete
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 20 minutes
Agenda Item Name	Ordinance Establishing Development Moratorium in Latah Valley
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>An ordinance imposing an immediate moratorium relating to subdivision applications for unplatted property in the Latah/Hangman and Grandview/Thorpe Neighborhoods, and setting a hearing per RCW 36.70A.390. This is due to a significant increase in residential development and an inadequate availability of fire protections resources, as well as ingress and egress in the event of an emergency.</p> <p>The ordinance would impose a one year moratorium on any development applications for unplatted parcels in the affected area. Per RCW 36.70A.390 a hearing must be conducted within 60 days of enactment. The draft ordinance assumes a Council adoption date of June 3 and hearing date of July 29.</p> <p>Emergency Clause: Yes</p>
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Unknown Subsequent year(s) cost: Unknown Narrative: If enacted, the moratorium will trigger a need to conduct significant planning around wildfire safety and emergency ingress/ingress measures. The cost, timeline and funding source for such planning has not yet been identified. Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? Click or tap here to enter text. Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.) None identified	
Operations Impacts (If N/A, please give a brief description as to why) <ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? 	

None known or identified. The area affected is not traditionally viewed as a historically excluded community.

- 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?

The moratorium will trigger extensive planning to determine wildfire safety and emergency measures. Any impacts on communities based on racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities may be identified in planning.

- How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution?

Ongoing data collection will continue, particularly in the area of fire risk, mitigation and prevention. See response to previous question.

- 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?

Public safety is an important element in every city plan. Moratoriums regulate unplanned development in certain areas, but also provide for a period of time for planning to ensure appropriate safety elements are included, and development does not burden an area with growing housing without appropriate safety infrastructure.

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

No council subcommittee. Not applicable.

ORDINANCE NO. C36522

AN ORDINANCE imposing an immediate one-year moratorium on new preliminary subdivision and short subdivision applications in the Latah/Hangman and Grandview/Thorpe Neighborhoods; setting a public hearing; and declaring an emergency.

WHEREAS, there has been a significant increase in residential development in the Latah/Hangman and Grandview/Thorpe Neighborhoods in recent years; and

WHEREAS, the City of Spokane has identified and begun initial investments for a permanent community fire station that can support a regional wildland fire response. The facility will serve as a regional interagency resource for routine threats from fire and emergency medical incidents; and

WHEREAS, the City of Spokane is in the process of updating its Comprehensive Plan by year 2026 to include climate resiliency and better fire response times; and

WHEREAS, the City Council has identified urgent changes for wildland fire protection that are needed to serve the increased growth and development occurring and anticipated in the Latah/Hangman and Grandview/Thorpe Neighborhoods; and

WHEREAS, pursuant to RCW 19.27.560 *et seq* and Chapter 17F.110.010 of the Spokane Municipal Code (SMC), the City will adopt an amended Wildland Urban Interface Code (WUI); and

WHEREAS, the Latah/Hangman and Grandview/Thorpe areas are within Spokane's highest-risk wildland-urban interface (WUI) zone and was adjacent to several major wildfires in summer 2023, including the devastating Gray Fire; and

WHEREAS, by enacting RCW 19.27.560 *et seq*, the legislature intended to enable cities to plan for new growth and development by establishing minimum regulations for land use and the built environment in designated WUI areas for the stated purpose of mitigating wildfire hazard; and

WHEREAS, the Washington State Legislature updated 19.27.560 with SB 6120 in 2024 so cities may complete their own map of areas at greatest risk from wildfire for use in applying the WUI Code, and whereas further any map adopted by counties, cities, and towns must utilize the same or substantially similar criteria as the statewide map developed by Department of Natural Resources (DNR); and

WHEREAS, all counties, cities, and towns issuing commercial and residential building permits in areas identified as high risk or very high risk on the

statewide map or local map of areas at greatest risk from wildfire must apply the code as adopted by the State Building Code Council; and

WHEREAS, a moratorium enacted under RCW 36.70A.390 is a method by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, pursuant to RCW 36.70A.390, a moratorium may be effective for one year if a work plan is developed for related studies; and

WHEREAS, RCW 36.70A.390 authorizes the enactment of a moratorium without a hearing (see also *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995)); and

WHEREAS, pursuant to RCW 36.70A.390, when the City Council adopts a moratorium without holding a public hearing on the proposed moratorium, it must hold a hearing on the adopted moratorium within at least sixty days of its adoption; and

WHEREAS, the City intends to impose a moratorium on the acceptance, processing, review and approval of applications for new preliminary short subdivisions and preliminary subdivisions within the Latah/Hangman and Grandview/Thorpe Neighborhoods as further depicted in the attached Exhibit A, which is incorporated into these findings by reference; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act (“SEPA”); and

WHEREAS, the City Council finds that the moratorium imposed by this ordinance is necessary for the protection of the public peace, health, or safety and for the immediate support of City government and its existing public institutions.

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council’s initial findings of fact in support of the moratorium established by this ordinance. The City Council may, in its discretion, adopt additional findings after public hearing referenced in Section 5 below.

Section 2. Moratorium Imposed. A moratorium is imposed on the acceptance, processing, review and approval of applications for new preliminary short subdivisions and preliminary subdivisions (collectively “Subdivision Applications”), in those portions of the Latah/Hangman and Grandview/Thorpe Neighborhoods shown in the attached Exhibit A (referred to herein as the “Moratorium Zone”).

During the term of this moratorium, the City will not accept, process, review and/or approve new applications for preliminary short subdivisions or preliminary subdivisions for sites in the Moratorium Zone, but will continue to process applications that were counter complete, as provided in the Spokane Municipal Code, prior to the effective date of this ordinance. The moratorium shall not apply to applications for preliminary short subdivisions and preliminary subdivisions that vested prior to the effective date of this ordinance.

Section 3. Purposes and Work Plan. The purpose of this moratorium is to allow the City adequate time to assesses the threat of wildfire to the Latah/Hangman and Grandview/Thorpe Neighborhoods, plan for and implement the necessary mitigations, and adopt related code changes. Expected work items include:

- Amending Section 17F.110.010; and
- Performing a full assessment of wildfire risks and mitigation strategies throughout the area; and
- Establishing emergency response procedures within the area; and
- Planning the construction of firefighting infrastructure, including a permanent Latah Fire Station; and
- Modifying other sections of the Spokane Municipal Code as necessary to protect the health and safety of residents.

Pursuant to RCW 36.70A.390, this moratorium does not apply to building permit applications for the construction of transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed or to building permit applications for or the construction of indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.

Section 4. Duration of Moratorium. The moratorium imposed by this Ordinance shall be in effect for a period of one year, beginning on the date of the adoption of this Ordinance. During this period, the City will work on updating a Latah Master Plan while it assesses and collects data in the Latah/Hangman and Grandview/Thorpe Neighborhoods consistent with Section 3 above.

Section 5. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing on this moratorium on _____, 2024. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 8. Emergency Clause. The City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

PASSED BY THE CITY COUNCIL ON _____, 2024.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Exhibit A Map of Moratorium Zone

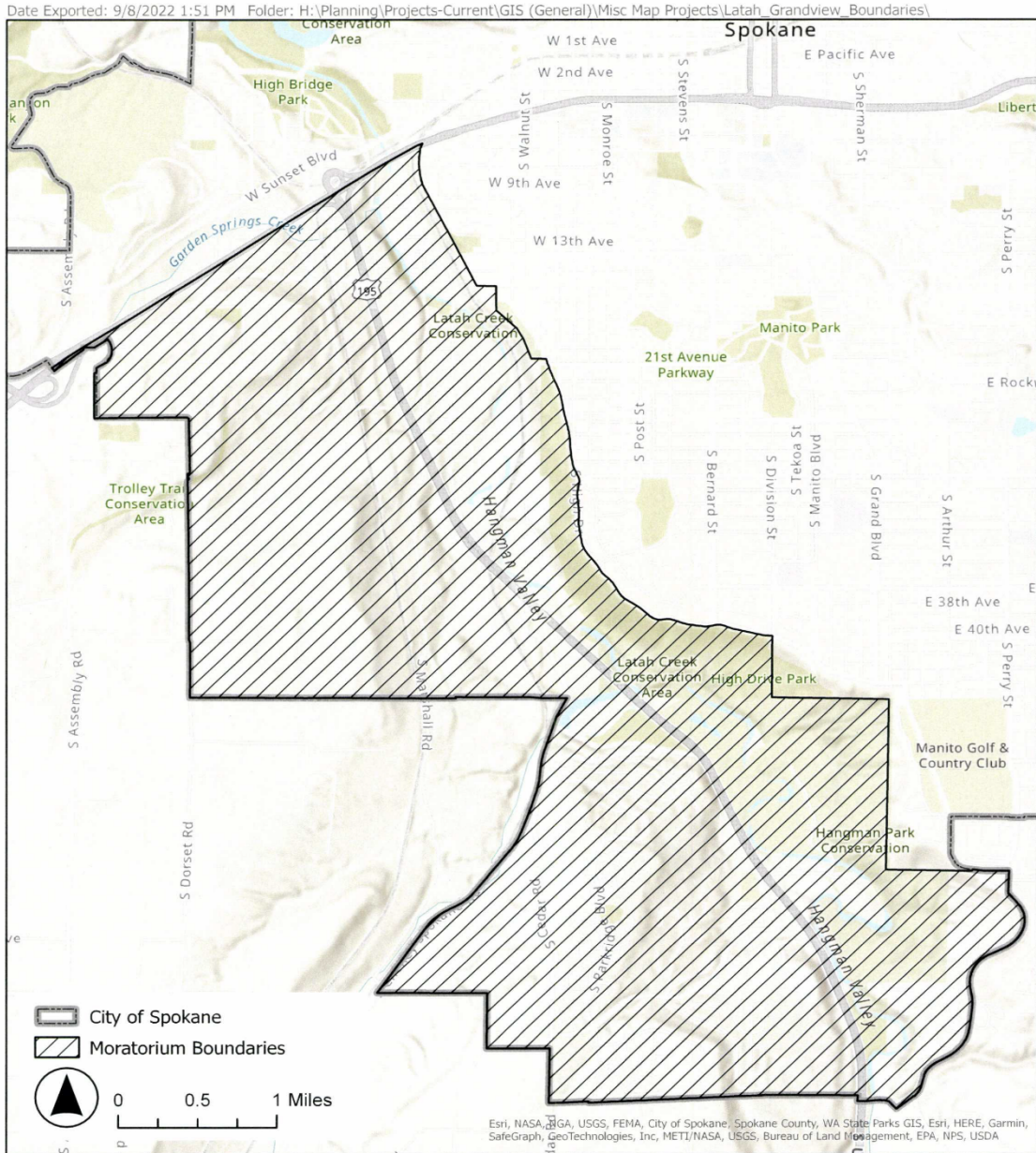


Exhibit A: Ordinance No. C-XXXXX Latah/Hangman & Grandview/Thorpe Moratorium Area

This is not a legal document:
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.