



# Official Gazette

## City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 114

MAY 8, 2024

Issue 19



### MAYOR AND CITY COUNCIL

MAYOR LISA BROWN

COUNCIL PRESIDENT BETSY

WILKERSON

COUNCIL MEMBERS:

JONATHAN BINGLE (DISTRICT 1)

MICHAEL CATHCART (DISTRICT 1)

PAUL DILLON (DISTRICT 2)

KITTY KLITZKE (DISTRICT 3)

LILI NAVARRETE (DISTRICT 2)

ZACK ZAPPONE (DISTRICT 3)

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# Minutes

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, April 29, 2024**

The minutes for the Monday, April 29, 2024, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, May 15, 2024, issue of the *Official Gazette*.

**MEETING MINUTES****City of Spokane****City Council Study Session****Council Chambers, City Hall (808 W Spokane Falls Blvd)****May 2, 2024****Meeting Recording:** <https://vimeo.com/94208513>**Call to Order:** 11:04 a.m.**Attendance:**

Committee Members Present: Council President Wilkerson, Council Members Cathcart, Bingle (arrived at 11:06 a.m.), Klitzke (arrived at 11:05 a.m.), Navarrete (arrived at 11:07 a.m.) and Dillon (arrived at 11:21 a.m.).

Council Members Absent: Council Member Zappone

**Agenda Items:**1. Utility Rate Discussion

- Presenter:  
Marlene Feist, Katherine Miller, and Brooke Tacia
- Action taken:  
No action taken. Presentation and discussion only.

**Executive Session:**

None

**Adjournment:**

The meeting adjourned at 11:58 a.m.

**MEETING MINUTES****City of Spokane****Council ARPA Dot Exercise****(held in a study session format)****Council Chambers, City Hall****April 29, 2024****Meeting Recording:** <https://vimeo.com/940983505>**Call to Order:** 1:19 p.m.**Attendance:**

Council Members Present: Council President Wilkerson, Council Members Zappone, Cathcart, Bingle, Dillon, Navarrete, and Klitzke (arrived at 1:29 p.m.)

Council Members Absent: None

**Agenda Items:**

- Council Member Dot Exercise for potential ARPA funding re-allocation

**Executive Session:**

None

**Adjournment:**

The meeting adjourned at 1:59 p.m.

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**STANDING COMMITTEE MINUTES**  
**City of Spokane**  
**Public Safety & Community Health**  
**City Hall (808 W. Spokane Falls Blvd), Council Chambers**  
**April 8, 2024**

**Call to Order: 10:00 AM**

Recording of the meeting may be viewed here: <https://vimeo.com/93216956>

**Attendance**

Committee Members Present:

CM Paul Dillon (Chair), CM Cathcart (Vice Chair), CM Navarrete (Vice Chair), CP Wilkerson, CM Bingle, CM Klitzke, CM Zappone

Staff/Others Present:

Chief Lundgren, Giacobbe Byrd, Chris Wright, Chief O'berg, Lance Dahl, Lt. Boothe, Michelle Murray, Nate Spearing, Anne Raven, Matt Boston, Maggie Yates, Mike Piccolo, Dermot Murphy

**Agenda Items**

List agenda items as presented to the Committee or as outlines in the meeting notice. Please give a brief description of the action taken on each item.

**Discussion items**

1. SPD Update
  - Action taken  
Presentation and discussion only, no action was taken
2. SFD Update
  - Action taken  
Presentation and discussion only, no action taken
3. SBO Grant Research and Writing
  - Action taken  
Presentation and discussion only, no action was taken
4. SBO Expansion of CARES and High Utilizer/Complex Care Initiative
  - Presentation and discussion only, no action was taken
5. Resolution Proposing a Regular Property Tax Levy Lid Lift in 2025
  - Presentation and discussion only;
6. Muni Court Grant Budget Transfer
  - Presentation and discussion only;
7. SBO County Election Services for Ballot Items
  - Presentation and discussion only;
8. Wildland Urban Interface Code Adoption
  - Presentation and discussion only

**Consent items**

1. 0560 Municipal Court Received Award From Traffic Safety Commission (Municipal Court)
2. 0560 Municipal Court Contract Renewal with Phoenix Counseling Services (Municipal Court)
3. 0680 Police Uniform Fitting, Repair and Inventory Services (Police)
4. 1970 Infor CAD Software Renewal with Additional Licenses (Fire)
5. 0680 SPD Target Turning System (Police)
6. Pre-Approval for Fire hose Purchase (Fire)
7. 1970 2024 Forest Land Agreement with Department of Natural Resources (Fire)
8. 1970 Contract Renewal with Control Solutions Northwest for HVAC Services (Fire)

**Executive session**

None.

**Adjournment**

The meeting adjourned at 10:53 AM

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**STANDING COMMITTEE MINUTES**  
**City of Spokane Finance and Administration**  
**City Council Chambers February 26, 2024**

**Call to Order:** 1:15PM

Recording of the meeting may be viewed here: <https://vimeo.com/91689476>

**Attendance**

Committee Members Present:

Council Member Michael Cathcart (Chair), Council Member Zack Zappone (arrived 1:20PM), Council Member Bingle, Council Member Paul Dillon (arrived 1:18PM), Council Member Kitty Klitzke, Council Member Lili Navarrete (arrived 1:18PM, departed 1:42PM).

Council President Betsy Wilkerson was absent.

Staff/Others Present:

Giacobbe Byrd, Chris Wright

**Approval of Minutes**

- Action taken  
Motion by CM Bingle, second by CM Dillon. Unanimous approval.

**Agenda Items****Discussion items**

1. Accela and Questica Contracts

- Action taken  
Discussion and approval to forward to Council for consideration.

**Consent items**

1. List items from the committee's consent agenda
2. Innovia arpa contract de-obligation
3. City hall window replacements (Facilities)
4. Purchasing-opr 2020-0915 updates (Contracts)
5. Azteca systems - cityworks asset management system software (IT)
6. Pmweb annual software subscription and support (IT)
7. Hyland annual software subscription and support (IT)
8. Contract for technical services for pmo and itsd projects (IT)
9. Oracle's peoplesoft and database annual support (IT)
10. Compunet cisco smartnet renewal (IT)
11. Settlement resolution (City Attorney)
12. Volt - technical services for pmo & itsd projects (IT)
13. Journal technologies (eseries) annual software maintenance & support (IT)
14. Dlt solutions – autodesk renewal (IT)
15. Fleet services contract amendment with pomp's tire (Fleet)
16. Fleet service contract amendment (Fleet)
17. Fleet services contract renewal with toby's body (Fleet)
18. Community minded enterprise arpa chilcare amendment (Accounting)
19. Contract renewal with mega wash llc (Fleet)

**Executive session**

None.

**Adjournment**

The meeting adjourned at 2:25PM

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# Ordinances

**These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.**

## ORDINANCE NO. C36513

An ordinance relating to the fire code amending SMC section 17F.110.010 of the Spokane Municipal Code.

**WHEREAS**, The recent wildland fires in the Spokane area have heightened the concerns about building construction in wildland urban interface areas, and the City of Spokane Developer Services Center and Spokane Fire Department is looking to continue to prevent and mitigate the loss of life and property from wildfires through focused programs, mitigation, and construction codes; and

**WHEREAS**, wildfires are responsible for significant reduction of loss of property, life, financial loss, and major disruption to city infrastructure and services; and

**WHEREAS**, the existing adopted Wildland Urban Interface Code (WUI) by Spokane was intended to use the State amended version as a basis and the State version has removed key sections of the model code; and

**WHEREAS**, the Department of Natural Resources has developed a base map that can be used to determine wildland urban interface areas in the jurisdiction and will be updated per State Legislative action; and

**WHEREAS**, the Washington State Legislature has adopted a WUI that applies the most restrictive requirements to construction in the wildland urban interface; and

**WHEREAS**, the model IWUIC is allowed by RCW 19.27.031 to be adopted in lieu of the State amended version.

**NOW THEREFORE**, the City of Spokane does ordain:

Section 17F.110.010 Adoption of International Wildland-Urban Interface Code

A. ~~The ((Washington State current amended edition of the)) International Wildland-Urban Interface Code (IWUIC) including appendices and related standards, published by the International Code Council, as modified by this title, is adopted by of the City of Spokane except as otherwise provided. The edition adopted of the IWUIC shall be the same edition as the International Building Code adopted by Washington State.~~

B. The following amendments are made to the International Wildland-Urban Interface Code:

1. Section 101.1 is modified to read as follows:

**101.1 Title.** These regulations shall be known as the Wildland-Urban Interface Code of the City of Spokane, hereinafter referred to as "this code".

~~((2)) Sections 101.5, 108.3, 108.4, 108.7, 402.1.1, 402.1.2, 402.2, 402.2.1, 402.2.2, and 402.3 are adopted as published.))~~

~~2~~((3)) Section 103.1 is modified to read as follows:

**103.1 Creation of enforcement agency.** The building code official and fire code official are hereby authorized to administer and enforce this code, or designated sections thereof, and all ordinances of the City of Spokane pertaining to designated wildland-urban interface areas. For such purposes, ~~((the code building official and fire marshal shall be known as the code))~~ official. the building code official shall have authority over building specific requirements, and the fire code official shall have authority over site specific requirements.

~~3~~((4)) Section 110.4.7 is modified to read as follows:

**110.4.7 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this

code, shall be guilty of a Class I civil infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Passed by City Council April 29, 2024**  
**Delivered to Mayor May 6, 2024**

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**ORDINANCE NO. C36514**

AN ORDINANCE relating to the paper cuts code amendments 2024 project making minor changes to the Unified Development Code that clarify government process and procedures, align with legislative requirements, and/or make clerical corrections in the Spokane Municipal Code, amending Spokane Municipal Code (SMC) sections 04.16.040 Membership, 17A.020.020 B Definitions, 17A.020.080 H Definitions, 17C.120.110 Limited Use Standards, 17C.122.070 Center and Corridor Allowed Uses, 17C.122T.001 Table 17C.122.070-1 Center and Corridor Allowed Uses, 17C.190.450 Medical Centers, 17C.200.050 Street Tree Requirements, 17D.010.020 Concurrency Test, 17D.010.030 Certificate of Capacity, 17D.075.180 Appendix A – Impact Fee Schedule, 17G.020.040 Amendment Frequency, 17G.061.010 Summary of Land Use Application Procedures, 17G.061.320 Notice of Decision, 17G.070.030 Development Standards, and 17H.010.120 Alleys; and adopting a new section, 17C.190.255 Public Parking Lot, creating a new use category description.

WHEREAS, the maintenance of the Unified Development Code (UDC) and in general the Spokane Municipal Code (SMC) has been a periodic, recurring project of Planning Services as well as other City departments to improve clarity and consistency with local policy and State and Federal laws; and

WHEREAS, as part of the Paper Cuts 2024 project, Planning Services has identified multiple sections of the SMC requiring minor corrections and/or clarification; and

WHEREAS, in the City of Spokane Comprehensive Plan Chapter 3 Land Use, Policy 7.2 Continuing Review Process, calls out a process to periodically review and correct the SMC; and

WHEREAS, by the public process outlined in the Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A), and the Planning Services Staff Report (Exhibit B), interested agencies and the public have had opportunities to participate throughout the process and all persons wishing to comment on the amendment were given an opportunity to be heard; and,

WHEREAS, the City has complied with RCW 36.70A.370 in the adoption of this Ordinance; and,

WHEREAS, on January 23, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before the adoption of proposed changes to the Unified Development Code according to RCW 36.70A.106; and,

WHEREAS, on February 28, 2024, a notice of intent to adopt was issued through the City of Spokane Gazette according to SMC 17G.025.010; and,

WHEREAS, a legal notice of a SEPA Determination of Nonsignificance was issued by the director of Planning Services and published in the Spokesman Review on February 28, 2024, for the amendment related to the proposed code text amendments. No comments were received; and,

WHEREAS, before the Plan Commission public hearing a legal notice was published in the *Spokesman-Review* on February 28 and March 6, 2024; and,

WHEREAS, on March 13, 2024, the Plan Commission held a public hearing on the proposed amendments. No testimony was heard; and,

WHEREAS, on March 13, 2024, the Plan Commission voted to recommend the City Council adopt the proposed amendments (see Exhibit A); and,

WHEREAS, the proposed actions are consistent with and supported by the Spokane Comprehensive Plan as outlined in the Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A); and,

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of the adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning Services Staff Report (Exhibit B) and the City of Spokane Plan Commission Findings of Fact, Conclusions, and Recommendations (Exhibit A) for the same purposes.

NOW, THEREFORE, the City of Spokane Does ordain:

Section 1. That Section 04.16.040 SMC is amended to read as follows:

Section 04.16.040 Membership

The bicycle advisory board has ten members appointed by the city council according to the procedures of SMC 4.01.030. An eleventh member (~~((under the age of eighteen))~~) between the ages of sixteen and twenty-two may be appointed to the board.

Section 2. That Section 17A.020.020 SMC is amended to read as follows:

Section 17A.020.020 "B" Definitions

A. Backed Sign.

See SMC 17C.240.015.

B. Balloon Sign.

See SMC 17C.240.015.

C. Bank Carving.

The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.

D. Bank Erosion.

The incorporation of masses of alluvium or other weak bank materials into a stream channel.

E. Bankfull Width.

1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
2. For lakes, ponds, and impoundments, line of mean high water.
3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain 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.

F. Banner.

See SMC 17C.240.015.

G. Bas-relief.

Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.

H. Base Flood.

The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the "one hundred year flood."

I. Base Flood Elevation (BFE)

The elevation to which floodwater is anticipated to rise during the base flood.

J. Basement.

The portion of a building having its floor sub-grade (below ground level) on all sides.

K. Bedrock.

Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

L. Bee.

Any stage of development of the common domestic honeybee, *Apis mellifera* species.

M. Beekeeper.

A person owning, possession, or controlling one or more colonies of bees.

- N. **Best Available Science.**  
Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.
- O. **Best Management Practices.**  
The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.
- P. **Bicycle Facilities**  
Facilities designated for use by bicyclists and sometimes by other non-motorized users. The following types of bikeway facilities are identified and further defined in the Comprehensive Plan:
1. Bike-Friendly Route.
  2. Shared lane.
  3. Neighborhood Greenway.
  4. Bicycle lane, both striped and physically protected.
  5. Shared-use pathway.
- Q. **Binding Site Plan – Final.**  
A drawing to a scale which:
1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in SMC 17G.080.060;
  2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
  3. contains provisions making any development be in conformity with the site plan.
  4. A binding site plan can only be used on property zoned commercial or industrial.
- R. **Binding Site Plan – Preliminary.**  
A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.
- S. **Block.**  
A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.
- T. **Block Frontage.**  
All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.
- U. **Board.**  
The board of county commissioners of Spokane County.
- V. **Boating Facilities.**  
Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.
- W. **Boundary Line Adjustment.**  
A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
- X. **Breakaway Wall.**  
A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- Y. **Breezeway.**  
A breezeway is a roofed passageway joining two separate structures.



## Z. Building.

1. A "building" is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
2. The term includes "factory-built structure" and "mobile home."
3. "Building" does not include a recreational vehicle.
4. "Building" means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.

## AA. Building Base.

The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

## AB. Building Coverage.

~~((Building coverage is the total amount of ground area covered by a structure or structures.~~

- ~~1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.~~
- ~~2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.~~
- ~~3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.))~~

1. Included Items.

Building coverage is the total amount of ground area covered by a structure or structures. Coverage includes both conditioned and unconditioned space and is measured from the exterior wall. The following features are included in the calculation of Building Coverage:

- a. Covered porches;
- b. Covered decks;
- c. Uncovered decks more than forty-two (42) inches above grade;
- d. Covered stairways;
- e. Uncovered stairways more than forty-two (42) inches above grade;
- f. Entry bridges more than forty-two (42) inches above grade;
- g. Pergolas;
- h. Trellises;
- i. Bay windows;
- j. Cantilevered extensions; and
- k. Eave overhangs exceeding twenty-four (24) inches.

2. Excluded Items.

- a. Eave overhangs of twenty-four (24) inches or less; and
- b. Uncovered decks, stairways, or entry bridges less than forty-two (42) inches above grade.

3. Eave Overhangs.

For eave overhangs that exceed twenty-four (24) inches, the entirety of the eave overhang shall be included in the calculation.

## AC. Building Envelope.

The area of a lot that delineates where a building may be placed.

AD. Building Footprint

The Building Coverage attributable to an individual building.

~~((AD))~~ AE. Building Frontage.

The length of any side of a building which fronts on a public street, measured in a straight line parallel with the abutting street.

~~((AE))~~ AF. Building Official.

The officer or other designated authority charged with the administration and enforcement of the Building Code.

~~((AF))~~ AG. Build-to Line.

An alignment establishing a certain distance from the property line (street right-of-way line) along which the building is required to be built.

~~((AG))~~ AH. Bulkhead.

A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a "hard" shoreline stabilization measure.

Section 3. That Section 17A.020.080 SMC is amended to read as follows:

Section 17A.020.080 "H" Definitions

A. Habitat.

What plants and animals call "home" Habitat for a particular plant or animal consists of the elements it needs to survive. These elements may be tied to temperature, water, soil, sunlight, source of food, refuge from predators, place to reproduce and other living and non-living factors. (taken from department of fish and wildlife).

B. Habitat Blocks.

Sections of habitat, such as grasslands, forest lands, or riparian areas. These can be either adjacent to other sections, or blocks, of habitat or isolated within urban areas.

C. Habitat Conservation.

Protection or preservation of habitat by various means, such as regulation or acquisition.

D. Habitat Fragmentation.

The separation or breakup of a habitat area into smaller sections or habitat blocks by activities, such as development, logging, and agriculture, often resulting in degraded habitat due to blocked migration corridors and decreased access to water and feeding areas. It can also create isolated populations of wildlife and a decrease in their genetic diversity.

E. Habitat Management Plan.

A fish and wildlife management plan developed to preserve and protect the ecological conditions and habitat specific to a particular site or location. Habitat management plans incorporate best management practices.

F. Hazard Tree.

Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which, because of its location, is at risk of damaging permanent physical improvements to property or causing personal injury.

G. Hazardous Material.

Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

H. Hearing Officer.

1. A person or reviewing body appointed by the mayor to consider appeals under SMC 17E.010.140.
2. The officer makes reasonable rules and procedures for the conduct of the hearings authorized hereunder.

I. Height.

The height of a building is as defined in the International Building Code, Sec. 502.1 as "building height," the vertical distance from grade plane to the average height of the highest roof surface. Building height for structures in the residential zones is referenced in SMC 17C.110.215, Building Height.

J. High Quality Vegetative Buffer.

A wetland buffer comprised of multilevel dense native vegetation including shrubs.

K. Highest Adjacent Grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

- L. **Historic Landmark.**  
An historic site, object, building or structure designated pursuant to this chapter that serves as an example of the cultural, historical, architectural or archaeological development of Spokane and Spokane County.
- M. **Historic Preservation Officer (HPO).**  
The person charged with the daily operation of the historic preservation office and who:
1. under the administrative direction of the director of planning and economic development services, community and economic development, conducts the work program of the City/County historic preservation office; and
  2. serves as the primary staff person for the City/County landmarks commission.
- N. **Historic Structure**  
For purposes of the floodplain regulations in chapter 17E.030 SMC, any structure that is:
1. Listed individually in the National Register of Historic Places, as maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior, or
    - b. Directly by the Secretary of the Interior in states without approved programs.
- O. **Hive.**  
Any Langstroth type structure with movable-frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.
- P. **Homeowners' Association.**  
Any combination or group of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision, or planned unit development. A homeowners' association shall be an entity legally created under the laws of the State of Washington.
- Q. **House.**  
A detached dwelling unit located on its own lot.
- R. **Household.**  
A household may be a single person, family, or unrelated persons living together, consistent with RCW 84.14.010.
- ~~((A housekeeping unit consisting of:~~
- ~~1. an individual;~~
  - ~~2. two or more related persons as defined in SMC 17A.020.180(M);~~
  - ~~3. a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988;~~
  - ~~4. adult family homes as defined under Washington State law; or~~
  - ~~5. a group living arrangement where six or fewer residents receive support services such as counseling, foster care or medical supervision at the dwelling unit by resident or non-resident staff; and~~
  - ~~6. up to six residents not related by blood or marriage who live together in a single family dwelling, or in conjunction with any of the above individuals or groups, shall also be considered a household.~~
  - ~~7. For purposes of this section, minors living with parent, legal custodian (including a foster parent), or legal guardian shall not be counted as part of the maximum number of residents.~~
  - ~~8. Any limitation on the number of residents resulting from this definition shall not be applied in a manner inconsistent with the Fair Housing Amendment Act of 1988, 42 U.S.C. 360, et seq., the Washington law Against Discrimination, Chapter 49.60 RCW, and/or the Washington Housing Policy Act, RCW 46.63.220.))~~
- S. **Household Pet.**  
Any animal such as a cat, dog, rabbit, or bird (canary, parakeet, etc.), amphibian/reptile (turtle, lizard, etc.), rodent (rat, mouse, gerbil, etc.), or tropical fish that lives in or is kept within a residence or on a property contain the owner's residence. Young household pets under the age of four months are not included when counting household pets.

- T. Hydraulic Project Approval (HPA).  
A permit issued by the State department of fish and wildlife for modifications to waters of the State in accordance with RCW 77.55.
- U. Hydric Soil.  
Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Field Indicators of Hydric Soils in the United States 6.0 or as amended.
- V. Hydrophytic Vegetation.  
Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Section 4. That Section 17C.120.110 SMC is amended to read as follows:

#### Section 17C.120.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from Table 17C.120-1.

1. Group Living.  
This regulation applies to all parts of Table 17C.120-1 that have a [1].
  - a. General Standards.  
All group living uses except for alternative or post-incarceration facilities are allowed by right.
  - b. Alternative or Post Incarceration Facilities.  
Group living uses which consist of alternative or post incarceration facilities are conditional uses.
2. Adult Business.  
This regulation applies to all parts of Table 17C.120-1 that have a [2]. Adult businesses are subject to the additional standards of chapter 17C.305 SMC.
3. Commercial Parking.  
This regulation applies to all parts of Table 17C.120-1 that have a [3]. In the O and OR zones, a commercial parking use provided within a building or parking structure is a conditional use. Commercial parking on surface lots is not permitted in the O and OR zones.
4. Drive-through Facility.  
This regulation applies to all parts of Table 17C.120-1 that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of SMC 17C.120.290 and SMC 17C.325.
5. Quick Vehicle Servicing.  
This regulation applies to all parts of Table 17C.120-1 that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a principal arterial street. Quick vehicle servicing uses are subject to the additional standards of SMC 17C.120.290.
6. Retail Sales and Service Uses Size Limitation.  
This regulation applies to all parts of Table 17C.120-1 that have a [6]. Retail sales and services are limited in size in order to reduce their potential impacts on residential uses and to promote a relatively local market area. Retail sales and services uses are limited to the following:
  - a. When retail sales and services uses are located within an office building, the retail sales and services may be larger than three thousand square feet, but may not exceed ten percent of the total floor area of the building exclusive of parking areas located within the structure.
  - b. Uses not within an office building which are listed as sales-oriented under SMC 17C.190.270(C), retail sales and service, are limited to three thousand square feet of total floor area per site exclusive of parking areas located within a structure.
  - c. Uses other than a hotel, motel, private club or lodge which are listed as personal service-oriented, entertainment-oriented or repair-oriented under SMC 17C.190.270(C), retail sales and service, that are larger than three thousand square feet are a conditional use. A hotel, motel, private club or lodge may be larger than three thousand square feet.

7. **Required Residential Limitation.**  
This regulation applies to all parts of Table 17C.120-1 that have a [7]. The limitations are stated in SMC 17C.120.280.
8. **Industrial Size Limitation.**  
This regulation applies to all parts of Table 17C.120-1 that have a [8]. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the planning and economic development services director determines that the proposed use will not be able to comply with the off- site impact standards of chapter 17C.220 SMC, the planning and economic development services director may require documentation that the development will be modified to conform with the standards.
  - a. Individual uses in the NR and NMU zones are limited to five thousand square feet of floor area per site exclusive of parking area.
  - b. Individual uses in the CB zone that exceed twenty thousand square feet of floor area per site exclusive of parking area are a conditional use.
  - c. Individual uses in the GC zone that exceed fifty thousand square feet of floor area per site exclusive of parking area are a conditional use.
9. **Mini-storage Facilities Limitation.**  
This regulation applies to all parts of Table 17C.120-1 that have an [9]. The limitations are stated with the special standards for these uses in chapter 17C.350 SMC, Mini-storage Facilities.
10. **Outdoor Activity Limitation.**  
This regulation applies to all parts of Table 17C.120-1 that have a [10]. Outdoor display, storage or use of industrial equipment, such as tools, equipment, vehicles, products, materials or other objects that are part of or used for the business operation is prohibited.
11. [Deleted]
12. [Deleted]
13. **Mobile Food Vending.**  
This standard applies to all parts of Table 17C.120-1 that have a [13]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010 Mobile Food Vendors.

Section 5. That Section 17C.122.070 SMC is amended to read as follows:

Section 17C.122.070 Center and Corridor Zone Allowed Uses

The uses allowed in the center and corridor zones are shown in ((~~Table 17C.122.070-1.~~) Chapter 17C.122T Center and Corridor Zone Development Tables: Table 17C.122.070-1 Center and Corridor Zone Allowed Uses)

<del>(TABLE 17C.122.070-1</del> <b>CENTER AND CORRIDOR ZONE ALLOWED USES</b>			
Use is: <b>P</b> — Permitted <b>N</b> — Not Permitted <b>L</b> — Allowed, but special limitations <b>CU</b> — Conditional use review required	<b>CC Zone Type</b>		
	<b>Core Zones</b>		<b>Transition</b>
	<b>CC1</b>	<b>CC2</b>	<b>CC4</b>
Residential*	P	P	P
Hotels, including Bed and Breakfast Inns	P	P	N
Commercial, Financial, Retail, Personal Services (for neighborhood centers (NC) — See Note 1 below)	P[1]	P[1]	L[4]
Eating and Drinking Establishments (for neighborhood centers (NC) — See Note 2 below)	P[2]	P[2]	N
Restaurants without Cocktail Lounges	P	P	L[4]
Professional and Medical Offices	P	P	L[4]
Entertainment, Museum and Cultural	P	P	N
Government, Public Service or Utility Structures, Social Services and Education	P	P	P
Religious Institutions	P	P	P
Parks and Open Space	P	P	P

Structured Parking*	P	P	P
Public Parking Lot	P	P	N
Limited Industrial (if entirely within a building) (for neighborhood centers (NC) — See Note 3 below)	P[3]	P[3]	N
Heavy Industrial	N	N	N
Drive-through Businesses on Pedestrian Streets	N	N	N
Motor Vehicles Sales, Rental, Repair or Washing	N	P	N
Automotive Parts and Tires (with exterior storage or display)	N	P	N
Gasoline Sales (serving more than six vehicles)	N	P	N
Gasoline Sale (serving six vehicles or less)	P	P	P
Self-storage or Warehouse	N	P	N
Adult Business (subject to chapter 17C.305 SMC special provisions)	N	N	N
Winery and Microbreweries	P	P	N
Mobile Food Vending	P[5]	P[5]	P[5]
<p>* Uses especially encouraged through greater FAR and bonuses.                  Notes:                  [1] Retail uses having more than forty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.                  [2] Eating and drinking establishments larger than five thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.                  [3] Limited industrial uses having more than twenty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.                  [4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square feet per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty feet of a single family and two family residential zone or further than three hundred feet (neighborhood center only) from a CC core comprehensive plan designation.</p>			

Section 6. That Section 7C.122T.001 SMC is amended to read as follows.

Section 17C.122T.001 Table 17C.122.070-1 Center and Corridor Zone Allowed Uses

TABLE 17C.122.070-1 CENTER AND CORRIDOR ZONE ALLOWED USES			
Use is: P – Permitted N – Not Permitted L – Allowed, but special limitations CU – Conditional use review required	CC Zone Type		
	Core Zones		Transition Zone
	CC1	CC2	CC4
Residential*	P	P	P
Hotels, including Bed and Breakfast Inns	P	P	N
Commercial, Financial, Retail, Personal Services (for neighborhood centers (NC) – See Note 1 below)	P[1]	P[1]	L[4]
Eating and Drinking Establishments (for neighborhood centers (NC) – See Note 2 below)	P[2]	P[2]	N
Restaurants without Cocktail Lounges	P	P	L[4]
Professional and Medical Offices	P	P	L[4]
Entertainment, Museum and Cultural	P	P	N
Government, Public Service or Utility Structures, Social Services and Education	P	P	P

Religious Institutions	P	P	P
Parks and Open Space	P	P	P
Surface Lot Commercial Parking	N	N	N
Structured Commercial Parking*	P	P	P
Public Parking Lot	P	P	N
Limited Industrial (if entirely within a building) (for neighborhood centers (NC) – See Note 3 below)	P[3]	P[3]	N
Heavy Industrial	N	N	N
Drive-through Businesses on Pedestrian Streets	N	N	N
Motor Vehicles Sales, Rental, Repair or Washing	N	P	N
Automotive Parts and Tires (with exterior storage or display)	N	P	N
Gasoline Sales (serving more than six vehicles)	N	P	N
Gasoline Sale (serving six vehicles or less)	P	P	P
Self-storage or Warehouse	N	P	N
Adult Business (subject to <u>chapter 17C.305 SMC</u> special provisions)	N	N	N
Winery and Microbreweries	P	P	N
Mobile Food Vending	P[5]	P[5]	P[5]

\* Uses especially encouraged through greater FAR and bonuses.  
 Notes:  
 [1] Retail uses having more than forty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.  
 [2] Eating and drinking establishments larger than five thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.  
 [3] Limited industrial uses having more than twenty thousand gsf are not permitted in neighborhood centers designated by the comprehensive plan.  
 [4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square feet per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty feet of a single-family and two-family residential zone or further than three hundred feet (neighborhood center only) from a CC core comprehensive plan designation.

Section 7. That there is adopted a new Section 17C.190.255 to Chapter 17C.190 of the Spokane Municipal Code to read as follows:

Section 17C.190.255 Public Parking Lot

- A. Characteristics.  
A parking facility that is not accessory to another use and is owned, operated, or maintained by the City or some other public agency.

Section 8. That Section 17C.190.450 SMC is amended to read as follows:

Section 17C.190.450 Medical Centers

- A. Characteristics.  
 Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical Centers tend to be on multiple blocks or in campus settings.
- B. Accessory Uses.  
 Accessory uses include outpatient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

C. Examples.

Examples include hospitals and medical complexes that include hospitals.

D. Exceptions.

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol or drug problems, where patients are residents of the program, are classified in the Group Living category.
2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
3. Emergency medical care clinics are classified as ~~((Retail Sales and Service))~~ Office.

Section 9. That Section 17C.200.050 SMC is amended to read as follows:

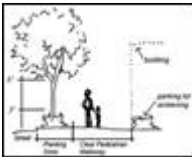
Section 17C.200.050 Street Tree Requirements

A. Purpose.

To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Spokane’s tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Spokane landscape and add to the livability of Spokane. They provide aesthetic and economic value to property owners and the community at large.

B. Street Tree Implementation.

1. Street trees are required along all city streets in downtown, commercial, center and corridor, industrial, residential and FBC zones.
2. Street trees shall be planted between the curb and the walking path of the sidewalk.



3. Street trees, tree grates and other landscaping shall be maintained and irrigated by the adjacent property owner. If the adjacent property owner fails to maintain the adjacent street trees and other landscaping, the City may perform the required tree and other landscaping work at the abutting property owner’s expense as referenced in SMC 12.02.0210(B)(2).
4. If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should be of a similar form, character and planting pattern.
5. For a full list of approved trees in the city of Spokane, see the urban forestry program’s approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.

C. Planting Zones.

1. Provide continuous planting strips or individual planting areas per Table 17C.200.050-1, Tree Planting Dimensional Standards.

<b>TABLE 17C.200.050-1 Tree Planting Dimensional Standards [1]</b>		
<b>ZONE</b>	<b>CONTINUOUS PLANTING STRIP</b> (minimum width as measured from back of curb)	<b>INDIVIDUAL PLANTING AREA</b> (width as measured from back of curb)
Downtown	Individual Planting Areas (tree vaults) required [1]	4 ft. minimum <del>((6))</del> 8 ft. maximum [2]
CC	5 ft.	4 ft. minimum 6 ft. maximum [2]



FBC	Individual Planting Areas (tree vaults) required [1]	5 ft [2]
Commercial	5 ft.	4 ft. minimum 6 ft. maximum [2]
Industrial	6 ft.	Continuous Planting Strip required [3]
RA, R1, R2	6 ft.	Continuous Planting Strip required [3]
RMF, RHD	6 ft.	Continuous Planting Strip required [3]
School/Church Loading Zone	Not Applicable	4 ft. minimum 6 ft. maximum [2, 4]

Notes:

[1] Individual Planting Areas (tree vaults) are the standard for the Downtown and FBC Zones. Proposals for Continuous Planting Strips may be evaluated on a case by case basis.

[2] Un-compacted soils are necessary for street trees. Individual planting areas (or tree vaults) must be of a size to accommodate a minimum of 100 cubic feet of un-compacted soils per tree at a maximum depth of three feet. Refer to the Engineering Design Standards for examples of potential options in individual planting areas.

[3] Continuous Planting Strips are the standard for Industrial and Residential Zones. However, individual planting areas meeting the CC standard may be proposed and evaluated on a case by case basis in Industrial, RMF and RHD Zones.

[4] In all zones, within a school/church loading zone, street tree location may vary from the standard as long as street trees are located within the right-of-way.

[5] In all zones, when a continuous planting strip will double as a stormwater swale, the minimum width shall be 6.5 feet.

2. Continuous Planting Strips.

- a. Continuous planting strips may be planted with living ground cover or low plantings that are maintained at a height less than three (3) feet from ground level.
- b. When auto traffic is immediately adjacent to the curb, new street trees must be planted at least three (3) feet from the edge of the automobile travel way.



3. Individual Planting Areas.

- a. When an individual planting area is not symmetrical, the longer dimension shall run along the curb.
- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen (18) inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.

**Tree Grates**



**Street Trees with plantings up to 3 ft.**



- c. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments. Where tree grates are used, tree guards are encouraged for tree protection.

#### Tree Grate with Tree Guard



- d. Un-compacted soils are necessary for street trees. A minimum of one hundred (100) cubic feet per tree at a maximum depth of three feet is required. See Engineering Design Standards for examples of potential options in individual planting areas and for retrofitting sidewalks.



#### D. Size Requirements for New Street Trees.

1. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting
2. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services.
3. If overhead power lines are present, street trees shall be limited to a mature height of twenty-five (25) feet to avoid conflict with utility lines and maintenance crews.

#### E. Spacing Requirements for Street Tree Spacing.

The objective, when planting and maintaining street trees, is to create and maintain in a healthy condition a continuous tree canopy over the sidewalk.

1. Continuous planting strips.  
Average spacing shall be twenty-five (25) feet for small and columnar trees and thirty (30) feet for canopy trees. The planning director may allow increased spacing for exceptionally large trees or upon the recommendation of the urban forester.
2. Individual planting areas.  
Average spacing for all tree sizes and types shall be twenty-five (25) feet. Trees planted adjacent to parallel parking stalls with meters may be spaced twenty (20) feet apart.
3. Street tree plantings shall consider the location of existing utilities, lighting, driveways, business entrances and existing and proposed signs. See the Engineering Design Standards for required dimensions.

#### F. Clear View Zone.

Landscaped areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in SMC 17A.020.030 shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level.



Section 10. That Section 17D.010.020 SMC is amended to read as follows:

Section 17D.010.020 Concurrency (~~(Test))~~ Review

## A. Application.

All development permit applications are subject to a concurrency ~~((test))~~ review except those exempted in SMC 17D.010.030. If a concurrency ~~((test))~~ review is conducted for the preliminary plat application, no concurrency ~~((test))~~ review shall be required for the final plat application.

## B. Procedures.

The concurrency ~~((test))~~ review will be performed in the processing of the development permit and conducted by the appropriate facility and service providers.

1. The planning and economic development services department shall provide the overall coordination of the concurrency ~~((test))~~ review by notifying the facility and service providers of all applications (not including applications for building permits which shall be processed and coordinated by the building services department in a manner consistent with this chapter) requiring a concurrency ~~((test))~~ review as set forth in subsection (A) of this section; notifying the facility and service providers of all exempted applications which use capacity as set forth in SMC 17G.060.090(C); notifying the applicant of the ~~((test))~~ review results; notifying the facility and service providers of the final outcome (approval or denial) of the development permit; and notifying the facility and service providers of any expired development permits or discontinued certificates of capacity. Failure by the notified facility and service provider to respond shall be construed as a finding that concurrency is met.

2. All facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity.

~~3. ((The facility and service providers shall be responsible for annually reporting to the planning and economic development services department the total available and planned capacity of their facility or service as of the end of each calendar year. Such reporting shall be made no later than July 1st for inclusion in the amendment process of the City of Spokane comprehensive plan.))~~ On an annual basis, the Integrated Capital Management Department should coordinate with facility and service providers to identify projects that may be needed in order to accommodate future development and should incorporate such projects in the annual update of the City's Capital Improvement Program.

C. ~~((Test))~~ Review.

Development applications that would result in a reduction of a level of service below the minimum level of service standard cannot be approved. For public water, public wastewater (sewer and stormwater), solid waste disposal, and recycling, only available capacity will be used in the concurrency ~~((test))~~ review. For transportation, police protection, fire protection, schools, parks and recreation and libraries available and planned capacity will be used in conducting the concurrency ~~((test))~~ review.

1. If the capacity of concurrency facilities, either existing or as planned, is equal to or greater than the capacity required by the development permit to, the concurrency ~~((test))~~ review is ~~((passed))~~ satisfied. ~~((A certificate of capacity will be issued according to the provisions of SMC 17D.010.030.))~~

2. If the concurrency ~~((test))~~ review is not passed, the applicant may accept a ninety-day reservation of concurrency facilities that exist and:

- a. modify the application to reduce the need for concurrency facilities that do not exist;
- b. demonstrate to the service provider's satisfaction that the development will have a lower need for capacity than usual and, therefore, capacity is adequate;
- c. arrange with the service provider for the provision of the additional capacity of concurrency facilities required; or
- d. appeal the results of the concurrency ~~((test))~~ review to the hearing examiner in accordance with the provisions of SMC 17D.010.050. The ninety-day reservation period is tolled from the date an appeal is filed until the date the hearing examiner signs his written opinion.

D. Concurrency Inquiry~~((—Application))~~.

~~An inquiry may be made as to ((applicant may inquire)) whether or not capacity exists within concurrency facilities ((exist)) without an accompanying request for a development permit. ((As set forth in SMC 8.02.0696, a fee may be charged for such concurrency test. Any available capacity cannot be reserved. A certificate of capacity will only be issued in conjunction with a development permit approval as outlined in SMC 17D.010.030.))~~

1. Fee.

As set forth in SMC 8.02.0696, a fee may be charged for such concurrency review. Any available capacity cannot be reserved.

2. Capacity Letter.

Upon request, the Director of Engineering may issue a letter indicating whether capacity is available. Unless reserved through some other process or through a Development Agreement, such letter shall not be legally binding.

Section 11. That Section 17D.010.030 SMC is amended to read as follows:

Section 17D.010.030 (~~(Certificate of)~~) Reservation of Capacity

A. (~~(Issuance of)~~) Reservation.

(~~(A certificate of c)~~) Capacity shall be reserved for a specific development (~~(issued)~~) at the same time the development permit is issued and upon payment of any fee and/or performance of any condition required by a service provider.

1. (~~(A certificate of c)~~) Capacity shall be reserved (~~(apply)~~) only for (~~(to)~~) the specific land uses, densities, intensities and development project described in the application and development permit.
2. (~~(A certificate of c)~~) Capacity reserved for a specific development is not transferable to other land, but may be transferred to new owners of the original land.

B. (~~(Life Span of Certificate of)~~) Expiration.

(~~(A certificate of c)~~) Capacity reserved for a specific development shall expire if the accompanying development permit expires or is revoked. (~~(A certificate of capacity may be extended according to the same terms and conditions as the accompanying development permit.)~~) If the development permit is granted an extension, the accompanying capacity shall continue to be reserved for the life of the permit. (~~(so shall the certificate of capacity.)~~)

C. Unused Capacity.

Any capacity that is not used because the (~~(developer decides not to develop or the)~~) accompanying development permit(~~(s)~~) expires shall be returned to the pool of available capacity.

D. No Impact.

Development permits for development which creates no additional impacts on any concurrency facility are exempt from the requirements of this chapter. Such development includes, but is not limited to:

1. any addition to a residence or accessory structure with no change in use or increase in the number of dwelling units;
2. interior renovations with no change in use or increase in number of dwelling units;
3. interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use;
4. replacement structure with no change in use or increase in number of dwelling units;
5. temporary construction trailers;
6. driveway, resurfacing or parking lot paving;
7. re-roofing of structures;
8. demolitions.

E. Exempt Permits.

The following development permits are exempt from the requirements of this chapter:

1. Boundary line adjustment;
2. Final plats;
3. Temporary use permit;
4. Variance;
5. Waiver;
6. Shoreline substantial development permit/variance.

F. Application Filed Before Effective Date of Certificate of Capacity Ordinance.

Complete development permit applications that have been submitted before the effective date of the Certificate of Capacity ordinance (March 30, 2005) are exempt from the requirements of this chapter.

- G. Pre-existing Use Rights.  
Development permits that were issued before March 30, 2005 shall be considered to have capacity as long as the accompanying development permit is valid. If the accompanying development permit does not expire, capacity shall be considered to exist for three years after March 30, 2005.
- H. Single-family Homes and Duplexes.  
Building permits for a single-family home and/or a duplex are exempt from the requirements of this chapter.
- I. Interior Renovations.  
Interior renovations that only add one additional dwelling unit are exempt from the requirements of this chapter.
- J. Accessory Dwelling Units.  
All accessory dwelling units, as defined in chapter 17C.300 SMC are exempt from the requirements of this chapter.
- K. Accounting for Capacity.  
The capacity for development permits exempted under subsections (C), (D), (E), (F) and (G) of this section shall be taken into account.

Section 12. That Section 17D.075.180 SMC is amended to read as follows:

Section 17D.075.180 Appendix A – Impact Fee Schedule

Appendix A – Impact Fee Schedule

Section 13. That Section 17G.020.040 SMC is amended to read as follows:

Section 17G.020.040 Amendment Frequency

The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program.
- B. Adoption or amendment of the shoreline master program.
- C. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
- D. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.
- E. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.
- F. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

~~((G. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.))~~

~~((H.))~~ G. Technical corrections that would remove typographical errors or resolve a mapping error.

~~((H.))~~ H. Amendment to the Land Use Plan Map to accommodate an annexation into the city. Date Passed: Monday, August 21, 2017

Section 14. That Section 17G.061.010 SMC is amended to read as follows:

Section 17G.061.010 Summary of Land Use Application Procedures

Table 17G.061.010-1 summarizes the applications subject to this chapter. For any application type that is referenced in the land use codes, but not represented in Table 17G.061.010-1, the process shall be as identified in the application most closely associated with the application process definitions in SMC 17G.061.100.

TABLE 17G.061.010-1 SUMMARY OF APPLICATION TYPES AND REQUIREMENTS								
	Application Type	Notice of Community Meeting	Notice of Application	Notice of Hearing	Notice Content	Review Official	City Council Review	Expiration of Permit
BUILDING AND CODE ENFORCEMENT								
Building Permit without SEPA	<del>(Type I)</del> Excluded	-	-	-	-	Building Official	-	180 days
Building Permit with SEPA (Commercial/Industrial/Other)	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Demolition Permit without	Type I	-	- [2]	- [1]	-	Building Official	-	180 days
Demolition Permit with SEPA [2]	Type I	-	Sign Posted Legal Newspaper	- [1]	-	Building Official	-	180 days
Fence Permit	Excluded	-	-	-	-	Building Official	-	180 days
Grading Permit without SEPA	Type I	-	Sign Posted Legal	-	-	Building Official	-	180 days
Grading Permit with SEPA	Type I	-	-	-	-	Building Official	-	180 days
Manufactured Home Permit	Excluded	-	-	-	-	Building Official	-	180 days
Sign Permit	Excluded	-	-	-	-	Building Official	-	180 days
Residential Building Permit	Excluded	-	-	-	-	Building Official	-	180 days
Remodel Permit	Excluded	-	-	-	-	Building Official	-	180 days

ENGINEERING SERVICES								
Address Permit	Excluded	-	-	-	-	Engineering	-	180 days
Approach Permit	Excluded	-	-	-	-	Engineering	-	180 days
Design Deviation – Street Design	Excluded	-	-	-	-	Engineering Director	-	180 days
Encroachment Permit	Excluded	-	-	-	-	Engineering Director	-	180 days
LID Formation	Excluded	-	-	-	-	Engineering	-	180 days
Obstruction Permit	Excluded	-	-	-	-	Engineering	-	180 days
Road Closure	Excluded	-	-	-	-	Engineering	-	180 days
Sidewalk Permit	Excluded	-	-	-	-	Engineering	-	180 days
Stormwater Design Acceptance	Excluded	-	-	-	-	Engineering Director	-	180 days
Street Vacation	Excluded	-	-	-	-	Engineering	-	180 days
PLANNING AND ECONOMIC DEVELOPMENT SERVICES								
Accessory Dwelling Unit (ADU)	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Exemptions	Excluded	-	-	-	-	Planning Director	-	180 days
Administrative Interpretations/ Determinations	Excluded	-	-	-	-	Planning Director	-	180 days
Binding Site Plan (BSP) – Preliminary	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of	Planning Director	-	5 years
Binding Site Plan (BSP) – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Boundary Line Adjustment (BLA)	Excluded	-	-	-	-	Planning Director	-	N/A
Certificate of Compliance (CC) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	N/A

Certificate of Compliance (CC) – Planning Director	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	N/A
Conditional Use Permit (CUP) – Hearing Examiner	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Conditional Use Permit (CUP) – Planning Director [3]	Type II	-	Individual Sign Posted	-	Project name Proposed use	Planning Director	-	3 years
Floodplain Development with SEPA	Type I	Individual Sign Posted	Individual Sign Posted	-	Proposed use	Planning Director	-	180 days
Floodplain Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	3 years
Home Occupation	Excluded	-	-	-	-	Planning	-	N/A
Long Plat – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted Newspaper	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years
Long Plat – Final	Excluded	-	-	-	-	Planning	-	N/A
Planned Unit Development (PUD) – Preliminary	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Acreage # of lots	Hearing Examiner	-	5 years [5]
Planned Unit Development (PUD) – Final	Excluded	-	-	-	-	Planning Director	Yes	N/A
Shoreline Exemption/ Determination/ Interpretation	Excluded	-	-	-	-	Planning Director	-	Must comply with WAC 173-27-90
Shoreline Substantial Development Permit (SDP)	Type II	Individual Sign Posted	-	-	Project name Proposed use	Planning Director	-	Must comply with WAC 173-27-90



Shoreline Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WAC 173-27-90
Shoreline Conditional Use Permit (CUP)	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use	Hearing Examiner	-	Must comply with WAC 173-27-90
Short Plat – Preliminary with Standard Review and SEPA	Type II	-	Individual Sign Posted	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Standard Review and No SEPA	Type II	-	Individual Sign [4] Posted [4]	-	Project name Proposed use Acreage # of lots	Planning Director	-	5 years
Short Plat – Preliminary with Minor Review	Type II	-	-	-	-	Planning Director	-	5 years
Short Plat – Final	Excluded	-	-	-	-	Planning Director	-	N/A
Skywalk	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	-	Hearing Examiner	Yes	Up to 25 year agreement
Variance	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed standard	Hearing Examiner	-	3 years

Rezone	Type III	Individual Sign Posted	Individual Sign Posted	Individual Sign Posted	Project name Proposed use Proposed zone	Hearing Examiner	-	3 years
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Footnotes

- [1] Public Hearing is required if the structure is on the National Historic Register.
- [2] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten-day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.
- [3] Conditional Use Permits required under SMC 17C.111.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.
- [4] Sign and posted notice not required for 2-4 lots per SMC 17G.080.040(D)
- [5] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

Section 15. That Section 17G.061.320 SMC is amended to read as follows:

Section 17G.061.320 Notice of Decision

- A. Decisions on Type I, II, and III project permit applications are made by the hearing examiner or director within ten days of the date the record is closed. The time for decision may be extended if the applicant agrees in writing. Subject to chapter 36.70B RCW, the time for decision may also be extended to allow time for additional public comment if the hearing examiner or director determines that notice was not properly mailed or posted; provided, a person is deemed to have received notice if that person appears at the hearing or submits timely written comments, even if notice was not properly mailed or posted. In making the decision, the hearing examiner or director may approve, approve with conditions, or deny the permit application. The decision is made in writing.
- B. Within seven days of making the decision, the hearing examiner or director causes notice of decision to be provided as follows:
  - 1. Written notice of decision is provided by the decision-maker concurrent to the decision.
  - 2. Notice of a decision denying a permit application is given to the applicant. A full copy of the decision and any conditions of approval accompanies the notice of the decision to the applicant.
  - 3. Notice of all other decisions is given to the applicant, all parties of record, and all persons who have requested to be given notice.
  - 4. Notice of decision for Type I permit applications shall be the permit. For Type II and III permit applications the decision includes the following information:
    - a. Location of the property.
    - b. Description of the proposed action.
    - c. Name, address, and office telephone number of the City official from whom additional information may be obtained.
    - d. Applicant name and number.
    - e. The decision made, including the environmental threshold determination.
    - f. A list of persons who testified in person or in writing, or a summary of such a list.
    - g. A list of exhibits or a summary of such a list.
    - h. A statement of the decision criteria governing the application.
    - i. A statement of the comprehensive plan policies governing the application.
    - j. Findings of fact and conclusions relating the proposal to the decision criteria governing the application and which form the basis for the decision.

- k. A statement that a full copy of the decision may be obtained from the designated official for the cost of reproduction.
  - l. The last date the decision may be appealed.
  - m. The place the appeal must be filed.
  - n. A statement of the fee to be charged for an appeal and the approximate cost to prepare any required transcripts.
  - o. A statement that the decision will be final unless appealed; and
  - p. The signature of the person making the decision.
- C. If the decision on a Type II or III project permit includes conditions of approval, a covenant must be recorded in the Spokane County auditor's office (~~(identifying)~~) which identifies the ~~((restrictions to use and to ((development of)) the property ((exist))~~ conditions. The covenant must be filed within the approval time limits of the permit or the approval becomes void. For rezones, the hearing examiner does not forward the rezone to the city council until the covenant has been filed.
- D. The decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance must contain a statement that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b).
- E. Notice of decision for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be submitted to the department of ecology along with a permit data sheet (Appendix A, WAC Chapter 173-27). For a shoreline conditional use permit or a shoreline variance, there is a thirty-day review by department of ecology. After this period, the department of ecology shall render and transmit to the City of Spokane and the applicant a final decision approving, approving with conditions, or disapproving the permit. The Planning Director shall provide notification within seven days of the department of ecology's final decision to those interested persons having requested notification.

Section 16. That Section 17G.070.030 SMC is amended to read as follows:

#### Section 17G.070.030 Development Standards

##### A. Permitted Uses.

Any permitted or conditional use allowed in the base zoning districts of the subject property plus additional uses including the following:

1. In the RA, R1, and R2 zoning districts, an applicant with a planned unit development approval may develop the site to contain these additional uses:
  - a. Accessory uses directly serving the planned unit development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:
    - i. community building with indoor and/or outdoor recreation facilities;
    - ii. recreational vehicle and personal storage area;
    - iii. consolidated guest parking facilities.
2. In the RMF and RHD zoning districts, an applicant with a planned unit development approval may develop any uses permitted in the R1, R2, RMF and RHD zones together with these additional uses:
  - a. Retail sales and service uses and office uses are permitted subject to the following limitations:
    - i. The PUD site is larger than ten acres,
    - ii. Individual retail sales and service uses and office uses shall not exceed a floor area of three thousand square feet each and the site area developed with retail sales and service uses and office uses shall not exceed five percent of the total PUD site area.
    - iii. Sites developed with retail sales and service uses and office uses shall have frontage on a street that is designated as a collector or higher classified arterial.
    - iv. The retail sales and service uses and office uses in the PUD shall not be permitted until sixty percent of the approved residential units are completed.
    - v. An one hundred percent increase in the amount of retail sales and service uses and office uses is allowed when retail sales and service uses and office uses are physically built under residential uses in a mixed use building with ground floor retail sales and service uses and office uses.
    - vi. Outdoor sales and display and outdoor storage areas are not permitted except outdoor seating is allowed for restaurants and cafes.

3. Commercial Zones.

PUDs are permitted in the commercial zones including center and corridor (CC) and the downtown (DT) zones.

4. Industrial Zones.

In the PI zones, an applicant with a planned unit development approval may develop the site to contain all of the uses permitted by right in the underlying zone and, in addition, up to fifty percent of the total gross floor area may be devoted to housing units provided these are built above the ground floor.

5. More Than One Base Zone.

When a site contains land that is in more than one zoning district, the allowed residential and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district.

B. Density.

1. Densities Required.

An applicant with a planned unit development approval shall develop the site subject to the minimum and maximum density provisions of the base zone, as contained in Title 17C SMC, except as provided in subsection (B)(2) of this section, plus a maximum of ten percent density bonus per the provisions below under SMC 17G.070.030(B)(5).

2. Density Exception.

For properties with a designated critical area or properties located in agricultural lands designation of the City's comprehensive plan, the minimum density requirement may be waived by the hearing examiner based on the following criteria:

- a. The development of the site with the critical area would not allow sufficient minimum lot size under the base zone requirements because critical area setbacks and buffers would reduce minimum lot sizes below those required by the base zone.
- b. The development of the site would require reducing buffers, setbacks or other dimensional modifications due to the location of designated critical areas; and
- c. The protection of the agricultural lands or critical area would be more effective by clustering the homes and structures to the minimum area necessary.

3. Calculating Density.

The calculation of density for a planned unit development is the net area based on the total area of subject property less the area set aside for right-of-way, tracts of land reserved for private streets and dedicated tracts reserved for stormwater facilities. The calculation of density is rounded up to the next whole number.

4. Transfer of Development Rights.

An applicant for a planned unit development may shift allowed residential densities to another site to protect and preserve designated critical areas and agricultural lands while providing the overall maximum density permitted by the underlying zoning district.

5. Density Bonuses.

- a. An applicant for a planned unit development may apply for a residential density bonus of ten percent above the maximum density allowed in the underlying base zone for developing affordable housing units that meet or exceed the HUD standards for affordable units.
- b. The density bonus may be granted based on a one percent ratio of bonus density for the project for each one percent of affordable housing that is provided.
- c. Affordable housing units are required to be dispersed throughout the project and shall not be congregated all in one building, when more than one building is proposed.

C. Dimensional Requirements of the Base Zone.

The dimensional requirements of the base zone standards apply to a PUD except as follows:

1. Lot Dimensional Standards.

- a. The minimum lot size, lot depth and lot width standards may be modified.
- b. The lot frontage requirements may be modified to allow the lots to be served by a private street or private access, rather than a public street as required under SMC 17C.111.200(F), provided that the director of engineering services has determined that private streets or private access can serve the subject lots in the planned unit development. A private street or private access that does not conform to chapter 17H.010 SMC, Street Development Standards, may be approved through a design variance request under SMC 17H.010.020.

2. Lot Coverage and FAR.  
The lot coverage by buildings and the floor area ratio (FAR) provisions may be modified.
  3. Setbacks.
    - a. Front and rear yard setbacks.
      - i. Front and rear yard setbacks for structures located within eighty feet of the perimeter of the project shall be the same as required by the base zone.
      - ii. Front and rear yard setbacks in the remainder of the project may be modified, except that a minimum front or rear yard setback of twenty feet is required for any garage or carport that opens facing a street or an alley.
      - iii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify front yard setbacks, if sufficient queuing to enter the structure is provided on-site.
    - b. Side Yard Setbacks.
      - i. Side yard setbacks may be modified, except that a side yard setback of twenty feet is required for any garage or carport that opens facing a street.
      - ii. Above and below ground parking structures used in conjunction with a mixed use or multifamily residential project may modify side yard setbacks, if sufficient queuing to enter the structure is provided on-site.
  4. Building Height.  
Except as provided below, building height allowed in the base zone cannot be modified, waived or varied through the planned unit development process.
    - a. Changes to the height limits in the underlying zone require a rezone processed concurrently with the planned unit development.
    - b. In the RMF zone, the wall height for a mixed-use commercial building may be increased to thirty five feet. Such a building is exempt from the height transition requirements of SMC 17C.111.215(C)(3).
  5. Off-street Parking.  
The minimum number of off-street parking stalls may be modified based upon sufficient evidence that the occupancy of the project will not require the number of off-street parking stalls specified for that use under chapter 17C.230 SMC, Parking and Loading.
  6. Signs.  
The number, type and size of signs cannot be modified through a planned unit development.
  7. Fencing.  
Perimeter fencing for a planned unit development is permitted except the maximum height of fencing along a street frontage of the planned unit development may not exceed forty-two inches. When a fence is along a street frontage, usable pedestrian access shall be provided spaced a minimum of one every three hundred feet.
  8. Gates.  
If the director of engineering services approves of private streets in the planned unit development, based on the criteria of SMC 17H.010.090, gates may be permitted in a planned unit development.
  9. Lot Access.  
The alley access requirements of SMC 17C.111.335(B) apply to lots in a PUD. If a lot abuts a public alley, then vehicle access shall be from the alley.
- D. Infrastructure.  
All public or private streets, paving, curbs, sidewalks, utilities, stormwater, lights and similar facilities shall be developed according to City standards, unless specifically modified by the city engineer. Waivers, variances, or modifications to the private or public street standards, utilities, and other infrastructure through a planned unit development shall be approved by the city engineer. An approved design variance request form shall be submitted with the PUD application.
- E. Common Open Space.  
In exchange for the approval of more intense residential development, higher densities, smaller lots and relaxed development standards, the developer of a planned unit development is required to provide common open space for the active and passive recreational activities of residents, employees, and visitors. Such space shall be aggregated

wherever feasible and shall consist of a combination of landscaped and hard-scaped areas. Such common open space shall include some combination of the following: plazas, arbors, sitting areas, picnic areas, playing fields and trails to accommodate a variety of active and passive activities and promote visual interest.

1. In planned unit developments, the following requirements shall apply:
  - a. At least ten percent of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PUDs is prohibited and a variance cannot be sought to reduce this requirement.
  - b. Fenced yards associated with buildings immediately adjacent to designated open space, landscaping in parking lots, or fenced stormwater facilities shall not count toward the total open space requirement.
  - c. Environmentally-constrained land within the planned unit development, including wetlands, geologically hazardous areas, fish and wildlife habitats and frequently flooded areas may be used to meet up to fifty percent of the total requirement specified in subsection (E)(1)(a) above, provided that these areas are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.
2. The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:
  - a. A homeowners' or property owners' association as regulated by state law.
  - b. A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.

F. Subdivision.

When a planned unit development is combined with a division of land including a short plat, long plat or binding site plan, the requirements of chapter 17G.080 SMC are required to be met, including SMC 17C.111.200(C), along with the following:

~~((1. Lot Size Transition))~~

~~((Transition requirements for lot sizes in the RA and R! zones cannot be waived or modified through the planned unit development process))~~

~~((2.))~~ 1. Through lots.

Lots shall be configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. A new PUD/subdivisions shall not "turn its back" on a collector, minor or principal arterial street. Through lots are allowed only where both front lot lines are on local access streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

Section 17. That Section 17H.010.130 SMC is amended to read as follows:

Section 17H.010.130 Alleys

- A. When constructed, alleys shall be provided at the rear or side of lots.
- B. Where alleys are existing, or provided in new ~~((developments))~~ subdivisions and short subdivisions, on-site parking spaces shall be accessed from the alley and not the street unless approved by director of engineering.
- C. Dead-end alleys shall be avoided wherever possible, but if unavoidable, shall be designed with adequate turn-around facilities or alternative connections acceptable to the director of engineering services at the dead-end.
- D. All new alleys shall be constructed in conformance with the standard plans.
- E. Public alleys shall be located in public right-of-way. If public utilities are to be located in an alley, the alley must be located in public right-of-way.
- F. Private alleys may be located in a tract or on an easement. Tracts must be owned in common by the owners of the property served by the private alley or by a homeowner's association and must be designated on the plat as a special purpose tract. A maintenance agreement must be recorded with the Spokane county auditor that commits the owner(s) to maintain all elements of the private alley.
- G. New alleys shall have a paved width of at least twelve feet and a clear width of at least twenty feet. The twenty-foot width shall not be obstructed in any manner, including the parking of vehicles, fences or utility structures.

~~((H. Alleys that serve as a primary access or as a fire access must have a paved width of at least twenty feet. Unless specifically approved by the city fire department, alleys are not considered a fire access.))~~

((+)) H. Stormwater from all new alleys must be collected and treated according to the city's stormwater guidelines.

**Passed by City Council April 29, 2024**

**Delivered to Mayor May 6, 2024**

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### ORDINANCE NO. C36515

AN ORDINANCE relating to residential rental properties and establishing minimum notice period for residential rent increases, amending sections 10.57.130 and 10.57.140 of the Spokane Municipal Code, creating a new Section 10.57.160 of the Spokane Municipal Code, and establishing an effective date.

**WHEREAS**, housing affordability and homelessness are a growing problem in the City of Spokane; and

**WHEREAS**, average rents continue to grow in Spokane and the broader region, while vacancies in rental housing are low, making it increasingly difficult for tenants, especially people with limited finances, to obtain rental housing; and

**WHEREAS**, in 2022, over 21,000 households (almost 90%) of renters in Spokane are cost-burdened, which means they spend over 30% of their income on rent, and 35% of renters spend 50% or more for shelter costs; and

**WHEREAS**, a large number of Spokane residents are renters and sudden rent increases may cause a tenant to become displaced due to inability to pay the increased rent if not given an ample amount of time to arrange for alternative housing; and

**WHEREAS**, conditions in the rental market have created a barrier to relocation because tenants face a significant amount of cost in order to afford rental deposits, security deposits, pet deposits, moving expenses, utility fees, etc.; this is especially true for people with limited finances who may be unable to save money in a limited amount of time; and

**WHEREAS**, displacement from a rental unit can increase the potential for an individual or family to experience homelessness; and

**WHEREAS**, this policy will increase housing stability for low-income renters in the City of Spokane by alleviating displacement pressures from rent increases that are noticed without time for the renter to plan for a new home; and

**WHEREAS**, increasing the notice period required for significant rent increases will help tenants to prepare for moving expenses or seek assistance in locating new housing; and

**WHEREAS**, the Spokane City Council desires to amend Chapter 10.57 to adopt the proposed protection, and finds that this ordinance will protect and promote the health, safety and welfare of the residents of the City of Spokane.

NOW, THEREFORE, the City of Spokane does ordain:

**Section 1.** Section 10.57.130 of the Spokane Municipal Code is amended to read as follows:

#### **Section 10.57.130 Anti-Retaliation Protections**

##### A. Purpose and Intent.

Due to fears of retaliation, tenants may fear speaking up about housing habitability issues, practices relating to collection of past due rent, enforcing their rights as tenants, or organizing as tenants. State law provides protection against retaliation, and the City of Spokane intends for its code to provide additional protections.

##### B. Prohibition on retaliation.

1. No landlord or owner or manager of residential rental real property in Spokane may intimidate any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise rights granted or protected by the fair housing laws, or engaging in political speech or political organizing.
2. No person may threaten any employee or agent with dismissal or an adverse employment action, or take such adverse employment action, for any effort to assist any person in the exercise of their fair housing rights.

3. Landlords are prohibited from retaliating against individuals for invoking their rights or protections under subsections 10.57.115, 10.57.116, and 10.57.160.
4. For purposes of this section, “fair housing laws” and “fair housing rights” include the federal Fair Housing Act, and the Washington Law Against Discrimination.

**Section 2.** Section 10.57.140 of the Spokane Municipal Code is amended to read as follows:

**Section 10.57.140 Private Right of Action**

- A. Any person or class of persons who claim to have been injured by a violation of sections 10.57.020(H), 10.57.110, 10.57.120, ~~((or))~~ 10.57.130, or 10.57.160 may commence a civil action in Superior Court, not later than three (3) years after the occurrence of the alleged violation to obtain relief with respect to such violation. Upon prevailing, such aggrieved person may be awarded reasonable attorneys’ fees and costs, and such other legal and equitable relief as appropriate to remedy the violation including, without limitation, the payment of compensatory damages, a penalty of up to \$500, and injunctive relief.
- B. If a landlord fails to comply with the requirements of sections 10.57.020(H), 10.57.110, 10.57.120, ~~((or))~~ 10.57.130, or 10.57.160, and such failure was not caused by the tenant, the tenant may terminate the rental agreement by written notice pursuant to law.

**Section 3.** There is enacted a new chapter 10.57.160 to Title 10 of the Spokane Municipal Code to read as follows:

**10.57.160 Minimum Notice to Increase Rent**

A landlord may not increase residential rent except in accordance with this section.

- A. Any rental agreement or renewal of a rental agreement entered into after the effective date of this ordinance shall include, or shall be deemed to include, a provision requiring not less than:
  1. One hundred twenty days’ written notice for rent increases equal to or less than three percent; or
  2. One hundred eighty days’ written notice for rent increases greater than three percent.
  3. In a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, the rental agreement shall instead provide at least 30 days’ prior written notice of an increase in the amount of rent to each affected tenant.
- B. Any notice of residential rent increase shall specify the percentage of the rent increase, the amount of the new rent, and the date on which the increase becomes effective.
- C. Any notice of a residential rent increase shall be served in accordance with RCW 59.12.040.
- D. For purposes of this section, the term “rent” shall have the meaning set forth in RCW 59.18.030 (29), as amended from time to time.

**Section 4.** Effective Date. This ordinance shall go into effect on June 1, 2024 or the effective date set by Section 19 of the City Charter, whichever is later.

**Section 5.** Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 6.** 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.

**Passed by City Council April 29, 2024  
Delivered to Mayor May 6, 2024**

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# Job Opportunities

We are an equal opportunity employer and value diversity within our organization. We do not discriminate on the basis of race, religion, color, national origin, gender identity, sexual orientation, age, marital status, familial status, genetic information, veteran/military status, or disability status.

## CLERK III SPN 003 PROMOTIONAL

**DATE OPEN:** Monday, May 6, 2024

**DATE CLOSED:** Monday, May 20, 2024

**SALARY:** \$42,365.52 annual salary, payable bi-weekly, to a maximum of \$66,252.24

### DESCRIPTION:

Performs a variety of complex clerical and office support activities requiring knowledge of City policies and procedures.

### DUTIES:

- Maintains or checks complex records not requiring technical training or specialized techniques.
- Reviews or audits less complex records prepared by other employees (such as personnel and payroll records) and prepares related reports.
- Explains departmental policies and regulations to other employees and the public.
- Answers complaints, and independently composes correspondence.
- Maintains office files and supervises filing procedures as necessary.
- May order and maintain office supplies.
- Types forms, statements, letters, receipts, reports, and other material from rough drafts or general instructions, which frequently require independent action and discretion on the difficulties encountered; composes routine letters.
- Operates a personal computer or visual display terminal.
- May perform secretarial work in a small office where stenographic ability is not required.
- Accepts payment of utility and other City fund accounts, reconciles cash, and makes deposits.
- Instructs new employees in their duties and supervises subordinate employees as directed.
- Operates standard office machines incidental to assignment.
- Performs related work as required.

### MINIMUM QUALIFICATIONS:

#### Promotional Requirements:

(Current employees of the City of Spokane may meet the promotional requirements. All promotional requirements must be met at the date of the examination.)

- *Experience:* One year of experience in the classification of Clerk II (SPN 002), or
- higher classification where clerical duties are a significant portion of the work and included in the essential job functions of the specification.

**Note:** *Current non-probationary City of Spokane employees within the line of progression who meet the open entry requirements may apply on a promotional basis, pursuant to Civil Service Rule VI, Section 3.*

### Open Requirements:

- *Education:* High School diploma or equivalent; **AND**
- *Experience:* Two years of clerical, office support, or data entry experience
- *Substitution:* One year of undergraduate education (30 semester or 45 quarter credit hours) may substitute for one year of experience

**SHORTAGE RECRUITMENT:** Current employees with at least six months of experience in the classification of Clerk II (SPN 002) or equivalent or higher-level clerical classification may apply on a promotional basis.

**EXAMINATION DETAILS:**

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire.

**Qualified applicants are encouraged to apply immediately. All applicants must complete and submit a City of Spokane employment application online by 4:00 p.m. on the filing cut-off date.**

**Upon request, at time of application, City of Spokane will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.**

The examination will consist of a written test, with scoring weight assigned as follows:

- Computer Skills Simulation and Multiple-choice Test 100%

**EXAMINATION DETAILS:**

**Two methods of testing will be offered. Candidates will choose which method is best for them and self-schedule accordingly based on availability. Self-schedule notifications will be sent to candidates upon approval of application review.**

**In-person Computer Testing**

- Location: City Hall, Civil Service - 4th Floor Test Room, 808 W. Spokane Falls Blvd.
- Date: Thursday, May 30th, 2024
- Time: 2:00 p.m.
  - o Additional sessions may be made available depending upon number of applicants and testing space available.

**Online Remote Testing**

Examination links with instructions will be emailed prior to 12:00 a.m. Pacific time on May 30th, 2024, and will expire at 11:59 p.m. on June 4th, 2024. Keep in mind that the test link will be emailed from City of Spokane ([info@governmentjobs.com](mailto:info@governmentjobs.com)).

**NOTE: Remote examinees may begin the exam at any time during the test period; however, once you begin, you will have 2 hours to complete the examination. You may take the exam only once during the open recruitment period.**

The examination may include such subjects as:

- Computer Skills
- Math & Reasoning
- Reading & Writing
- Interpersonal Skills
- Attention to Detail

**TO APPLY:**

**An application is required for promotional applicants.** Applications must be completed online at: <http://my.spokanecity.org/jobs> by 4:00 p.m. on the filing cut-off date. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org) with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4<sup>th</sup> Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

Please contact our office at 509-625-6160 immediately if you have any difficulties submitting your application.

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 2<sup>nd</sup> day of May 2024.

SCOTT STEPHENS  
Chair

KELSEY PEARSON  
Chief Examiner

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# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

### 2024 Local Grind & Overlay Engineering Services File No. 2024044

This project consists of the construction of approximately 25,500 square yards of 2-inch thick pavement, 1500 square yards of pavement repair, 500 square yards of cement concrete sidewalk, sundry utility adjustments, and other related miscellaneous items.

The City of Spokane will receive bids until 1:00 p.m. Monday, May 20, 2024, for the above project located in Spokane, Washington, in accordance with the Contract Documents on file at the Department, Engineering Services. Bids shall be delivered by hand, mail or courier service to City Hall, 808 W. Spokane Falls Blvd. Spokane, WA 99201. Hand delivered bids shall be delivered to the first floor of City Hall between noon and 1:00 p.m. on bid opening day to the purchasing agent present. All bid packages shall be in sealed envelopes marked with the following text: "Attn: Purchasing - Bid Documents Enclosed, YYY Project", where YYY is the project name.

The bids will be publicly opened and read at 1:15 p.m. online using Microsoft Teams. If you would like to view the bid opening, please utilize one of the following options: to watch, go to our website: <https://my.spokanecity.org/business/bid-and-design/current-projects/> click on the link to the Microsoft Teams meeting on the right-hand side of the page. Alternatively, it may be simpler to listen by phone, which can be done as follows: call (323) 618-1887, then enter the access code 533 854 149 followed by #.

The City of Spokane, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252,42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Bids shall be submitted on the forms provided in accordance with the provisions of the Specifications. Irregular bid proposals will be rejected in accordance with the specifications.

Cashier's check, a certified check or surety bond in the sum of five percent (5%) of the Total Project Bid must accompany the copy of the bid filed with the City Clerk. Successful bidder shall execute the Contract within TEN (10) calendar days after receiving the Contract. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated herein, the bid proposal deposit shall be forfeited to the City of Spokane.

The City of Spokane will normally award this Contract or reject bids within FORTY-FIVE (45) calendar days after the time set for the bid opening. If the lowest responsible Bidder and the City of Spokane agree, this deadline may be extended. If they cannot agree on an extension by the 45-calendar day deadline, the City of Spokane reserves the right to Award the Contract to the next lowest responsible Bidder or reject all Bids.

**Note regarding new specifications:** The City of Spokane is using WSDOT's 2024 Standard Specifications.

**Note regarding new apprentice program requirements:** Section 1-07.9(3) herein has been substantially revised including a new bid item and larger penalties for non-compliance.

In accordance with SMC 7.06.500 and RCW 39.04.350(1), the low bidder shall complete the Supplemental Bidder Responsibility Criteria form located in Appendix B. Failure to promptly submit the form including supporting documentation if required may delay award of the Contract.

Publish: May 1, 8, & 15, 2024

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# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

### REQUEST FOR PROPOSALS #6102-24

#### Drug and Alcohol Testing Services for Municipal Court

City of Spokane Municipal Court

The City of Spokane is soliciting electronic Proposals for the above titled Request for Proposals.

**Proposal Submittal:** Proposals must be submitted electronically through the City of Spokane's online procurement system portal until **1:00 p.m. on MONDAY, MAY 13, 2024**. Hard copies, emails, and late submittals will not be accepted.

To view this solicitation and submit a Proposal, the Proposer must be a registered supplier on the City's online procurement system at <https://spokane.procureware.com>. Solicitation documents will not be mailed, e-mailed, or provided in person. Once registered, Proposers will also be added to the solicitation's notification list for Addenda posting or other communication via email. Registration is free.

Questions will be accepted through the procurement system in the "Clarifications" tab of the applicable solicitation number.

It is the Proposer's responsibility to check the City of Spokane's procurement system identified above for Addenda or other information that may be posted regarding this Request for Proposals.

The right is reserved to reject any and all Proposals and to waive any informalities.

**Public Bid Opening:** Sealed Proposals will be acknowledged and unsealed at the City virtual public bid opening meeting at **1:15 p.m. on MONDAY, MAY 13, 2024**. For the link to attend virtually, visit the City's Purchasing website at <https://my.spokanecity.org/administrative/purchasing/>. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [mlowmaster@spokanecity.org](mailto:mlowmaster@spokanecity.org). Persons who are deaf, hard of hearing, deaf-blind, and speech disabled may contact Risk Management through the Washington Relay Service at 7-1-1 forty-eight (48) hours before the meeting date.

Connie Wahl, C.P.M., CPPB  
Senior Procurement Specialist,  
City of Spokane Purchasing & Contracts

Publish : April 24 and May 1 & 8, 2024

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### NELSON FACILITY CNG FUEL SYSTEM EXPANSION PROJECT, PHASES 2, 3 & 4

City of Spokane

#### PW ITB #6108-24

**Description:** The City of Spokane is soliciting electronic bids for the Nelson Facility CNG Fuel System Expansion Project, Phases 2, 3 & 4

**Pre-Bid Conference:** Thursday, May 16 at 9:00 am in the Lobby at the Nelson Facility, 915 N Nelson Street, Spokane WA 99202

**Bid Opening:** Sealed electronic bids will be accepted until **Monday, June 3, 2024 at 1:00pm**. Bids will be publicly opened at 1:15pm. To participate in bid opening, please visit the City's website at <https://my.spokanecity.org/administrative/purchasing/> for the link to attend virtually and the number to attend by telephone. All bid responses must

be submitted electronically through the City of Spokane's bidding portal at <https://spokane.procurement.com> before the aforementioned deadline. Hard copy and/or late bids will not be accepted.

The Public Work Invitation to Bid document is available for download through the City of Spokane's online procurement system <https://spokane.procurement.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person.

It is the responsibility of Proposers to check the City of Spokane's online procurement system identified above for Addenda or other additional information that may be posted regarding this Request for Proposals.

Questions from potential Proposers will be accepted through the "Clarifications" tab under the associated project number in the online procurement system.

All Proposal documents shall be submitted electronically through the City of Spokane's online procurement system **no later than 1:00 p.m. on Monday, June 3, 2024**. Hard copy and/or late submittals will not be accepted. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals submitted late.

The right is reserved to reject any and all Proposals and to waive any informalities.

Thea Prince  
City of Spokane Purchasing

Publish: May 8 & 15, 2024

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**Paving Services – On-Call Public Works Maintenance**  
City of Spokane

**PW ITB #6125-24**

**Description:** The City of Spokane is soliciting electronic bids The City of Spokane Water & Hydroelectric Services department is seeking bids for on-call paving services.

**Bid Opening:** Sealed electronic bids will be accepted until **Monday, May 13th, 2024 at 1:00pm**. Bids will be publicly opened at 1:15pm. To participate in bid opening, please visit the City's website at <https://my.spokanecity.org/administrative/purchasing/> for the link to attend virtually and the number to attend by telephone. All bid responses must be submitted electronically through the City of Spokane's bidding portal at <https://spokane.procurement.com> before the aforementioned deadline. Hard copy and/or late bids will not be accepted.

The Public Work Invitation to Bid document is available for download through the City of Spokane's online procurement system <https://spokane.procurement.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person.

It is the responsibility of Proposers to check the City of Spokane's online procurement system identified above for Addenda or other additional information that may be posted regarding this Request for Proposals.

Questions from potential Proposers will be accepted through the "Clarifications" tab under the associated project number in the online procurement system.

All Proposal documents shall be submitted electronically through the City of Spokane's online procurement system **no later than 1:00 p.m. on Monday, May 13, 2024**. Hard copy and/or late submittals will not be accepted. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals submitted late.

The right is reserved to reject any and all Proposals and to waive any informalities.

Tanya Lester  
City of Spokane Purchasing

Publish: May 1 & 8, 2024

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**BURNER AND BOILER CONTROLS UPGRADE – RIVERSIDE PARK WATER RECLAMATION FACILITY – PUBLIC WORKS****Riverside Park Water Reclamation Facility (RPWRF)****PW ITB 6128-24**

**Description:** The City of Spokane, through its Riverside Park Water Reclamation Facility (RPWRF) is soliciting electronic bids to Upgrade Burner and Boiler Controls – Riverside Park Water Reclamation Facility - Public Works.

**Pre Bid Site Visit:** pre-bid conference and walk through will be held on TUESDAY, May 14th, 2024, at 10:00 AM. The location will be the Lobby Area of the Riverside Park Water Reclamation Facility, 4401 N Aubrey L. White Pkwy, Spokane, WA 99205.

**Bid Opening:** Electronic Bids will be unsealed at the 1:15 p.m. public bid opening via Microsoft Teams platform on **Tuesday MAY 28th, 2024**, to Upgrade Burner and Boiler Controls – Riverside Park Water Reclamation Facility - Public Works, go to our website: <https://my.spokanecity.org/administrative/purchasing> and then click on the “join meeting” link on the right-hand side of the page. Alternatively, it may be simpler to listen by phone which can be done as follows: call (323) 618-1887 then enter the access code 533 854 149 followed by #.

The Invitation to Bid document is available for download through the City of Spokane’s online procurement system <https://spokane.procurement.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person. It is the responsibility of Proposers to check the City of Spokane’s online procurement system identified above for Addenda or other additional information that may be posted regarding this Invitation for Bids. Questions from potential Proposers will be accepted through the “Clarifications” tab under the associated project number in the online procurement system.

All Bid documents shall be submitted electronically through the City of Spokane’s online procurement system no later than **1:00 p.m. on Tuesday, May 28th, 2024**. Hard copy and/or late submittals will not be accepted. Bids must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Bids submitted late. **Contractor shall/must be a Washington State registered “and” licensed Contractor, and have fulfilled the Department of Labor and Industries' Public Works and Prevailing Wage Training Requirement at the time of bid submittal to be considered a responsive bidder.**

The right is reserved to reject any and all Bids and to waive any informalities.

Tanya Lester  
City of Spokane Purchasing

Publish: May 8 & 15, 2024

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