



Spokane Park Board
3:30 p.m. Dec. 10, 2020
WebEx virtual meeting

Park Board Members:

- X Jennifer Ogden – President
- X Bob Anderson – Vice President
- X Garrett Jones – Secretary
- X Nick Sumner
- X Rick Chase
- X Greta Gilman
- X Sally Lodato (Arrived: 3:53 p.m.)
- X Gerry Sperling
- X Barb Richey
- X Hannah Kitz
- X Kevin Brownlee
- X Lori Kinnear – City Council liaison

Parks Staff:

- Jason Conley
- Mark Buening
- Nick Hamad
- Jonathan Moog
- Berry Ellison
- Mark Poirier
- Pamela Clarke

Guests:

- Terri Fortner
- Robert Flowers
- Dave M.
- Heather Stewner
- Diane Birginal
- Carol Ellis
- Phil Larkin
- Merri Hartse

MINUTES

(Click [HERE](#) to view a video recording of the meeting.)

1. **Roll Call:** See above
2. **Additional or deletions to the Agenda:**
 - A. None
3. **Public comment:**
 - A. Water tower proposed for the South Hill – Five citizens, including Robert Flowers, Carol Ellis, Diane Birginal, Dave M. and Heather Stewner, asked questions and voiced concerns about the city potentially siting a high systems reservoir in Hamblen Park.
 1. Mr. Flowers asked if this proposed facility is an urgent matter. He said it appears the schedule for design and construction is very short. If this is not an emergency, he suggested the city take time to look at other site options which could be more conducive to this type of use. He explained how important long-range planning is to the process.
 2. Ms. Ellis, Ms. Birginal and Dave M. urged the board to review findings from a 2018 site selection process when the city decided not to install a water tower in Hamblen Park and, instead purchased property at 31st Avenue and Napa Street for the project.
 3. Ms. Birginal requested greater transparency from city Engineering Services as she believes the 2018 findings are not being properly presented.
 4. Dave M. voiced concern that the installation alone will ruin the park and that the tower will destroy the natural aesthetics of this conservation land.
 5. Heather Stewner explained Hamblen Park is being used more now than ever as the park is serving as a wonderful place for citizens to go, particularly during the Covid lockdown. She is concerned the water tower will destroy this unique natural area.
 6. Citizens' emails relating to this proposed project may be viewed [HERE](#) at the end of these minutes.

4. **Consent agenda:**

A. Administrative and Committee-level items

- 1) Nov. 12, 2020, regular Park Board meeting minutes
- 2) Claims – November 2020 (\$2,611,728.36)
- 3) 2021 recreation centers contract renewal (combined amount \$638,578, no tax)
- 4) F. A. Bartlett Tree Experts contract amendment #8/Riverfront Park north bank and future arborist work (\$9,980, tax inclusive)
- 5) Höweler + Yoon Architects Stepwell sculpture contract amendment #3 (\$15,000, tax inclusive)
- 6) LaRiviere, Inc., change order #8/North bank (\$58,808.52, tax inclusive)
- 7) Riverfront Park redevelopment bond budget amendment #12

Motion No. 1: Jennifer Ogden moved to approve consent agenda items #1 - #7, as presented.

Barb Richey seconded.

Motion passed with unanimous consent (10-0 vote).

5. **Special Guests:**

A. None

6. **Financial report and budget update:** – Mark Buening provided the [November financial report and budget update](#). The November operating expenditures for the Park Fund are less than the historic budget average by almost \$6.9 million. Year-to-date revenues are almost \$4.3 million less than the budget average. Revenues are exceeding expenditures by approximately \$2.3 million. The November operating expenditures for the Golf Fund are about \$470,000 less than the budget average. Year-to-date revenues are exceeding the budget average more than \$381,000. Revenues are exceeding expenditures almost \$1.36 million year-to-date. Of the total \$68.4 million Riverfront Park redevelopment budget, almost \$68 million has been expended/committed, leaving a budget balance of \$797,852.

7. **Special discussion/action items:**

A. None

8. **Committee reports:**

Urban Forestry Tree Committee: (The Dec. 1 meeting was canceled.) Rick Chase

A. Action items: None

B. The next regularly scheduled meeting is 4:15 p.m. Jan. 5, 2021, via WebEx.

Sally Lodato joined the meeting at 3:53 p.m.

Golf Committee: Dec. 8, 2020, Gerry Sperling

- A. [Golf Pro Rob Sanders contract amendment \(\\$27,000\)](#) – Mark Poirier presented an [overview of a proposed contract amendment](#) with Esmeralda Golf Pro Rob Sanders in the amount of \$27,000. The amendment calls for a reimbursement of \$27,000 in lost revenue, based on a two-year financial lookback, due to the irrigation project at Esmeralda which began fall 2019 and concluded spring 2020.

Motion No. 2: Gerry Sperling moved to approve the contract amendment with Golf Pro Rob Sanders in the amount of \$27,000.

Barb Richey seconded.

Motion passed unanimously (11-0 vote).

B. The next scheduled meeting is 8 a.m. Jan. 12, 2021, via WebEx.

Land Committee: (The Dec. 2 meeting was canceled.) *Greta Gilman*

A. Action items: None

B. The next scheduled meeting is 3:30 p.m. Jan. 6, 2021, via WebEx.

Recreation Committee: (The Dec. 2 meeting was canceled.) *Sally Lodato*

A. Action items: Moved to the consent agenda

B. The next scheduled meeting is 5:15 p.m. Jan. 6, 2021, via WebEx.

Riverfront Park Committee: Dec. 7, 2020, *Nick Sumner*

A. Action items: Moved to the consent agenda

B. The next scheduled meeting is 3 p.m. Jan. 11, 2021, via WebEx.

Finance Committee: Dec. 8, 2020, *Bob Anderson*

A. Action items: None

B. The next regularly scheduled meeting is 3 p.m. Jan. 12, 2021, via WebEx.

9. **Reports:**

Park Board President: *Jennifer Ogden*

A. Proposed water tower on the South Hill – Ms. Ogden reported the Park Board is in the information-gathering phase of the process. The board is continuing to gather and review public input, and look at the various proposed locations for a water tower on the South Hill. Regarding the Hamblen Park location, she explained this would not involve a transfer or sale of property since this land is already owned by the city. This would be a joint use of the property similar to other agreements currently in place. One example noted was the SportsPlex which is on park property. Ms. Ogden explained the board will continue reviewing options and will proceed through the process in a transparent manner.

Liaisons:

A. Conservation Futures – *Greta Gilman* reported Conservation Futures Land Evaluation Committee is scheduled to meet February when they will work on the next round of nominations planned for late 2021/early 2022.

B. Parks Foundation – *Barb Richey* reported the next Parks Foundation Board meeting is scheduled for Dec. 16. Foundation staff has been sending thank you letters and providing stewardship to donors.

C. City Council – *Lori Kinnear*

1. Park Rules and Regulations Title 12 amendments – Council member Kinnear reported the proposed ordinance was approved by City Council. The amendments are designed to create safer parks by updating park rules and regulations specific to rules relating to appropriate activities in city parks while alleviating the burden of clean-up efforts from neighbors and shifting the responsibility to the event coordinator.
2. Goat project – Council member Kinnear reported this year's goat project has wrapped up. This pilot project involved bringing about 200 goats into Hangman Park as part of a wildfire fuel suppression program. Next year, goats will be introduced into some sections of District 1 and 3 to browse on vegetation in remote areas which are susceptible to wildland fires.

Director: *Garrett Jones*

1. Proposed water tower – Mr. Jones reported Parks and Engineering Services staff are planning to attend the January Community Assembly meeting to discuss the proposed water tower at Hamblen Park.
2. Winter Activation – Mr. Jones presented an overview of Winter Activation plans which include holiday light shows, farmers markets, horse and carriage rides, holiday giveaways, ice skating at the Numerica Skate Ribbon and a variety of winter recreation activities. He explained these activities are made possible by partnerships with local businesses, organizations and agencies.

10. **Executive Session:**

- A. None

11. **Correspondence:**

- A. Letters/email: [Water tower proposed on the South Hill \(18 emails\)](#)

12. **Adjournment:** The meeting was adjourned at 4:34 p.m.

13. **Meeting Dates:**

- A. Committee meeting dates:
Urban Forestry Committee: 4:15 p.m. Jan. 5, 2021, via WebEx
Land Committee: 3:30 p.m. Jan. 6, 2021, via WebEx
Recreation Committee: 5:15 p.m. Jan. 6, 2021, via WebEx
Riverfront Park Committee: 3 p.m. Jan. 11, 2021, via WebEx
Golf Committee: 8 a.m. Jan. 12, 2021, via WebEx
Finance Committee: 3 p.m. Jan. 12, 2021, via WebEx
- B. Park Board: 3:30 p.m. Jan. 14, 2021, via WebEx
- C. Park Board Study Session: No session scheduled at this time.

Minutes approved by: _____
Garrett Jones, Director of Parks and Recreation

Spokane Park Board

Briefing Paper



Committee			
Committee meeting date			
Requester	Pamela Clarke	Phone number: 625-6241	
Type of agenda item	<input checked="" type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input type="radio"/> Action		
Type of contract/agreement	<input type="radio"/> New <input type="radio"/> Renewal/extension <input type="radio"/> Amendment/change order <input checked="" type="radio"/> Other		
City Clerks file (OPR or policy #)	n/a		
Item title: (Use exact language noted on the agenda)	Nov. 12, 2020, regular Park Board meeting minutes		
Begin/end dates	Begins:	Ends:	<input type="checkbox"/> Open ended
Background/history: Park Board minutes for the Nov. 12, 2020, regular Park Board meeting			
Motion wording: Move to approve the Park Board minutes as presented as a consent agenda item.			
Approvals/signatures outside Parks: <input type="radio"/> Yes <input type="radio"/> No If so, who/what department, agency or company: Name: _____ Email address: _____ Phone: _____			
Distribution:			
Fiscal impact: <input type="radio"/> Expenditure <input type="radio"/> Revenue Amount: n/a Budget code:			
Vendor: <input type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB) <input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane <input type="checkbox"/> UBI: _____ Business license expiration date: _____ </div> <div> <input type="checkbox"/> W-9 (for new contractors/consultants/vendors) <input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors) <input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability) </div> </div>			



Spokane Park Board

3:30 p.m. Nov. 12, 2020

WebEx virtual meeting

Park Board Members:

- X Jennifer Ogden – President
- X Bob Anderson – Vice President
- X Garrett Jones – Secretary
- X Nick Sumner
- X Rick Chase (Arrived: 3:46 p.m.)
- X Greta Gilman
- X Sally Lodato
- X Gerry Sperling
- X Barb Richey
- X Hannah Kitz
- X Kevin Brownlee
- X Lori Kinnear – City Council liaison

Parks Staff:

- Jason Conley
- Mark Buening
- Fianna Dickson
- Nick Hamad
- Al Vorderbrueggen
- Jennifer Papich
- Berry Ellison
- Angel Spell
- Carl Strong
- Pamela Clarke

Guests:

- Jerry Unruh
- Mary Muramatsu
- Terri Fortner
- Peyton Smith
- Karen Ssebanakitta
- Diane Birginal
- Julie Pomerantz
- Carol Ellis
- Dave M.
- Rick Biggerstaff
- Tyler Henthorne
- Phil Larkin
- Merri Hartse

MINUTES

(Click [HERE](#) to view a video recording of the meeting.)

1. **Roll call:** *Pamela Clarke*
See above
2. **Introduction:**
 - A. New Park Board members Hannah Kitz and Kevin Brownlee introduction – *Jennifer Ogden* introduced recently appointed Park Board members Hannah Kitz and Kevin Brownlee. Ms. Kitz moved to Spokane four years ago from Colorado and is a graduate of Gonzaga School of Law. She currently works for a local firm and specializes in transactional law. Mr. Brownlee is originally from Seattle where he worked for city government and came to Spokane in 1999. He worked for the city of Spokane for a number of years and looks forward to continuing his work for the community. The new members were welcomed and thanked for their commitment to serve on the Park Board.
3. **Additional or deletions to the agenda:**
 - A. None
4. **Public comment:**
 - A. Water tower proposed for the South Hill – Four citizens, including Merri Hartse, Diane Birginal, Carol Ellis, and David M. voiced their concerns about placing a high systems reservoir in Hamblen Park. Citizens' emails relating to this proposed project may be viewed [HERE](#) at the end of these minutes.
 - B. Park Rules and Regulations Title 12 amendments – Four citizens, including Tyler Henthorne, Rick Biggerstaff, Karen Ssebanakitta and Peyton Smith, voiced their support of the proposed amendments to Spokane Municipal Code 12.06A.040. Citizens' letters relating to these proposed ordinance amendments may be viewed [HERE](#) at the end of these minutes.

Rick Chase arrived at 3:46 p.m.

5. **Consent agenda:**

A. Administrative and committee-level items

- 1) Oct. 8, 2020, regular Park Board meeting minutes
- 2) Claims – October 2020
- 3) LaRiviere Inc. change order #7/North bank playground (\$34,199.31, tax inclusive)
- 4) Strata Construction amendment #7/North bank playground (\$1,755, non-taxable)

Motion No. 1: Jennifer Ogden moved to approve consent agenda items #1 - #4, as presented.

Rick Chase seconded.

Motion passed unanimously (11-0 vote).

6. **Special Guests:**

A. Spokane Youth and Senior Centers' Association quarterly update – *Jerry Unruh*, Hillyard Senior Center executive director, presented a recap of the activities, fundraising accomplishments and participation hours at Spokane's 10 youth, senior and community centers.

7. **Financial report and budget update:** – *Mark Buening* provided the October financial report and budget update. The October operating expenditures for the Park Fund are less than the historic budget average by almost \$6.52 million. Year-to-date revenues are less than the budget average by about \$3.67 million. Revenues are exceeding expenditures approximately \$2.33 million. The October operating expenditures for the Golf Fund is about \$411,000 less than the budget average. Year-to-date revenues are exceeding the budget average almost \$370,000. Revenues are exceeding expenditures almost \$1.55 million year-to-date. Of the total \$68.4 million Riverfront Park redevelopment budget, \$67.9 million has been expended/committed, leaving a budget balance of \$591,196.

8. **Special discussion/action items:**

A. Park Board committee assignments – *Jennifer Ogden* presented the proposed committee assignments. Proposed assignments included: 1) Hannah Kitz to serve on the Land and Riverfront Park committees; 2) Kevin Brownlee to serve on the Land, Riverfront Park and Joint Arts committees; and 3) Barb Richey to replace Gerry Sperling as the Parks Foundation liaison.

Motion No. 2: Jennifer Ogden moved to approve the Park Board committee assignments, as presented.

Rick Chase seconded.

Motion passed unanimously (11-0 vote).

9. **Committee reports:**

Urban Forestry Tree Committee: (The Nov. 3 meeting was canceled.) *Rick Chase*

A. Action items: None

B. The next regularly scheduled meeting is 4:15 p.m. Dec. 1, via WebEx.

Golf Committee: Nov. 10, 2020, *Gerry Sperling*

A. Indian Canyon Golf Pro Doug Phares five-year contract – *Jason Conley* presented background on the selection process and an overview of the proposed agreement with Golf

Pro Doug Phares.

Motion No. 2: Jennifer Ogden moved to approve a five-year contract with Doug Phares to serve as the Indian Canyon Golf Professional.

Barb Richey seconded.

Motion passed unanimously (11-0 vote).

B. The next scheduled meeting is 8 a.m. Dec. 8, 2020, via WebEx.

Land Committee: Nov. 4, 2020, *Greta Gilman*

A. Park Rules and Regulations Title 12 amendments – *Garrett Jones* presented an overview of the proposed ordinance amendments. Ordinance changes are designed to create safer parks by updating park rules and regulations specific to rules relating to appropriate activities in city parks while alleviating the burden of clean-up efforts from neighbors and shifting the responsibility to the event coordinator. Three basic issues were identified that have caused Parks to review and update the rules, including: lack of clarity, lack of coordination and resource management/lack of follow-through.

Motion No. 3: Greta Gilman moved to approve the proposed Park Rules and Regulations amendments as presented.

Jennifer Ogden seconded.

Motion passed unanimously (11-0 vote).

B. Turf Star Western equipment lease agreement (not to exceed \$100,000 per year, on a five-year lease) – *Greta Gilman* presented an overview of the equipment lease agreement for grounds equipment such as movers and implements that are in need of replacement.

Motion No. 4: Greta Gilman moved to approve the Turf Star Western equipment lease agreement, not to exceed \$100,000 annually, on a five-year lease.

Jennifer Ogden seconded.

Motion passed unanimously (11-0 vote).

C. Friends of the Bluff memorandum of understanding renewal – *Greta Gilman* presented an overview of the proposed MOU renewal. The first agreement with the Friends of the Bluff was adopted in 2016. Proposed revisions to the agreement are minor in nature and include language clean-up, inclusion of a map and description of the High Drive Bluff land area, operational decision-making authority to the Parks Director or designee rather than by Park Board consent, and establishing regular meetings between FoB board members and Parks staff.

Motion No. 5: Greta Gilman moved to approve the Friends of the Bluff memorandum of understanding renewal as presented.

Barb Richey seconded.

Motion passed unanimously (11-0 vote).

D. Land Expressions contract/Manito Park Japanese Garden Pond restoration (\$286,843.69, tax inclusive) – *Nick Hamad* presented a proposed contract with Land Expressions for restoration work on the Manito Park Japanese Garden Pond in the amount of \$286,843.69, tax

inclusive.

Motion No. 6: Greta Gilman moved to approve the Land Expressions contract as presented.

Gerry Sperling seconded.

Motion passed unanimously (11-0 vote).

E. The next scheduled meeting is 3:30 p.m. Dec. 2, 2020, via WebEx.

Recreation Committee: Nov. 4, 2020, *Sally Lodato*

A. Action items: None

B. The next scheduled meeting is 5:15 p.m. Dec. 2, 2020, via WebEx.

Riverfront Park Committee: Nov. 9, 2020, *Nick Sumner*

A. U.S. Pavilion elevated experience name proposal – *Garrett Jones* presented an overview of the name proposal for the US Pavilion elevated experience. Following the construction of the Pavilion and after working with the Fire Department and Permitting, it was found that certain alternatives and improvements could greatly enhance opportunities and increase capacity. The cost for these improvements was estimated at \$130,000. Garco offered to complete the work and cover the cost in exchange for naming rights of the elevated experience. Garco President Clancy Welsh, with endorsement of Parks staff, recommends renaming the elevated experience to Garco Terrace.

Motion No. 7: Nick Sumner moved to approve naming the elevated experience to Garco Terrace as presented.

Gerry Sperling seconded.

Motion passed unanimously (11-0 vote).

B. The next scheduled meeting is 3 p.m. Dec. 7, 2020, via WebEx.

Finance Committee: Nov. 10, 2020, *Bob Anderson*

A. Action items: None

B. The next regularly scheduled meeting is 3 p.m. Dec. 8, 2020, via WebEx.

10. **Reports:**

Park Board President: *Jennifer Ogden* announced an ad hoc nominating committee will need to be formed to develop a recommendation for the board's 2021 slate of officers. She explained several board members have expressed interest in creating a development and volunteer committee with the purpose of assisting friends organizations and fundraising on a year-round, park-wide basis. Ms. Ogden sees this as an opportunity to support citizens who want to create friends groups in their areas, such as Hamblen and Riverfront Park. She envisions it functioning similar to the Joint Arts Committee, with membership comprised of both Park Board and community/friends representatives.

Liaisons

- 1) Conservation Futures – *Greta Gilman* reported the next open nomination round for Conservation Futures is scheduled for late 2021/early 2022.
- 2) Parks Foundation – *Gerry Sperling* expressed her appreciation to the board for the opportunity to serve as the liaison and thanked the Parks Foundation for their valued working relationship with Parks. Barb Richey, who will be replacing Ms. Sperling as liaison, plans to meet with Terri Fortner next Monday.

- 3) City Council – *Lori Kinnear* reported about 200 goats were brought into Hangman Park last week as part of a wildfire fuel suppression program. Next year, goats will be introduced into some sections of District 1 and 3. Ms. Kinnear explained the 2021 City budget is in its final stages of adoption. She explained there will not be funds allocated to the Aquatics Program for next year since this program may or may not be able to occur in 2021. She assured the group, if Covid restrictions are lifted allowing for Aquatics to open, she would sponsor a Special Budget Ordinance for program funding.

Director: *Garrett Jones* reported Holiday Ticket is a program designed to safely activate downtown Spokane and Riverfront Park during the holiday months. This program recently received CARES funding which provides assistance for state, local and tribal government through the Coronavirus Relief Fund. The Convention Center is scheduled to open during the two winter months offering a variety of recreational activities. Manito Lights event also recently received CARES funding for this year's holiday celebration.

11. **Executive Session:**

A. None

12. **Correspondence:**

Letters/email: Proposed water tower on the South Hill (27 emails)
Park Rules and Regulations amendments (3 letters)

13. **Adjournment:** The meeting was adjourned at 5:17 p.m.

14. **Meeting Dates:**

- A. Committee meeting dates:
Urban Forestry Committee: 4:15 p.m. Dec. 1, 2020, via WebEx
Land Committee: 3:30 p.m. Dec. 2, 2020, via WebEx
Recreation Committee: 5:15 p.m. Dec. 2, 2020, via WebEx
Riverfront Park Committee: 3 p.m. Dec. 7, 2020, via WebEx
Golf Committee: 8 a.m. Dec. 8, 2020, via WebEx
Finance Committee: 3 p.m. Dec. 8, 2020, via WebEx
B. Park Board: 3:30 p.m. Dec. 10, 2020, via WebEx
C. Park Board Study Session: No session scheduled at this time.

Minutes approved by: *Garrett Jones*
Garrett Jones, Director of Parks and Recreation

Spokane Park Board

Briefing Paper



Committee			
Committee meeting date			
Requester	Pamela Clarke	Phone number: 625-6241	
Type of agenda item	<input checked="" type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input type="radio"/> Action		
Type of contract/agreement	<input type="radio"/> New <input type="radio"/> Renewal/extension <input type="radio"/> Amendment/change order <input checked="" type="radio"/> Other		
City Clerks file (OPR or policy #)	n/a		
Item title: (Use exact language noted on the agenda)	Claims – November 2020 (\$2,611,728.36)		
Begin/end dates	Begins: 11/01/2020	Ends: 11/30/2020	<input type="checkbox"/> Open ended
Background/history: Claims for the month of November 2020 in the amount of \$2,611,728.36			
Motion wording: Move to approve claims for the month of November 2020 as a consent agenda item.			
Approvals/signatures outside Parks: <input type="radio"/> Yes <input checked="" type="radio"/> No If so, who/what department, agency or company: Name: _____ Email address: _____ Phone: _____			
Distribution:			
Fiscal impact: <input type="radio"/> Expenditure <input type="radio"/> Revenue Amount: n/a Budget code: _____			
Vendor: <input type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB) <input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane <input type="checkbox"/> UBI: _____ Business license expiration date: _____ </div> <div> <input type="checkbox"/> W-9 (for new contractors/consultants/vendors) <input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors) <input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability) </div> </div>			

**CITY OF SPOKANE PARK AND RECREATION DIVISION
NOVEMBER 2020 EXPENDITURE CLAIMS
FOR PARK BOARD APPROVAL - DECEMBER 10, 2020**

PARKS & RECREATION:

SALARIES & WAGES	\$	670,574.07
MAINTENANCE & OPERATIONS	\$	536,959.98
CAPITAL OUTLAY	\$	5,692.50
DEBT SERVICE PAYMENTS	\$	-
PARK CUMULATIVE RESERVE FUND	\$	96,907.29

RFP BOND 2015 IMPROVEMENTS:

CAPITAL OUTLAY	\$	1,055,011.23
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GOLF:

SALARIES & WAGES	\$	114,292.56
MAINTENANCE & OPERATIONS	\$	132,290.73
CAPITAL OUTLAY	\$	-
DEBT SERVICE PAYMENTS	\$	-

TOTAL EXPENDITURES:	\$	2,611,728.36
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Spokane Park Board

Briefing Paper



Committee	Recreation												
Committee meeting date	Dec. 2, 2020												
Requester	Jennifer Papich	Phone number: 509-363-5420											
Type of agenda item	<input checked="" type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input type="radio"/> Action												
Type of contract/agreement	<input checked="" type="radio"/> New <input type="radio"/> Renewal/ext. <input type="radio"/> Lease <input type="radio"/> Amendment/change order <input type="radio"/> Other												
City Clerks file (OPR or policy #)													
Item title: (Use exact language noted on the agenda)	2021 Recreation Centers Contract Renewal (combined amount \$638,578, no tax)												
Begin/end dates	Begins: 01/01/2021	Ends: 12/31/2021	<input type="checkbox"/> Open ended										
Background/history: Corbin Senior Center, MLK Jr. Center at ECCC, West Central CC, Project Joy, MidCity Concerns, Southside CC, Southwest Spokane CC, Northeast Youth Center, Sinto Senior Center and the Hillyard Senior Center provide recreational services and opportunities to the community in partnership with SPRD. Parks provides partial funding to these centers to help pay for their recreational programming costs. The combine amount of \$638,578 is accounted for in the approved 2021 Recreation Budget. There has been no change to this amount from 2020. Centers are required to provide monthly recreation program reports and monthly related operational expenses when submitting their invoices. The Spokane Youth and Senior Center Association also presents a report quarterly to Park Board.													
Motion wording: Approve the 2021 recreation centers contract renewal for the combined amount of \$638,578, no tax.													
Approvals/signatures outside Parks: <input checked="" type="radio"/> Yes <input type="radio"/> No If so, who/what department, agency or company: Signatures from each of the centers Name: _____ Email address: _____ Phone: _____													
Distribution: Parks – Accounting Parks – Pamela Clarke Requester: Jennifer Papich Grant Management Department/Name: _____													
Fiscal impact: <input type="radio"/> Expenditure <input type="radio"/> Revenue <table border="0"> <tr> <td>Amount:</td> <td>Budget code:</td> </tr> <tr> <td>\$18,525 Mid City Concerns</td> <td>\$30,970 Project Joy / \$72,675 West Central Community Center</td> </tr> <tr> <td>\$31,350 Corbin Senior Center</td> <td>\$106,563 Southside Community Center</td> </tr> <tr> <td>\$77,210 Sinto Senior Center</td> <td>\$39,947 Southwest Community Center</td> </tr> <tr> <td>\$80,000 Hillyard Senior Center</td> <td>\$139,538 Northeast Youth Center / \$41,800 MLK Center</td> </tr> </table>				Amount:	Budget code:	\$18,525 Mid City Concerns	\$30,970 Project Joy / \$72,675 West Central Community Center	\$31,350 Corbin Senior Center	\$106,563 Southside Community Center	\$77,210 Sinto Senior Center	\$39,947 Southwest Community Center	\$80,000 Hillyard Senior Center	\$139,538 Northeast Youth Center / \$41,800 MLK Center
Amount:	Budget code:												
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\$80,000 Hillyard Senior Center	\$139,538 Northeast Youth Center / \$41,800 MLK Center												
Vendor: <input type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <table border="0"> <tr> <td><input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB)</td> <td><input type="checkbox"/> W-9 (for new contractors/consultants/vendors)</td> </tr> <tr> <td><input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane</td> <td><input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors)</td> </tr> <tr> <td><input checked="" type="checkbox"/> UBI: _____ Business license expiration date: _____</td> <td><input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability)</td> </tr> </table>				<input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB)	<input type="checkbox"/> W-9 (for new contractors/consultants/vendors)	<input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane	<input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors)	<input checked="" type="checkbox"/> UBI: _____ Business license expiration date: _____	<input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability)				
<input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB)	<input type="checkbox"/> W-9 (for new contractors/consultants/vendors)												
<input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane	<input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors)												
<input checked="" type="checkbox"/> UBI: _____ Business license expiration date: _____	<input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability)												

City Clerk's No. _____



**CITY OF SPOKANE
PARKS & RECREATION DIVISION**

CONTRACT

Title:

THIS CONTRACT is between the **City of Spokane Parks and Recreation Division**, a Washington State municipal corporation, as ("City"), and **XXXXXX Community Center** a 501(C)(3) a non-profit corporation, whose address is xxxxxxxxx, Spokane, Washington, xxxxx as ("xxxxxxx"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the *XXXXXX Community Center* provides recreational services for senior citizens, and has successfully facilitated a variety of programs for senior citizens in cooperation with the City for past years; and

WHEREAS, it is the desire of the City to work with the *XXXXXX Community Center* in partnership to deliver recreational services to citizens;

NOW THEREFORE, the parties agree as follows:

1. **PERFORMANCE.** The *XXXXXX Community Center* shall provide services in accordance with the attached Scope of Services. The *XXXXXX Community Center* shall mention in all of its advertising, brochures, and schedules distributed to the public, that the services are co-sponsored by the Spokane Parks and Recreation Division.
2. **USE OF PREMISES BY CITY.** The City shall have the option to use the *XXXXXX Community Center* premises for Parks and Recreational programs when the *XXXXXX Community Center* is not utilizing the premises. The premises shall not be used for any other purpose without the consent of the *XXXXXX Community Center*. The City's use of the premises shall in no way be exclusive, and shall not infringe upon the *XXXXXX Community Center* primary usage of the premises. City's use of the premises shall be at no cost. Any additional costs incurred by the *XXXXXX Community Center* will be agreed upon prior to the use, and shall be billed to the City.
3. **COMPENSATION.** The City shall pay the *XXXXXX Community Center* \$\$\$\$\$\$ 00/100 DOLLARS (\$\$\$\$\$\$), from available **City funds to help pay recreational programming costs and related operational expenses**. Any expenditures exceeding that amount will be billed to the *XXXXXX Community Center*. The City reserves the right to revise this amount in any manner in which the City may deem

appropriate in order to take into account any future fiscal limitations affecting the City. The City shall give the XXXXXX *Community Center* thirty (30) days written notice of any revision. The parties agree that this is an annual contract, and by no means a guarantee of future funding.

4. PAYMENT. The XXXXXX *Community Center* shall send monthly applications of one-twelfth (1/12) of the total Contract to the City's Parks and Recreation Department, Fifth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201-3317. Payment should be made via direct deposit/ACH within thirty (30) days after receipt of the XXXXXX *Community Center* application except as provided by state law. Invoices should be sent electronically to the Director of Recreation or designee with the monthly report for the month being invoiced. If the City objects to all or any portion of the invoice, it shall notify the Company and reserves the right to only pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

5. TERM. This Contract shall begin January 1, 2021 and run through December 31, 2021, unless terminated earlier.

6. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The XXXXXX *Community Center* agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the XXXXXX *Community Center*.

7. TERMINATION. Either party may terminate this Contract upon sixty (60) days written notice to the other party.

8. TAXES. The XXXXXX *Community Center* shall be solely responsible for all taxes levied, assessed, or imposed upon the non-profit corporation and its operation.

9. INSURANCE. During the term of the Contract, the XXXXXX *Community Center* shall maintain in force at its own expense, the following insurance coverages:

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers; and
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and

property damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the City, its officers and employees are additional insureds, but only with respect to the XXXXXX Community Center services to be provided under this Contract;

- i. Acceptable supplementary Umbrella insurance coverage, combined with the XXXXXX Community Center General Liability insurance policy must be a minimum of \$1,000,000, in order to meet the insurance coverages required under this Contract; and
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without forty-five (45) days written notice from the XXXXXX Community Center or its insurer(s) to the City.

As evidence of the insurance coverages required by this Contract, the XXXXXX Community Center shall furnish an acceptable Certificate of Insurance (COI) to the City at the time it returns the signed Contract. The COI shall specify all of the parties who are additional insured and include applicable policy endorsements and the deductible or retention level, as well as policy limits. Insuring companies or entities are subject to City acceptance and must have a rating of A- or higher by AM Best. Copies of all applicable endorsements shall be provided. The XXXXXX Community Center shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

10. AUDIT. The XXXXXX Community Center shall maintain for a minimum of three (3) years following final payment, all records related to its performance of the Contract. The XXXXXX Community Center shall provide access to authorized City representatives at reasonable times and in a reasonable manner to inspect and copy any such records. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

11. INTERNAL AUDITING CONTROL. The XXXXXX Community Center shall establish and maintain a system of internal accounting control which complies with applicable generally accepted accounting principles and non-profit accounting and financial reporting standards.

12. REPORTS AND MEETINGS.

- A. The XXXXXX Community Center shall communicate with the Parks and Recreation Division through the City's Director of Parks and Recreation, or designee.

- B. The XXXXXX *Community Center* shall submit to the City's Director of Parks and Recreation, or designee, monthly reports on or before the 10th of every month for the previous month, detailing its contractual performance including:
- i. Monthly Attendance Reports for Activities conducted at the center funded by Parks Funds; and
 - ii. Staff and Volunteer hours (unique number of volunteers with hours for each); and
 - iii. List of Recreation Activities – not meals; actual activities; and
 - iv. List of Operational Expenses paid for with City funds that directly enables the Center's ability to provide recreational programming.
- C. The Director of Parks and Recreation, or designee, shall be welcome to attend all board meetings of the XXXXXX *Community Center*.
- D. At the end of the calendar year, the XXXXXX *Community Center* shall submit an annual financial statement to the City's Director of Parks and Recreation, or designee, showing all expenditures and revenues of the non-profit corporation for the prior year.
- E. The XXXXXX *Community Center* shall submit a 2021 annual Financial Statement to the Spokane Parks and Recreation Division on or before March 31, 2021. In addition to the Annual Financial Statement, the following needs to be submitted:
- i. A copy of the first two pages of the IRS Form 990 when filed each year.
- F. The Spokane Parks and Recreation Division will provide the opportunity for the XXXXXX *Community Center* to list activities in the Spokane Parks and Recreation's seasonal Activity Guide. The type and number of programs allowed will be decided upon by the City's Director of Parks and Recreation, or designee.
- G. The Director of the XXXXXX *Community Center*, or designee, is required to attend quarterly Recreation Supervisor meetings and any other mandatory meetings established by the City's Director of Parks and Recreation, or designee.

13. INDEMNIFICATION. The XXXXXX *Community Center* shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the XXXXXX *Community Center's* negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require the XXXXXX *Community Center* to indemnify the City against and hold harmless the City from claims, demands or suits based solely

upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the concurrent negligence of the XXXXXX Community Center agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the XXXXXX Community Center, its agents or employees. The XXXXXX Community Center specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the XXXXXX Community Center 's own employees against the City and, solely for the purpose of this indemnification and defense, the XXXXXX Community Center specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The XXXXXX Community Center recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.

14. AMENDMENT. This Contract may be amended at any time by mutual written agreement.

15. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations.

16. ASSIGNMENTS. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent. In the event of an assignment or transfer, the terms of this Contract shall continue to be in full force and effect.

17. NON-WAIVER. No delay or waiver by either party to exercise any contractual right shall be considered as a waiver of such right or any other right.

18. ENTIRE AGREEMENT. This written Contract constitutes the entire understanding of the parties. There are no promises, terms, conditions or obligations other than those written herein.

19. SEVERABILITY. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.

20. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Contract.

21. DEBARMENT AND SUSPENSION. The XXXXXX Community Center has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.

Dated: _____

CITY OF SPOKANE PARKS AND
RECREATION DEPARTMENT

By: _____

Title: _____

Dated: _____

XXXXXX Community Center

Email Address: _____

By: _____

Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Contract:
Attachment A – Certificate Regarding Debarment

ATTACHMENT A

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.
2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
 2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
4. I understand that a false statement of this certification may be grounds for termination of the contract.

<hr/> Name of Subrecipient / Contractor / Consultant (Type or Print)	<hr/> Program Title (Type or Print)
<hr/> Name of Certifying Official (Type or Print)	<hr/> Signature
<hr/> Title of Certifying Official (Type or Print)	<hr/> Date (Type or Print)

Spokane Park Board

Briefing Paper



Committee	Riverfront Park		
Committee meeting date	Dec. 7, 2020		
Requester	Berry Ellison	Phone number: 509-625-6276	
Type of agenda item	<input checked="" type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input type="radio"/> Action		
Type of contract/agreement	<input type="radio"/> New <input type="radio"/> Renewal/extension <input checked="" type="radio"/> Amendment/change order <input type="radio"/> Other		
City Clerks file (OPR or policy #)	OPR 2016-0549		
Item title: (Use exact language noted on the agenda)	F. A. Bartlett Tree Experts contract amendment #8/North bank and future arborist services (\$9,980, tax inclusive)		
Begin/end dates	Begins: 01 01 2021	Ends: 06 30 2021	<input type="checkbox"/> Open ended
Background/history: Additional Arborist Services at north bank and future services for other projects including the signature art piece "The Seeking Place."			
Motion wording: Move to approve F. A. Bartlett Tree Experts contract amendment #8/North bank and future arborist services (\$9,980, tax inclusive)			
Approvals/signatures outside Parks: <input checked="" type="radio"/> Yes <input type="radio"/> No If so, who/what department, agency or company: F. A. Bartlett Name: Joe Zubaly Email address: jzubaly@bartlett.com Phone: 892-0110, X103			
Distribution: Parks – Accounting JLBrown@spokanecity.org Parks – Pamela Clarke Dlarnold@spokanecity.org Requester: Berry Ellison jzubaly@bartlett.com Grant Management Department/Name:			
Fiscal impact: <input checked="" type="radio"/> Expenditure <input type="radio"/> Revenue Amount: \$9,980 (Redevelopment Bond) Budget code: 3346 49574 94000 56504 48117			
Vendor: <input checked="" type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB) <input type="checkbox"/> W-9 (for new contractors/consultants/vendors) <input checked="" type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane <input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors) <input checked="" type="checkbox"/> UBI: 602 831 916 Business license expiration date: 5.31.2021 <input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability)			



**City of Spokane Parks and
Recreation Department**

**CONTRACT EXTENSION NO. 8
WITH COST**

**Title: ARBORIST SERVICES FOR THE
RIVERFRONT PARK REDEVELOPMENT PROJECT**

Á

This Contract Extension including additional compensation is made and entered into by and between the **CITY OF SPOKANE PARKS AND RECREATION DEPARTMENT** as ("City"), a Washington municipal corporation, and, **F.A. BARTLETT TREE EXPERT COMPANY**, whose address is 1290 East Main Street, Stamford, Connecticut, 06902 as ("Company"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the parties entered into an Agreement wherein the Company agreed to provide the City with Arborist Services for the Riverfront Park Redevelopment Project; and,

WHEREAS, additional work is now needed by the City, incurring additional expense;

NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract, dated June 14, 2016, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE DATES.

This Contract Extension shall become effective on January 1, 2021 and shall be extended through June 30, 2021.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **NINE THOUSAND, NINE HUNDRED EIGHTY AND 00/100 DOLLARS (\$9,980.00)** for everything furnished and done under this Contract Extension, which includes the fee escalator called out for in the original Contract. This is the maximum amount to be paid under this Extension, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this document.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Agreement by having legally-binding representatives affix their signatures below.

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F

F.A. BARTLETT TREE EXPERT COMPANY

**CITY OF SPOKANE PARKS AND
RECREATION DEPARTMENT**

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

None

M20-023

Spokane Park Board

Briefing Paper



Committee	Riverfront Park		
Committee meeting date	Dec. 7, 2020		
Requester	Berry Ellison	Phone number: 509-625-6276	
Type of agenda item	<input checked="" type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input type="radio"/> Action		
Type of contract/agreement	<input type="radio"/> New <input type="radio"/> Renewal/extension <input checked="" type="radio"/> Amendment/change order <input type="radio"/> Other		
City Clerks file (OPR or policy #)	OPR 2016-1038		
Item title: (Use exact language noted on the agenda)	Höweler + Yoon Architects Stepwell sculpture contract amendment #3 (\$15,000, tax inclusive)		
Begin/end dates	Begins: 12/10/2020	Ends: 06/30/2021	<input type="checkbox"/> Open ended
Background/history: Addition of modified handrails per Planning & Development conditions of approval. Note: Spokane Arts has pledged \$5,000 toward this item. The actual cost to the Redevelopment Bond is \$10,000.			
Motion wording: Move to approve Höweler + Yoon Architects Stepwell sculpture contract amendment #3 (\$15,000, tax inclusive) from Bond Funds and Spokane Arts			
Approvals/signatures outside Parks: <input checked="" type="radio"/> Yes <input type="radio"/> No If so, who/what department, agency or company: Howeler Yoon Name: Hari Priya Rangarajan Email address: hrangarajan@hyarchitecture.com Phone: 617-517-4101			
Distribution: Parks – Accounting JLBrown@spokanecity.org Parks – Pamela Clarke DLarnold@spokanecity.org Requester: Berry Ellison hrangarajan@hyarchitecture.com Grant Management Department/Name: melissa@spokanearts.org			
Fiscal impact: <input checked="" type="radio"/> Expenditure <input type="radio"/> Revenue Amount: Budget code: \$10,000.00 (Redevelopment Bond) 3346 49574 94000 56315 48193 \$5,000.00 Spokane Arts TBD			
Vendor: <input checked="" type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB) <input type="checkbox"/> W-9 (for new contractors/consultants/vendors) <input checked="" type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane <input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors) <input checked="" type="checkbox"/> UBI: Business license expiration date: <input checked="" type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability)			

AMENDMENT NUMBER THREE

To AGREEMENT For **LEAD ARTIST SERVICES for RIVERFRONT PARK**

This Amendment Number Three is made the 16 day of November 2020 to the Agreement ("Agreement") between City of Spokane Parks and Recreation Department ("Parks") and Meejin Yoon of Howeler + Yoon Architecture, LLP ("Consultant"), dated 21 November 2016, in connection with the Project described therein.

WHEREAS Parks desires that the Consultant provide services related to material procurement (Metal Guard modifications required by permitting), fabrication and delivery to the Project site ("Services"), and

WHEREAS the Consultant is willing to provide such Services via a subconsultant, and

WHEREAS Parks is willing to allow such subcontracting and hereby specifically consents (pursuant to Section 16 of the Agreement) to Consultant subcontracting the Services to Quarra ("Subconsultant"), and

WHEREAS the Agreement provides, in Sections 24 and 25 for amendment of the Agreement to cover "New Work") if agreed to by both Parties in a document signed by both parties,

NOW THEREFORE, for value received, and in consideration of the mutual covenants and conditions hereinafter set forth, the Parties hereby agree to modify the Agreement, as follows:

1. Except as may be hereinafter provided, terms defined in the Agreement shall have the same meaning and effect in this Amendment Number Three.
2. Add the following new Services:
 - * Produce documents for information to Subconsultant based on new design.
 - * Coordinate with Subconsultant material procurement, fabrication and the approval of shop drawings by the structural engineer.
 - * Coordinate installation of the Stepwell sculpture and new Guard Design.
4. Compensation to Consultant shall be the lump sum of Fifteen thousand Dollars (\$15,000.00) which include tax on the taxable elements. Payments shall be made within 30 days of receipt of Consultant's invoice, which shall be rendered not more frequently than monthly in proportion to the amount of Services performed. Payment provisions of Section 6 of the Agreement shall apply to this Amendment.
5. Installation scope of the modified Guard Design remains unchanged for the Stepwell sculpture per Amendment Number Two. General Contractor for the W. Havermale Project to engage Quarra for the installation.

5. Substantial Completion date to be extended to May 31, 2021.
6. Subject to the modifications described above, the Parties hereby confirm all terms, conditions and other provisions of the Agreement and their applicability to this Amendment Number Three.

IN WITNESS WHEREOF, the Parties have executed this Amendment Number Three as of the day and year first written above.

City of Spokane Parks and Recreation Department

By: _____
Berry Ellison
Program Manager

Date: _____

Meejin Yoon of Howeler + Yoon Architecture, LLP

By: _____
J. Meejin Yoon, AIA,
Lead Artist and Principal

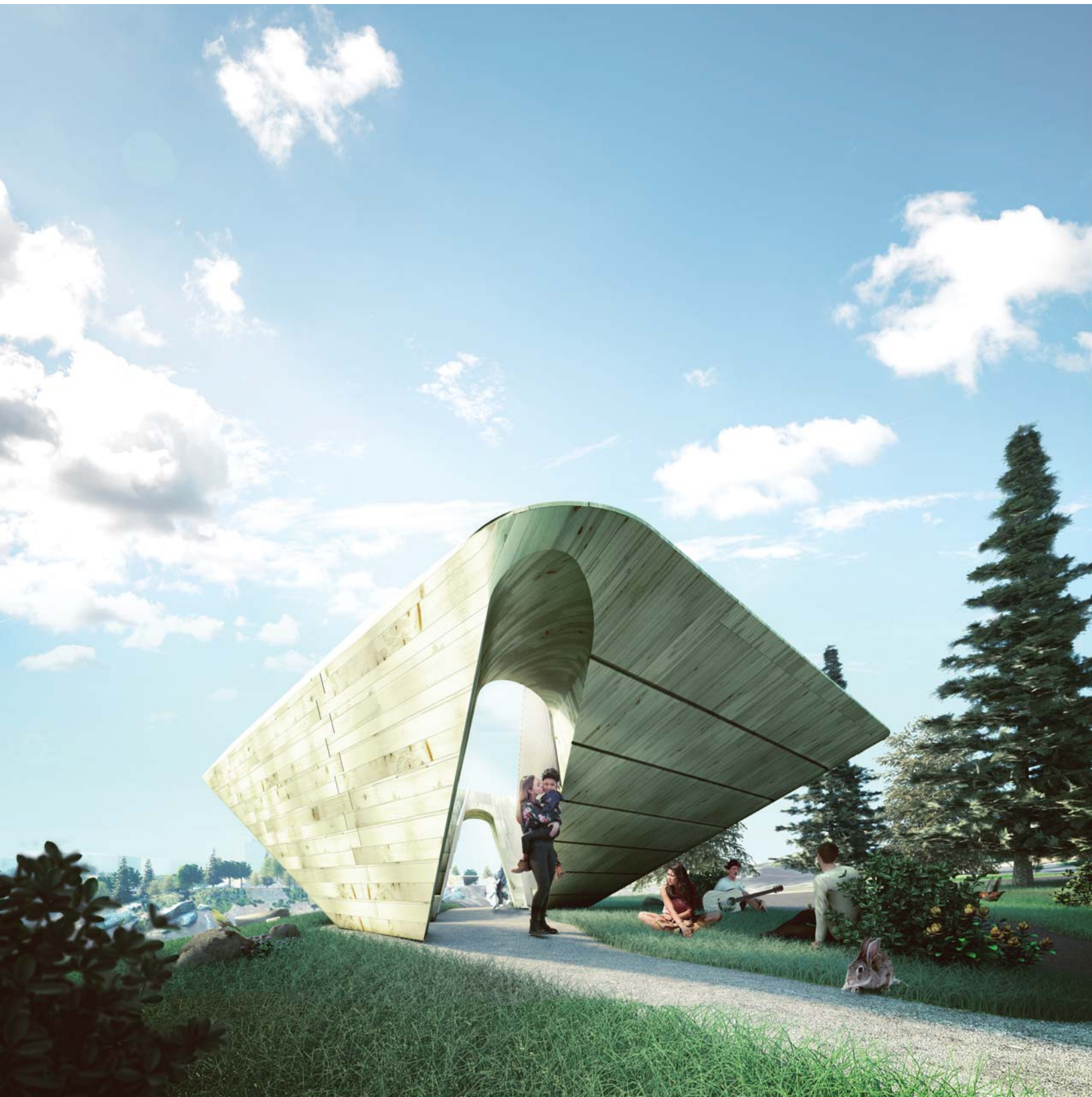
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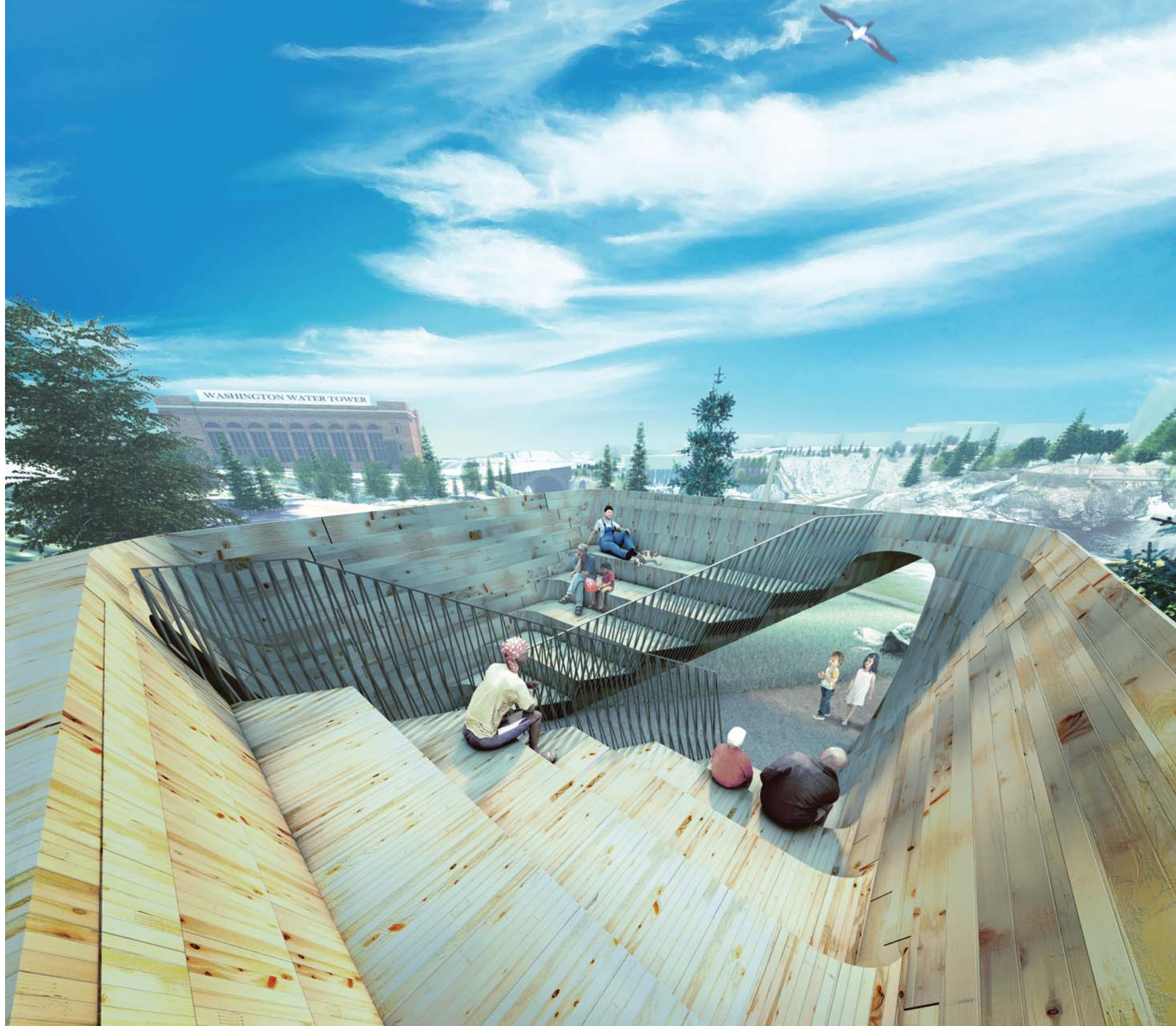
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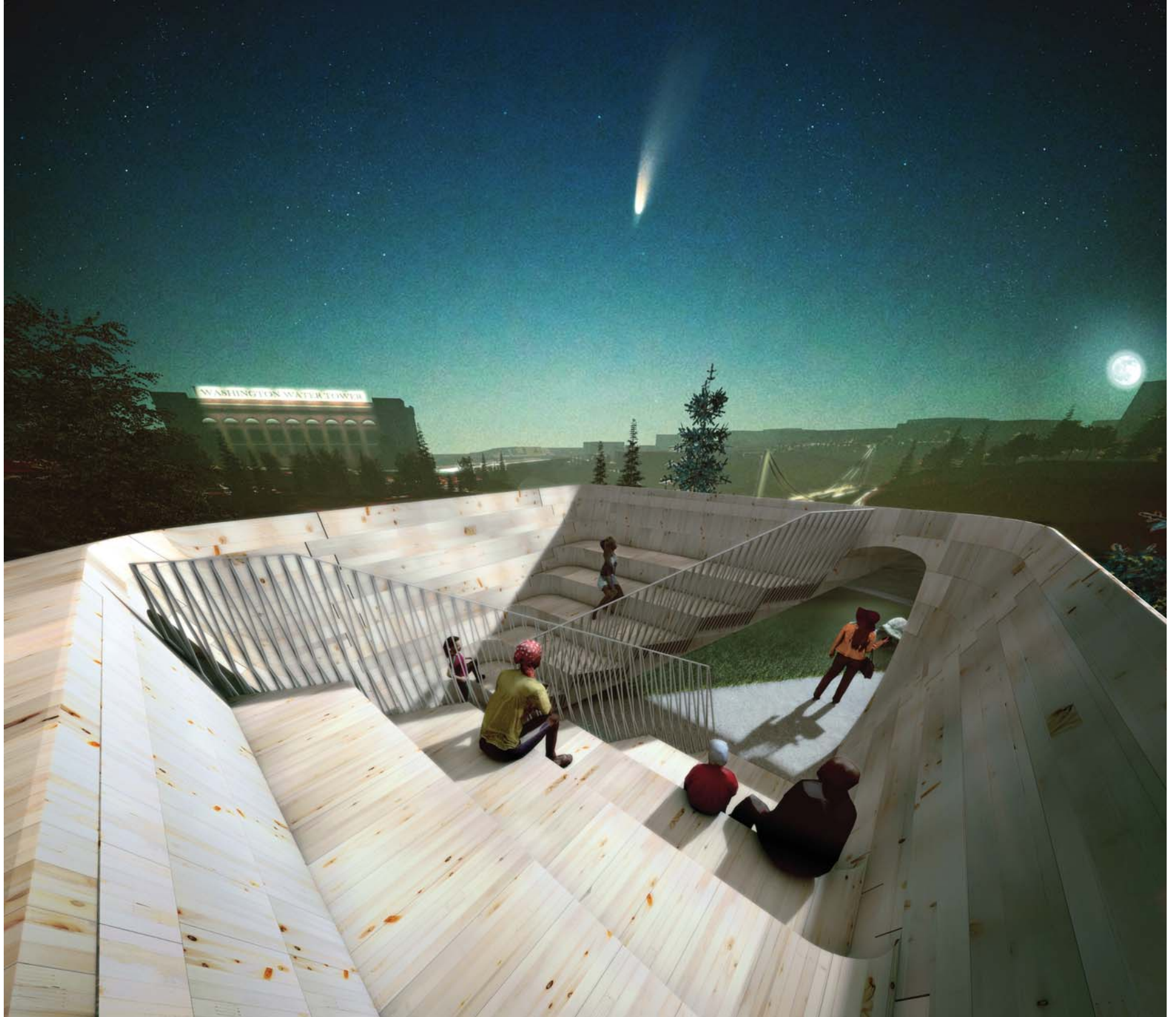
Approved as to form:

By: _____
City Clerk

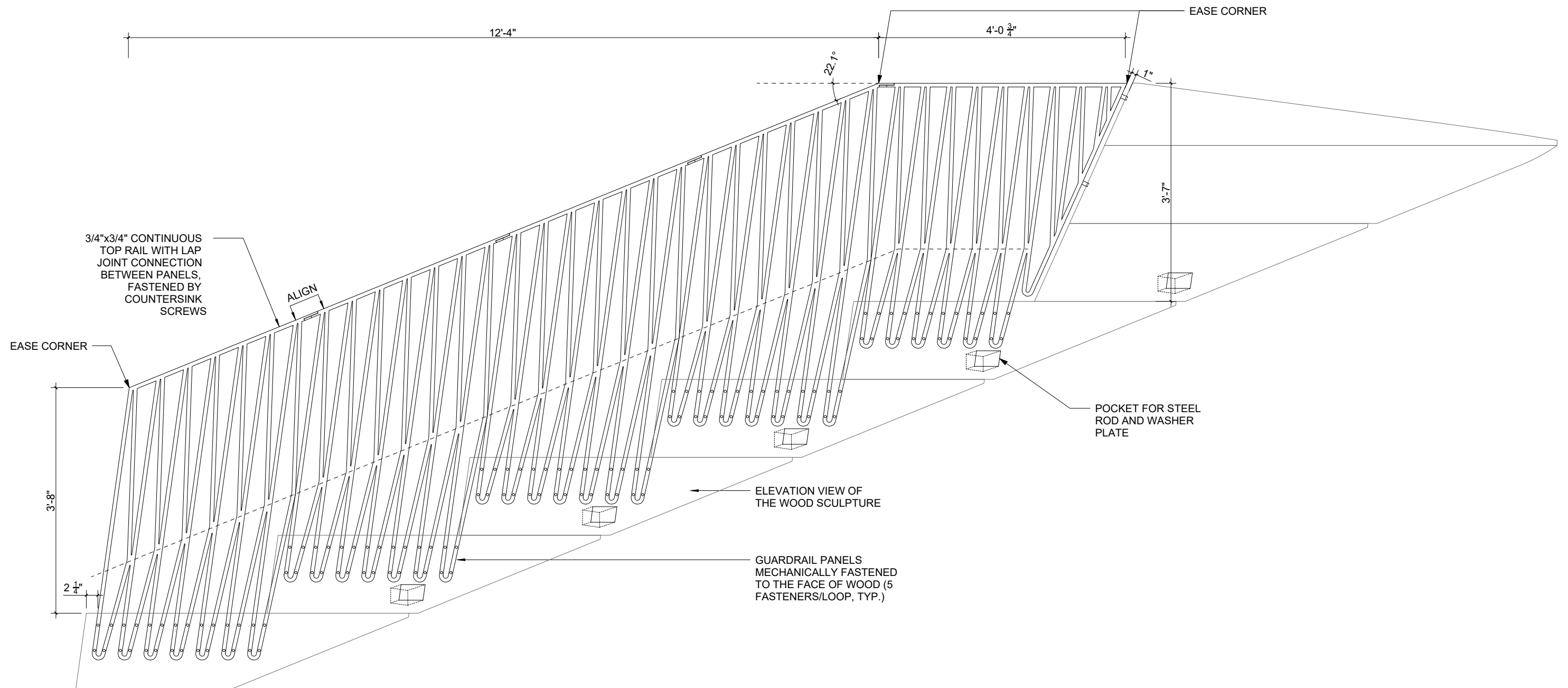
Assistant City Attorney



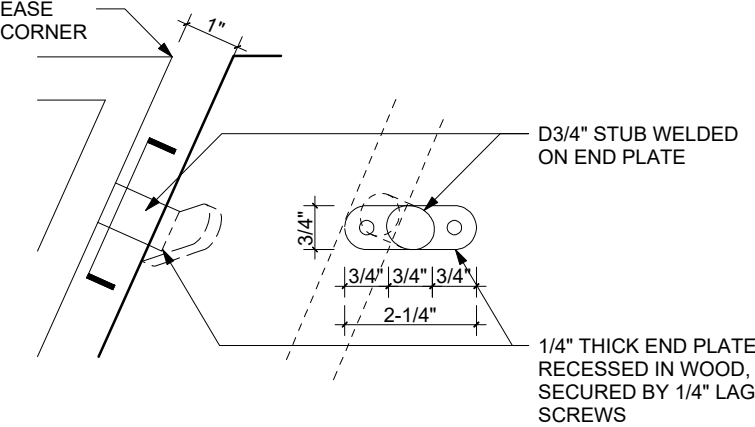




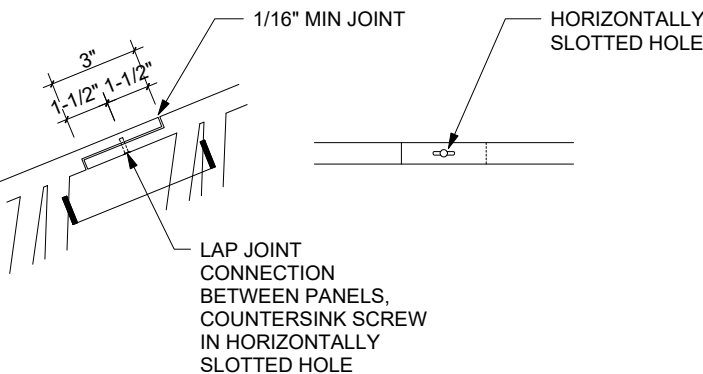




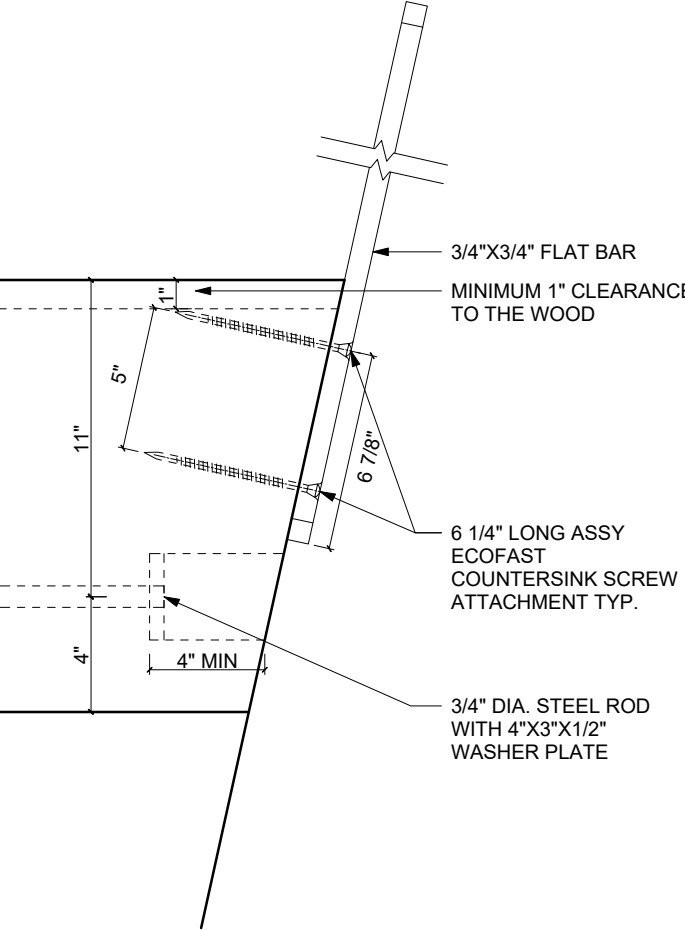
ELEVATION



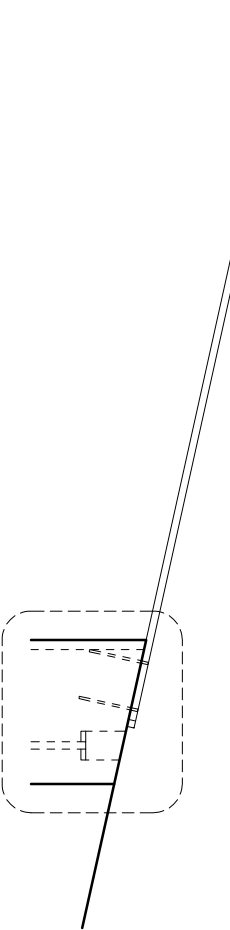
DETAIL - END CONNECTION AT END PANEL



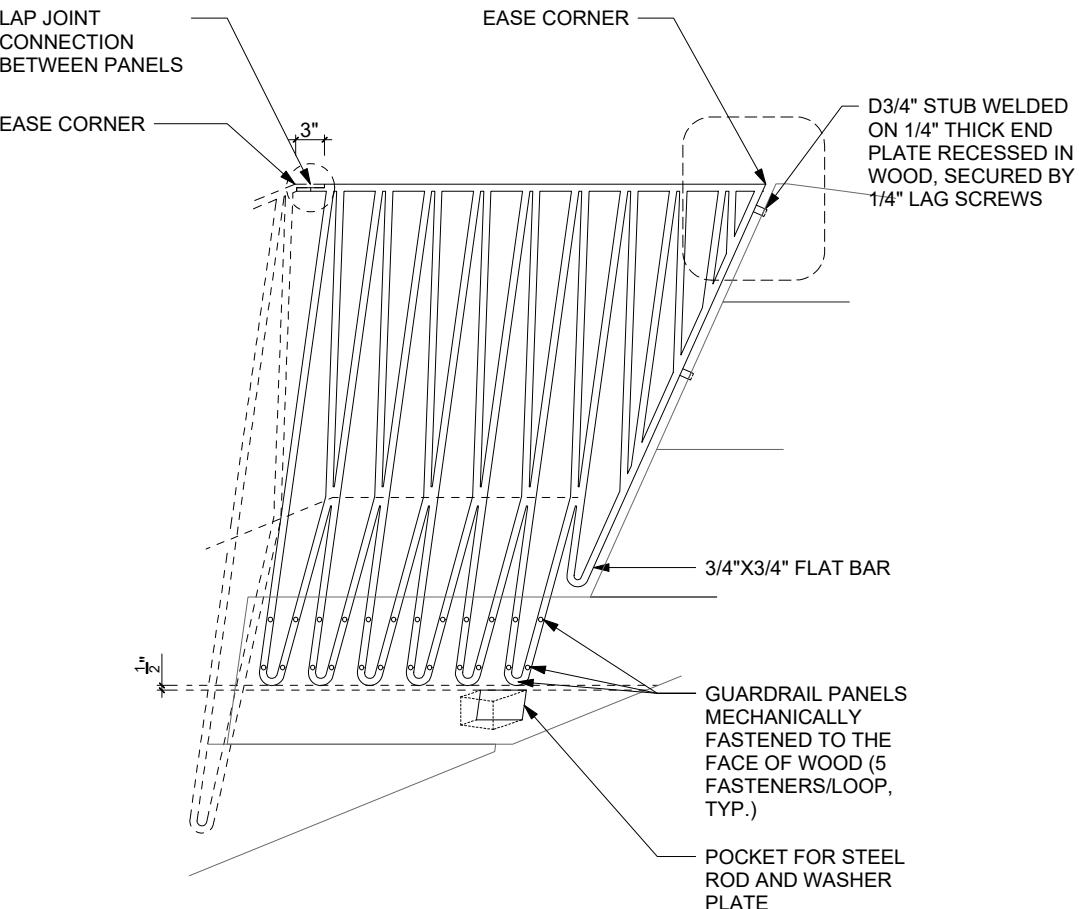
DETAIL - TOP RAIL LAP JOINT CONNECTION



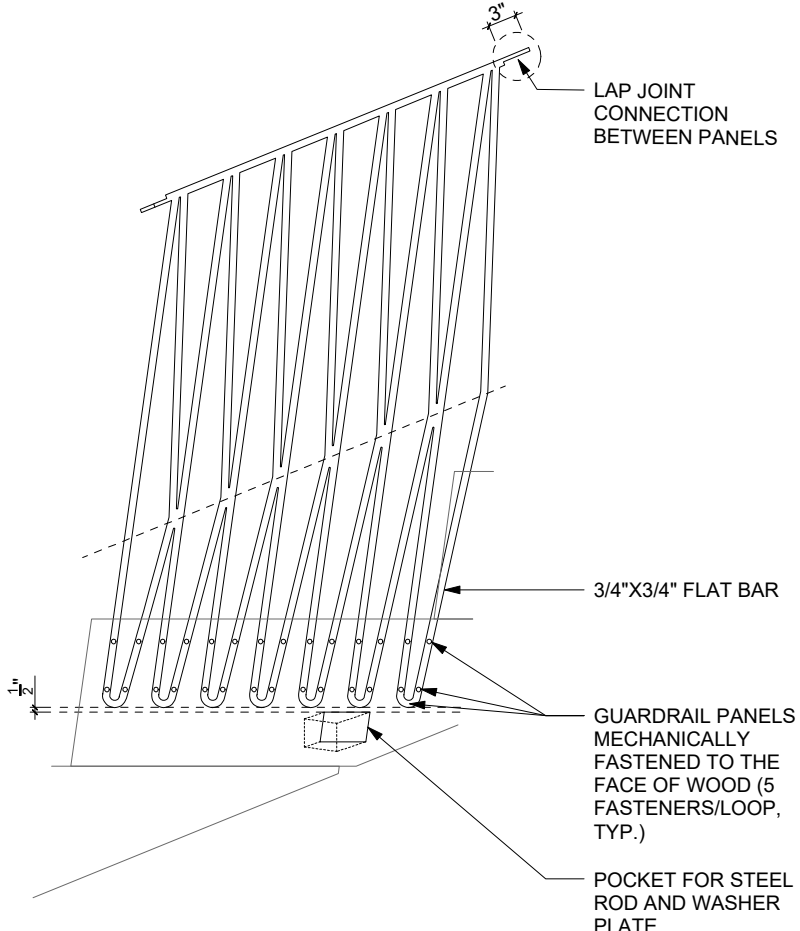
DETAIL - TYPICAL GUARDRAIL TO WOOD CONNECTION



TYPICAL SECTION



END PANEL (X2)



TYPICAL PANEL (X8)

Updated: 10/21/2019 3:23 PM

CITY OF SPOKANE
PARKS AND RECREATION DEPARTMENT
CHANGE ORDER NO. 08

NAME OF CONTRACTOR: LaRiviere, Inc

PROJECT TITLE: North Bank Playground

PROJECT NUMBER: 5188-19

=====

DESCRIPTION OF CHANGE:

Item 1: PCO 39 M&O Framing Changes	\$	10,181.69
Item 2: PCO 45 Install Owner-furnished flood lights	\$	5,663.78
Item 3: PCO 46 Restroom fixture power	\$	6,354.34
Item 4: PCO 47 Relocate heaters	\$	12,017.12
Item 5: PCO 48 Damper power/control	\$	5,205.20
Item 6: PCO 49 Exhaust fan occupancy sensors	\$	4,606.50
Item 7: PCO 50 Add camera conduit	\$	1,157.32
Item 8: PCO 51 Export unsuitable soils and debris	\$	6,447.13
Item 9: PCO 52 Rebuild Bark sign; cliff masonry at pipe	\$	7,175.44

=====

TOTAL AMOUNT: \$ 58,808.52

CONTRACT SUM (INCLUDES SALES TAX)	
ORIGINAL CONTRACT SUM (INCLUDE ALTERNATES)	\$ 8,454,218.46
NET AMOUNT OF PREVIOUS CHANGE ORDERS	\$ 840,220.69
CURRENT CONTRACT AMOUNT	\$ 9,294,439.15
CURRENT CHANGE ORDER (INCLUDES SALES TAX)	\$ 58,808.52
REVISED CONTRACT SUM	\$ 9,353,247.67

CONTRACT COMPLETION DATE	
ORIGINAL CONTRACT COMPLETION DATE	11/16/20
CURRENT COMPLETION DATE	01/05/21
REVISED COMPLETION DATE	NA

Contractor's Acceptance: _____ Date: _____

City Approval: _____ Date: _____

Attest: _____ City Clerk

Pre-Approved as to form: James Richman, Assistant City Attorney

Contractor: LARIVIERE INC.

Project: North Bank Playground

PCO 039 RFI 50 & 51 Added Framing & Flashings REV1

Scope of change:

RFI#50 directs contractor to add flashings around doors in the CMU veneer to close the gap between door frames and veneer block.

RFI#51 directs the contractor to add metal stud framing behind the veneer to support the sheathing and CMU installations.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$418.37
Total Charges for Material - from page two (2)	\$570.40
Total Charges for Equipment - from page two (2)	\$0.00
Total Allowable Charges for Subcontractors - from page two (2)	\$8,119.44
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$9,108.21
Bond -	\$113.85
Liability Insurance -	\$100.19
Builders Risk Insurance -	\$27.32
TOTAL	\$9,349.58
Washington State Sales Tax 8.9%	\$832.11
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$10,181.69

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: _____

Matt Nason, Project Manager

Date Submitted: _____

11/18/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____

Date Approved: _____

LABOR			
Detailed Labor Take-off			284.22
Labor Burden	28%		79.58
Supervision	0%		0.00
Allowance For Overhead & Profit	15%		54.57
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT			418.37

MATERIAL			
Material from detailed material Take-off sheets			496.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.			0.00
Freight from vendor to job sit if not already included in above material costs.			0.00
Applicable Sales Tax on Material Costs	0.00%		0.00
Allowance For Overhead & Profit	15%		74.40
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT			570.40

EQUIPMENT			
Equipment from detailed materials take off sheets			0.00
Equipment Description	Est Usage	Rate	0.00
Equipment Description	Est Usage	Rate	0.00
Applicable Sales Tax on Equipment	0.00%		0.00
Allowance For Overhead & Profit	15%		0.00
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT			0.00

SUBS			
Subs from detailed material Take-off sheets			\$7,518.00
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Allowance For Overhead & Profit	8%		601.44
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT			\$8,119.44

EXTENDED TIME IMPACTS			
Time Impact caused by this change 0 days. Costs are per cal. day.			
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT			\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 045 Flood Lights

Scope of change:

Contractor requested to install (5) additional flood lights. 3 against the north rock wall and 2 at the below the inscription on the GFRC. Flood lights to be supplied by owner.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$553.59
Total Charges for Material - from page two (2)	\$0.00
Total Charges for Equipment - from page two (2)	\$368.00
Total Allowable Charges for Subcontractors - from page two (2)	\$4,145.04
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$5,066.63
Bond -	\$63.33
Liability Insurance -	\$55.73
Builders Risk Insurance -	\$15.20
TOTAL	\$5,200.90
Washington State Sales Tax 8.9%	\$462.88
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$5,663.78

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: 
 Matt Nason, Project Manager

Date Submitted: 11/4/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____

Date Approved: _____

LABOR			
Detailed Labor Take-off			376.08
Labor Burden	28%		105.30
Supervision	0%		0.00
Allowance For Overhead & Profit	15%		72.21
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT			553.59

MATERIAL			
Material from detailed material Take-off sheets			0.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.			0.00
Freight from vendor to job sit if not already included in above material costs.			0.00
Applicable Sales Tax on Material Costs	0.00%		0.00
Allowance For Overhead & Profit	15%		0.00
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT			0.00

EQUIPMENT			
Equipment from detailed materials take off sheets			320.00
Equipment Description	Est Usage	Rate	0.00
Equipment Description	Est Usage	Rate	0.00
Applicable Sales Tax on Equipment	0.00%		0.00
Allowance For Overhead & Profit	15%		48.00
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT			368.00

SUBS			
Subs from detailed material Take-off sheets			\$3,838.00
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Allowance For Overhead & Profit	8%		307.04
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT			\$4,145.04

EXTENDED TIME IMPACTS			
Time Impact caused by this change	0	days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT			\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 046 Restroom Fixture Power

Scope of change:

RFI#59 provides direction to add power for the electric hand dryers.

RFI#63 provides direction to add power for the electric flush and faucet valves for the restrooms.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$0.00
Total Charges for Material - from page two (2)	\$0.00
Total Charges for Equipment - from page two (2)	\$0.00
Total Allowable Charges for Subcontractors - from page two (2)	\$5,684.39
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$5,684.39
Bond -	\$71.05
Liability Insurance -	\$62.53
Builders Risk Insurance -	\$17.05
TOTAL	\$5,835.02
Washington State Sales Tax 8.9%	\$519.32
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$6,354.34

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: 
 Matt Nason, Project Manager

Date Submitted: 12/1/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____

Date Approved: _____

LABOR		
Detailed Labor Take-off		0.00
Labor Burden	28%	0.00
Supervision	0%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

MATERIAL		
Material from detailed material Take-off sheets		0.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.		0.00
Freight from vendor to job sit if not already included in above material costs.		0.00
Applicable Sales Tax on Material Costs	0.00%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

EQUIPMENT		
Equipment from detailed materials take off sheets		0.00
Equipment Description	Est Usage Rate	0.00
Equipment Description	Est Usage Rate	0.00
Applicable Sales Tax on Equipment	0.00%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

SUBS		
Subs from detailed material Take-off sheets		\$5,263.32
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Allowance For Overhead & Profit	8%	421.07
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT		\$5,684.39

EXTENDED TIME IMPACTS		
Time Impact caused by this change	0 days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT		\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 047 Relocate Heaters REV1

Scope of change:

RFI#61 directs the relocation of (4) gas heaters in order to maintain the maximum exhaust venting lengths. Heaters and gas pipe had already been installed and portions of the electrical were complete.

Relocate gas line to eliminate riser going through mezzanine up to ceiling.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$278.91
Total Charges for Material - from page two (2)	\$0.00
Total Charges for Equipment - from page two (2)	\$63.25
Total Allowable Charges for Subcontractors - from page two (2)	\$10,407.96
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$10,750.12
Bond -	\$134.38
Liability Insurance -	\$118.25
Builders Risk Insurance -	\$32.25
TOTAL	\$11,035.00
Washington State Sales Tax 8.9%	\$982.12
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$12,017.12

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: 
 Matt Nason, Project Manager

Date Submitted: 12/1/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____

Date Approved: _____

LABOR		
Detailed Labor Take-off		189.48
Labor Burden	28%	53.05
Supervision	0%	0.00
Allowance For Overhead & Profit	15%	36.38
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT		278.91

MATERIAL		
Material from detailed material Take-off sheets		0.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.		0.00
Freight from vendor to job sit if not already included in above material costs.		0.00
Applicable Sales Tax on Material Costs	0.00%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

EQUIPMENT		
Equipment from detailed materials take off sheets		55.00
Equipment Description	Est Usage Rate	0.00
Equipment Description	Est Usage Rate	0.00
Applicable Sales Tax on Equipment	0.00%	0.00
Allowance For Overhead & Profit	15%	8.25
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT		63.25

SUBS		
Subs from detailed material Take-off sheets		\$9,637.00
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Allowance For Overhead & Profit	8%	770.96
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT		\$10,407.96

EXTENDED TIME IMPACTS		
Time Impact caused by this change	0 days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT		\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 048 RFI 58 & 62 Damper Power REV1

Scope of change:

RFI #62 confirms the dampers need line voltage power to interlock with exhaust fans not included in the electrical design.

RFI #58 adds access panels for motorized dampers in the hard lid areas.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$418.37
Total Charges for Material - from page two (2)	\$569.25
Total Charges for Equipment - from page two (2)	\$0.00
Total Allowable Charges for Subcontractors - from page two (2)	\$3,668.78
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$4,656.40
Bond -	\$58.21
Liability Insurance -	\$51.22
Builders Risk Insurance -	\$13.97
TOTAL	\$4,779.80
Washington State Sales Tax 8.9%	\$425.40
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$5,205.20

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: 
 Matt Nason, Project Manager

Date Submitted: 12/1/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____ Date Approved: _____

LABOR			
Detailed Labor Take-off			284.22
Labor Burden	28%		79.58
Supervision	0%		0.00
Allowance For Overhead & Profit	15%		54.57
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT			418.37

MATERIAL			
Material from detailed material Take-off sheets			495.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.			0.00
Freight from vendor to job sit if not already included in above material costs.			0.00
Applicable Sales Tax on Material Costs	0.00%		0.00
Allowance For Overhead & Profit	15%		74.25
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT			569.25

EQUIPMENT			
Equipment from detailed materials take off sheets			0.00
Equipment Description	Est Usage	Rate	0.00
Equipment Description	Est Usage	Rate	0.00
Applicable Sales Tax on Equipment	0.00%		0.00
Allowance For Overhead & Profit	15%		0.00
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT			0.00

SUBS			
Subs from detailed material Take-off sheets			\$3,397.02
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Allowance For Overhead & Profit	8%		271.76
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT			\$3,668.78

EXTENDED TIME IMPACTS			
Time Impact caused by this change	0	days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT			\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 049 RFI 64 Exhaust Fan Control REV1

Scope of change:

RFI#64 Adds occupancy sensors to control the exhaust fans in the restrooms and janitors room.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$0.00
Total Charges for Material - from page two (2)	\$0.00
Total Charges for Equipment - from page two (2)	\$0.00
Total Allowable Charges for Subcontractors - from page two (2)	\$4,120.83
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$4,120.83
Bond -	\$51.51
Liability Insurance -	\$45.33
Builders Risk Insurance -	\$12.36
TOTAL	\$4,230.03
Washington State Sales Tax 8.9%	\$376.47
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$4,606.50

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: 
 Matt Nason, Project Manager

Date Submitted: 12/1/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____

Date Approved: _____

LABOR		
Detailed Labor Take-off		0.00
Labor Burden	28%	0.00
Supervision	0%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

MATERIAL		
Material from detailed material Take-off sheets		0.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.		0.00
Freight from vendor to job sit if not already included in above material costs.		0.00
Applicable Sales Tax on Material Costs	0.00%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

EQUIPMENT		
Equipment from detailed materials take off sheets		0.00
Equipment Description	Est Usage Rate	0.00
Equipment Description	Est Usage Rate	0.00
Applicable Sales Tax on Equipment	0.00%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

SUBS		
Subs from detailed material Take-off sheets		\$3,815.58
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Allowance For Overhead & Profit	8%	305.25
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT		\$4,120.83

EXTENDED TIME IMPACTS		
Time Impact caused by this change	0 days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT		\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 050 Camera Conduit REV1

Scope of change:

Contractor requested to add power and control conduits to a future camera location at the southwest corner of the building.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$0.00
Total Charges for Material - from page two (2)	\$0.00
Total Charges for Equipment - from page two (2)	\$0.00
Total Allowable Charges for Subcontractors - from page two (2)	\$1,035.30
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$1,035.30
Bond -	\$12.94
Liability Insurance -	\$11.39
Builders Risk Insurance -	\$3.11
TOTAL	\$1,062.73
Washington State Sales Tax 8.9%	\$94.58
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$1,157.32

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: 
 Matt Nason, Project Manager

Date Submitted: 12/1/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____

Date Approved: _____

LABOR		
Detailed Labor Take-off		0.00
Labor Burden	28%	0.00
Supervision	0%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

MATERIAL		
Material from detailed material Take-off sheets		0.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.		0.00
Freight from vendor to job sit if not already included in above material costs.		0.00
Applicable Sales Tax on Material Costs	0.00%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

EQUIPMENT		
Equipment from detailed materials take off sheets		0.00
Equipment Description	Est Usage Rate	0.00
Equipment Description	Est Usage Rate	0.00
Applicable Sales Tax on Equipment	0.00%	0.00
Allowance For Overhead & Profit	15%	0.00
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT		0.00

SUBS		
Subs from detailed material Take-off sheets		\$958.61
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Subcontractor Name:	Proposal Date:	
Allowance For Overhead & Profit	8%	76.69
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT		\$1,035.30

EXTENDED TIME IMPACTS		
Time Impact caused by this change	0 days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT		\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 051 Unsuitable T&M

Scope of change:

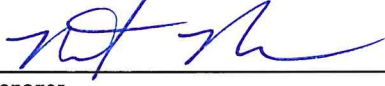
Sorting, Hauling & Disposal of Unsuitable Soils
 T&M Pricing October 21st to October 28th.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$2,115.96
Total Charges for Material - from page two (2)	\$812.48
Total Charges for Equipment - from page two (2)	\$2,865.80
Total Allowable Charges for Subcontractors - from page two (2)	\$0.00
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$5,794.23
Bond -	\$72.43
Liability Insurance -	\$63.74
Builders Risk Insurance -	\$17.38
TOTAL	\$5,947.78
Washington State Sales Tax 8.9%	\$529.35
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$6,477.13

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by:  Date Submitted: 11/20/20
 Matt Nason, Project Manager

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____ Date Approved: _____

LABOR			
Detailed Labor Take-off			1437.47
Labor Burden	28%		402.49
Supervision	0%		0.00
Allowance For Overhead & Profit	15%		275.99
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT			2115.96

MATERIAL			
Material from detailed material Take-off sheets			706.50
Other direct material not Specifically included in detailed take-off - Consumables, etc.			0.00
Freight from vendor to job sit if not already included in above material costs.			0.00
Applicable Sales Tax on Material Costs	0.00%		0.00
Allowance For Overhead & Profit	15%		105.98
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT			812.48

EQUIPMENT			
Equipment from detailed materials take off sheets			2492.00
Equipment Description	Est Usage	Rate	0.00
Equipment Description	Est Usage	Rate	0.00
Applicable Sales Tax on Equipment	0.00%		0.00
Allowance For Overhead & Profit	15%		373.80
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT			2,865.80

SUBS			
Subs from detailed material Take-off sheets			\$0.00
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Allowance For Overhead & Profit	8%		0.00
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT			\$0.00

EXTENDED TIME IMPACTS			
Time Impact caused by this change	0	days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT			\$0.00

Contractor: LARIVIERE INC.
 Project: North Bank Playground
 PCO 052 Added Masonry

Scope of change:

Add masonry veneer to concrete where storm pipe enters the park along the north rock wall

Recreate the brick/basalt work at the base of the relocated "Blackbird" sign.

RECAP OF CHANGE ORDER PRICING DETAIL

Total Charges for Labor and Labor Burden - from page two (2)	\$278.91
Total Charges for Material - from page two (2)	\$92.00
Total Charges for Equipment - from page two (2)	\$0.00
Total Allowable Charges for Subcontractors - from page two (2)	\$6,048.00
Total Allowable Charges for time impacts - from page two (2)	\$0.00
Subtotal	\$6,418.91
Bond -	\$80.24
Liability Insurance -	\$70.61
Builders Risk Insurance -	\$19.26
TOTAL	\$6,589.02
Washington State Sales Tax 8.9%	\$586.42
TOTAL CHARGES FOR CHANGE ORDER PER CONTRACT	\$7,175.44

Contract Pricing Certification:

We hereby certify that the pricing in this change order proposal is current, accurate, and in accordance with the contract agreement.

LaRiviere Submitted by: 
 Matt Nason, Project Manager

Date Submitted: 11/30/2020

Recommended for Payment by: _____ Date Approved: _____

Owner Approved by: _____

Date Approved: _____

LABOR			
Detailed Labor Take-off			189.48
Labor Burden	28%		53.05
Supervision	0%		0.00
Allowance For Overhead & Profit	15%		36.38
TOTAL LABOR CHARGES FOR CHANGE ORDER PER CONTRACT			278.91

MATERIAL			
Material from detailed material Take-off sheets			80.00
Other direct material not Specifically included in detailed take-off - Consumables, etc.			0.00
Freight from vendor to job sit if not already included in above material costs.			0.00
Applicable Sales Tax on Material Costs	0.00%		0.00
Allowance For Overhead & Profit	15%		12.00
TOTAL MATERIAL CHARGES FOR CHANGE ORDER PER CONTRACT			92.00

EQUIPMENT			
Equipment from detailed materials take off sheets			0.00
Equipment Description	Est Usage	Rate	0.00
Equipment Description	Est Usage	Rate	0.00
Applicable Sales Tax on Equipment	0.00%		0.00
Allowance For Overhead & Profit	15%		0.00
TOTAL EQUIPMENT CHARGES FOR CHANGE ORDER PER CONTRACT			0.00

SUBS			
Subs from detailed material Take-off sheets			\$5,600.00
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Subcontractor Name:		Proposal Date:	
Allowance For Overhead & Profit	8%		448.00
TOTAL CHARGES FOR SUBCONTRACTOR WORK PER CONTRACT			\$6,048.00

EXTENDED TIME IMPACTS			
Time Impact caused by this change	0	days. Costs are	per cal. day.
TOTAL CHARGES FOR EXTENDED TIME IMPACTS PER CONTRACT			\$0.00

Spokane Park Board

Briefing Paper



Committee	Riverfront Park		
Committee meeting date	Dec. 7, 2020		
Requester	Berry Ellison	Phone number: 509-625-6276	
Type of agenda item	<input checked="" type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input type="radio"/> Action		
Type of contract/agreement	<input type="radio"/> New <input type="radio"/> Renewal/extension <input checked="" type="radio"/> Amendment/change order <input type="radio"/> Other		
City Clerks file (OPR or policy #)	OPR 2016-1022		
Item title: (Use exact language noted on the agenda)	Riverfront Park redevelopment budget amendment #12		
Begin/end dates	Begins: 12/10/2020	Ends:	<input checked="" type="checkbox"/> Open ended
Background/history: The budget amendment is necessary to properly allocate funds to various project budgets. The proposed budget reallocations are based on actual costs-to-date, forecasts, commitments of the Master Plan, agreements with other departments and Park Board authorized additional expenditures. Note: Anticipated under-runs of \$140,000 are proposed for other Parks Capital Projects including: \$20,000 for Seeking Place (Second Signature Art Piece) Site Improvements \$10,000 for Stepwell handrail Modifications \$20,000 for Vietnam Memorial Site Improvements \$90,000 for N Suspension Bridge			
Motion wording: Move to approve Riverfront Park redevelopment budget amendment #12			
Approvals/signatures outside Parks: <input type="radio"/> Yes <input checked="" type="radio"/> No If so, who/what department, agency or company: Name: _____ Email address: _____ Phone: _____			
Distribution: Parks – Accounting Parks – Pamela Clarke Requester: Berry Ellison Grant Management Department/Name: _____ <div style="float: right; text-align: right;"> JLBrown@spokanecity.org Dlarnold@spokanecity.org </div>			
Fiscal impact: <input checked="" type="radio"/> Expenditure <input type="radio"/> Revenue Amount: _____ Budget code: _____			
Vendor: <input checked="" type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB) <input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane <input type="checkbox"/> UBI: _____ Business license expiration date: _____ </div> <div> <input type="checkbox"/> W-9 (for new contractors/consultants/vendors) <input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors) <input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability) </div> </div>			



RIVERFRONT PARK REDEVELOPMENT BOND PROGRAM - DECEMBER 2020 SUMMARY

PROJECT DESCRIPTION		AUG - 2020 BASELINE BUDGET	CURRENT PROPOSED BL	VARIANCE to AUG 2020 BUDGET	OCT - 2020 Expended
1	CLOSED: RFP - SOUTH BANK WEST (REC RINK, GONDOLA MEADOW)	\$ 10,412,530	\$ 10,412,530	\$ -	\$ 10,412,530
2	CLOSED - RFP - SOUTH BANK CENTRAL (LOOFF CAROUSEL)	\$ 11,744,579	\$ 11,744,579	\$ -	\$ 11,744,579
4A/B	RFP - PROMENADES / W HAVERMALE	\$ 8,607,192	\$ 8,515,817	\$ (91,375)	\$ 7,694,004
5	RFP - US PAVILION	\$ 22,196,654	\$ 22,186,182	\$ (10,472)	\$ 22,184,809
6	RFP - snz mene/ & Other Parks Capital Projects	\$ 616,742	\$ 756,742	\$ 140,000	\$ 201,742
7	RFP - NORTH BANK	\$ 10,091,981	\$ 10,133,837	\$ 41,856	\$ 6,740,716
8	CLOSED: RFP - SOUTH BANK EAST	\$ 156,847	\$ 156,847	\$ -	\$ 156,847
SUBTOTAL		\$ 63,826,525	\$ 63,906,534	\$ 80,009	
9	RFP - PROGRAM LEVEL OWNER COSTS	\$ 4,568,767	\$ 4,488,758	\$ (80,009)	\$ 4,241,431
TOTAL		\$ 68,395,292	\$ 68,395,292	\$ -	\$ 63,376,658

Additional Budget Information

1	2015 Bond Amount	\$ 64,300,000
2	Life to date recognized Interest as of 7/14/2019	\$ 4,095,292
3	Bond Subtotal:	\$ 68,395,292

RIVERFRONT PARK REDEVELOPMENT PROGRAM - DECEMBER 2020 - NON BOND FUNDING SUMMARY					
#	Description	Amount Promised	Project	Date	Comment
1	Fund 1950 - Park Cumulative Reserve Fund	56,007	N BANK		Verified
2	Deadman Install (10.8k from Capital Budget to RR)	10,000	RR		Verified
3	Funds from Street Dept for lighting RR Alt#6	43,000	RR		Verified
4	Owner Scope - Skyride Relocation of Equipment	54,400	RR		Verified
5	Water Main Upgrade (10" to 18") MOU w_Utilities to HSBS (NTE 200k)	198,921	HSBS		Verified
6	Water Main Upgrade (10" to 18") MOU w_Utilities Promenades (NTE 570k)	624,811	PROM		Verified
7	Water Main Upgrades MOU w_Utilities to Looft (NTE 275k)	293,371	LOOFF		Verified
8	EPA Grant Funds for Brownfield Clean-up (200k less the AE Fee, based on dollars spent for Remediation in the 3 areas awarded in the Grant Scope)	177,500	PROM		Verified
9	EPA Grant Funds for Brownfield Clean-up (200k less the AE Fee, based on dollars spent for Remediation in the 3 areas awarded in the Grant Scope)	177,500	PAV		Verified
10	EPA Grant Funds for Brownfield Clean-up (200k less the AE Fee, based on dollars spent for Remediation in the 3 areas awarded in the Grant Scope)	150,000	N BANK		Verified
11	RCO Grant for Regional Playground	500,000	N BANK		Verified
12	Additional Funds - Rotary Group for Misters at Fountain	12,455	LOOFF		Verified
13	Rotary Fountain Contribution - Rotary Group for Donor Fish Engraving	7,567	LOOFF		Verified
14	CO#17 Light pole Replacement	4,569	RR		Verified
15	RFP Promenades - Foundation Funds	18,000	PROM		Verified
16	Entry Signage - Foundation Funds	1,000	PROM		Verified
17	CCD 11 - Additional 2" tap for Café & water service to Café; connection inside bldg	33,095	LOOFF		Verified
18	Looft CO#11 - Added Lighting (\$5326 + WSST \$468.69)	5,795	LOOFF		Verified
19	CO#8 - Added Wi-Fi - Budget from City IT dept (\$58,805+WSST \$5,174.84)	63,980	PROM		Verified
20	Sister Cities Funds for hardscape & Art installations (91,300NBF + 8,125tax = 99,426-total); construction	99,426	W HAV		Verified
21	RFP Avista Rebates - Rec Rink	4,000	RR	19-Jun	Verified
22	N. Bridge Historical Restoration Funds (Promenades)	77,200	PROM	19-Jun	Verified
23	Berger Costs - Grant Support (Program level)	24,982	PROGRAM	19-Jun	Verified
24	Parks funded W. Havermale -SPVV - Design	82,540	W HAV	19-Jun	Invoiced, not received
25	Sister cities grass pavers (West Havermale)	16,646	W HAV	19-Jun	Verified
26	Sister cities Avista Crane Pad (West Havermale)	33,822	W HAV	19-Jun	Verified
27	Sister city support/land expression non bond funding	5,000	W HAV	19-Jun	Verified
28	Intersection improvements for North Bank	119,000	N BANK	19-Jun	Verified
29	Change Lockers, add light blade music interface (5,348 + 476tax = \$5,824)	5,824	PAV	19-Oct	Verified
30	Parks foundation Promenades Centennial Trail	1,353	PROM	19-Oct	Verified
31	Avista added concrete pavers in lieu of concrete slab, additional amount + tax	167	W HAV	19-Oct	Verified
32	Parks foundation W. Havermale SPVV (restroom design)	22,500	W HAV	19-Oct	Verified
33	Arterial Street Fund (321,396 + 28,604 = \$350,000)	350,000	N BANK	19-Dec	Verified
34	1950 Parks Cumulative Funds (459,137 + 40,863 = \$500,000)	500,000	N BANK	19-Dec	Verified
35	Hooptown USA	366,909	N BANK	19-Dec	Verified
36	Parks Foundation for W Hav Playground (1,147,842 + 102,158 = \$1.25M)	1,250,000	W HAV	19-Dec	Verified
37	Spokane Arts for Stepwell handrails	5,000	W HAV	20-Jun	Approved
38	Roskelley Foundation - Climbing Rock	48,000	N BANK	20-Jun	Approved
39	Parks Foundation for N. Bank Small Expo Shelter	35,000	N BANK	20-Jun	Approved
38	Hooptown USA - Sound System Improvements	10,849	N BANK	20-Jun	Approved
39	Hooptown USA - BB Court - PT Slab Size & pavers	18,669	N BANK	20-Nov	Approved
40					
Total Program Non Bond Funds		5,508,858			
Total Program Bond Funds		68,395,292			
Total Program Funds		73,904,150			



Updated Through: 10/31/2020

RIVERFRONT PARK REDEVELOPMENT PROJECT OVERVIEW
City of Spokane, Parks and Recreation

Report in whole dollars

	BOND FUNDING			NON BOND FUNDING			TOTAL
PROJECT BUDGET	Budget	*Total Committed	Available Budget	Budget	*Total Committed	Available Budget	AVAILABLE BUDGET
CONSTRUCTION SUBTOTAL:	47,164,180	47,429,744	(265,564)	4,947,773	4,681,992	265,781	217
PROJECT DESIGN SUBTOTAL:	3,936,716	3,936,716	-	135,022	135,022	-	-
CONSTRUCTION SERVICES SUBTOTAL:	5,082,597	5,082,597	-	77,601	77,601	-	-
OTHER CAPITALIZED COSTS SUBTOTAL:	1,171,158	1,126,518	44,640	33,572	14,775	18,797	63,437
BOND FEE SUBTOTAL:	426,770	426,770	-	-	-	-	-
PROGRAM LEVEL CONTINGENCY SUBTOTAL	44,494	-	44,494	-	-	-	44,494
CLOSED PROJECTS	10,569,378	10,569,378	-	314,890	314,890	-	-
RIVERFRONT PARK GRAND TOTAL:	68,395,293	68,571,723	(176,430)	5,508,858	5,224,280	284,578	108,148

* Total Committed = Expenses, Encumbrances, and Encumbrances in Process

RFP - PROMENADE and WEST HAVERMALE
49574

Report in whole dollars

	BOND FUNDING			NON BOND FUNDING			TOTAL
PROJECT BUDGET	Budget	*Total Committed	Available Budget	Budget	*Total Committed	Available Budget	AVAILABLE BUDGET
CONSTRUCTION SUBTOTAL:	6,978,486	6,978,486	-	2,265,299	2,265,299	-	-
PROJECT DESIGN SUBTOTAL:	702,801	702,801	-	110,040	110,040	-	-
CONSTRUCTION SERVICES SUBTOTAL:	341,457	341,457	-	70,034	70,034	-	-
OTHER CAPITALIZED COSTS SUBTOTAL:	493,073	473,073	20,000	33,572	14,775	18,797	38,797
RFP PROMENADE GRAND TOTAL:	8,515,817	8,495,817	20,000	2,478,945	2,460,148	18,797	38,797

* Total Committed = Expenses, Encumbrances, and Encumbrances in Process

RFP - PAVILION
49575

Report in whole dollars

	BOND FUNDING			NON BOND FUNDING			TOTAL
PROJECT BUDGET	Budget	*Total Committed	Available Budget	Budget	*Total Committed	Available Budget	AVAILABLE BUDGET
CONSTRUCTION SUBTOTAL:	20,598,669	20,598,669	-	183,324	183,324	-	-
PROJECT DESIGN SUBTOTAL:	26,654	26,654	-	-	-	-	-
CONSTRUCTION SERVICES SUBTOTAL:	1,429,296	1,429,296	-	-	-	-	-
OTHER CAPITALIZED COSTS SUBTOTAL:	131,563	131,923	(360)	-	-	-	(360)
RFP PAVILION GRAND TOTAL:	22,186,182	22,186,542	(360)	183,324	183,324	-	(360)

* Total Committed = Expenses, Encumbrances, and Encumbrances in Process

RFP - sxnw mene & Other Parks Capital Projects
49576

Report in whole dollars

	BOND FUNDING			NON BOND FUNDING			TOTAL
PROJECT BUDGET	Budget	*Total Committed	Available Budget	Budget	*Total Committed	Available Budget	AVAILABLE BUDGET
CONSTRUCTION SUBTOTAL:	755,000	755,000	-	-	-	-	-
PROJECT DESIGN SUBTOTAL:	-	-	-	-	-	-	-
CONSTRUCTION SERVICES SUBTOTAL:	1,742	1,742	-	-	-	-	-
OTHER CAPITALIZED COSTS SUBTOTAL:	-	-	-	-	-	-	-
RFP NORTHBANK GRAND TOTAL:	756,742	756,742	-	-	-	-	-

RFP - NORTHBANK
49577

Report in whole dollars

	BOND FUNDING			NON BOND FUNDING			TOTAL
PROJECT BUDGET	Budget	*Total Committed	Available Budget	Budget	*Total Committed	Available Budget	AVAILABLE BUDGET
CONSTRUCTION SUBTOTAL:	8,473,874	8,739,438	(265,564)	2,154,434	1,888,653	265,781	217
PROJECT DESIGN SUBTOTAL:	1,084,337	1,084,337	-	-	-	-	-
CONSTRUCTION SERVICES SUBTOTAL:	426,522	426,522	-	-	-	-	-
OTHER CAPITALIZED COSTS SUBTOTAL:	149,104	124,104	25,000	-	-	-	25,000
RFP NORTHBANK GRAND TOTAL:	10,133,837	10,374,401	(240,564)	2,154,434	1,888,653	265,781	25,217

* Total Committed = Expenses, Encumbrances, and Encumbrances in Process

RFP - PROGRAM LEVEL
49579

Report in whole dollars

	BOND FUNDING			NON BOND FUNDING			TOTAL
PROJECT BUDGET	Budget	*Total Committed	Available Budget	Budget	*Total Committed	Available Budget	AVAILABLE BUDGET
CONSTRUCTION SUBTOTAL:	193,133	193,133					
PROJECT DESIGN SUBTOTAL:	1,129,680	1,129,680		24,982	24,982		
CONSTRUCTION SERVICES SUBTOTAL:	2,405,292	2,405,292					
OTHER CAPITALIZED COSTS SUBTOTAL:	289,389	289,389					
BOND FEE SUBTOTAL:	426,770	426,770					
CONTINGENCY SUBTOTAL:	44,494		44,494				44,494
RFP PROGRAM LEVEL GRAND TOTAL:	4,488,758	4,444,264	44,494	24,982	24,982	-	44,494

* Total Committed = Expenses, Encumbrances, and Encumbrances in Process



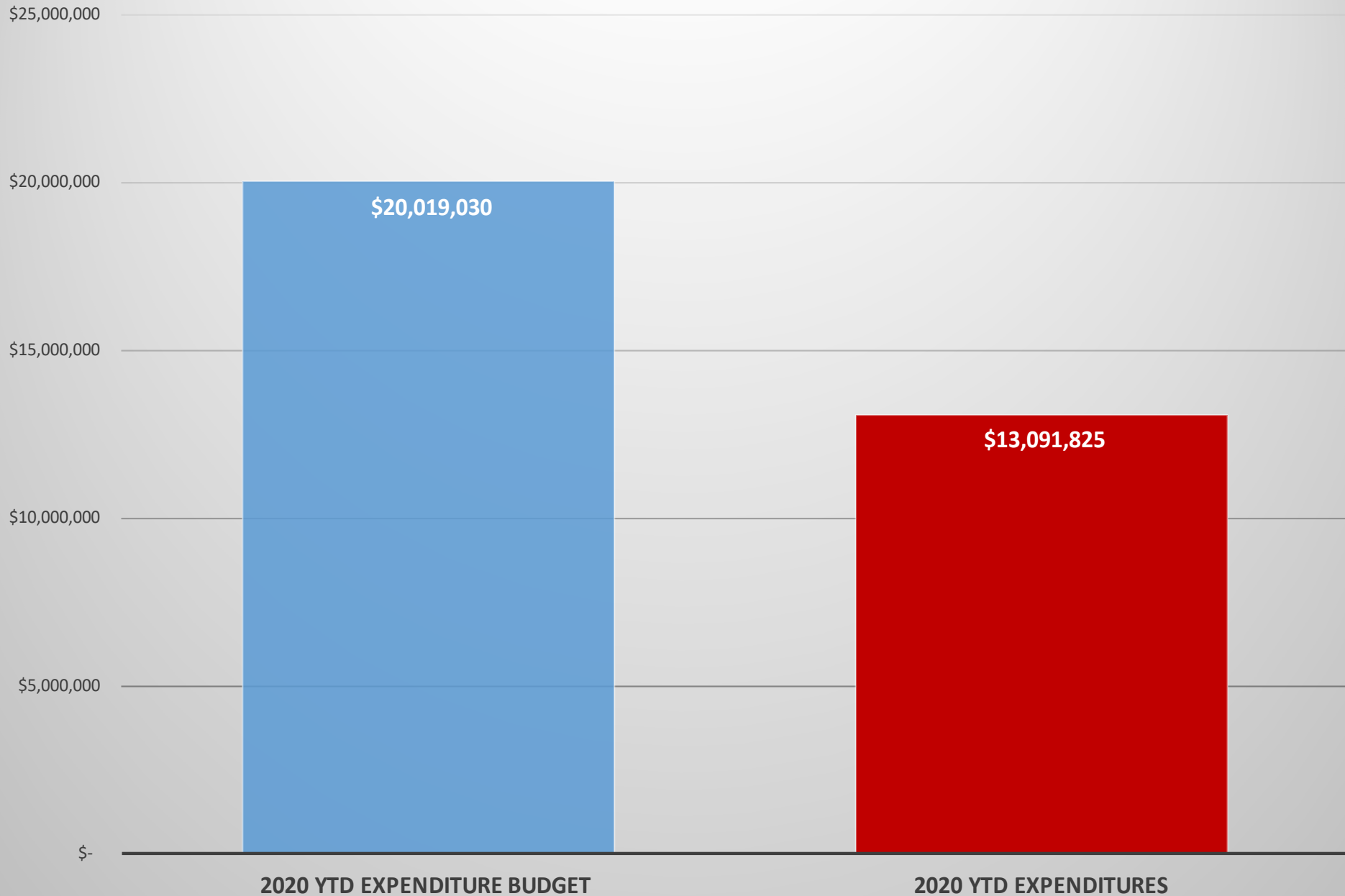
City of Spokane
PARKS
& RECREATION

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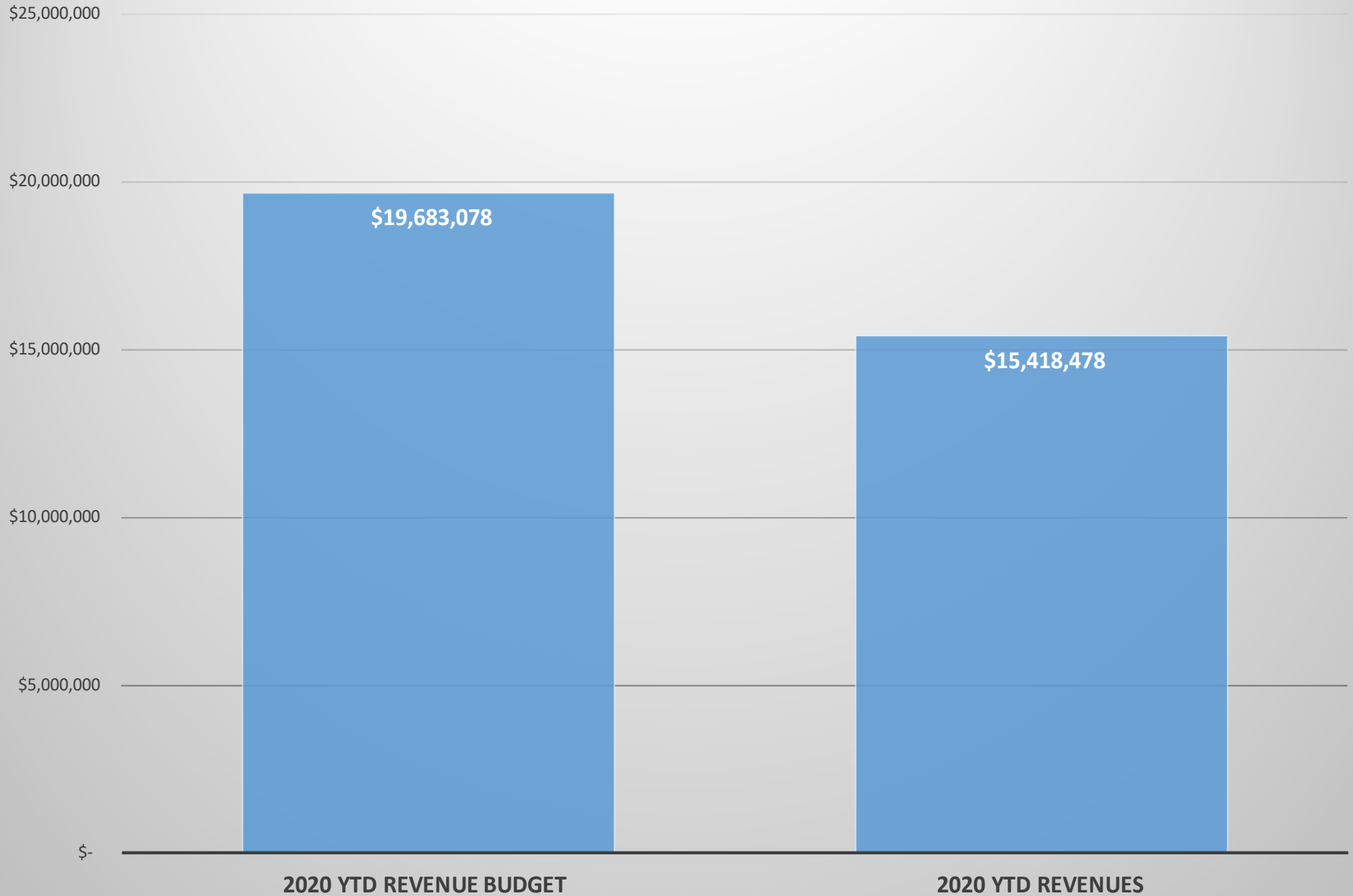
Park Fund

November 2020 Expenditures vs. Historical Budget Average



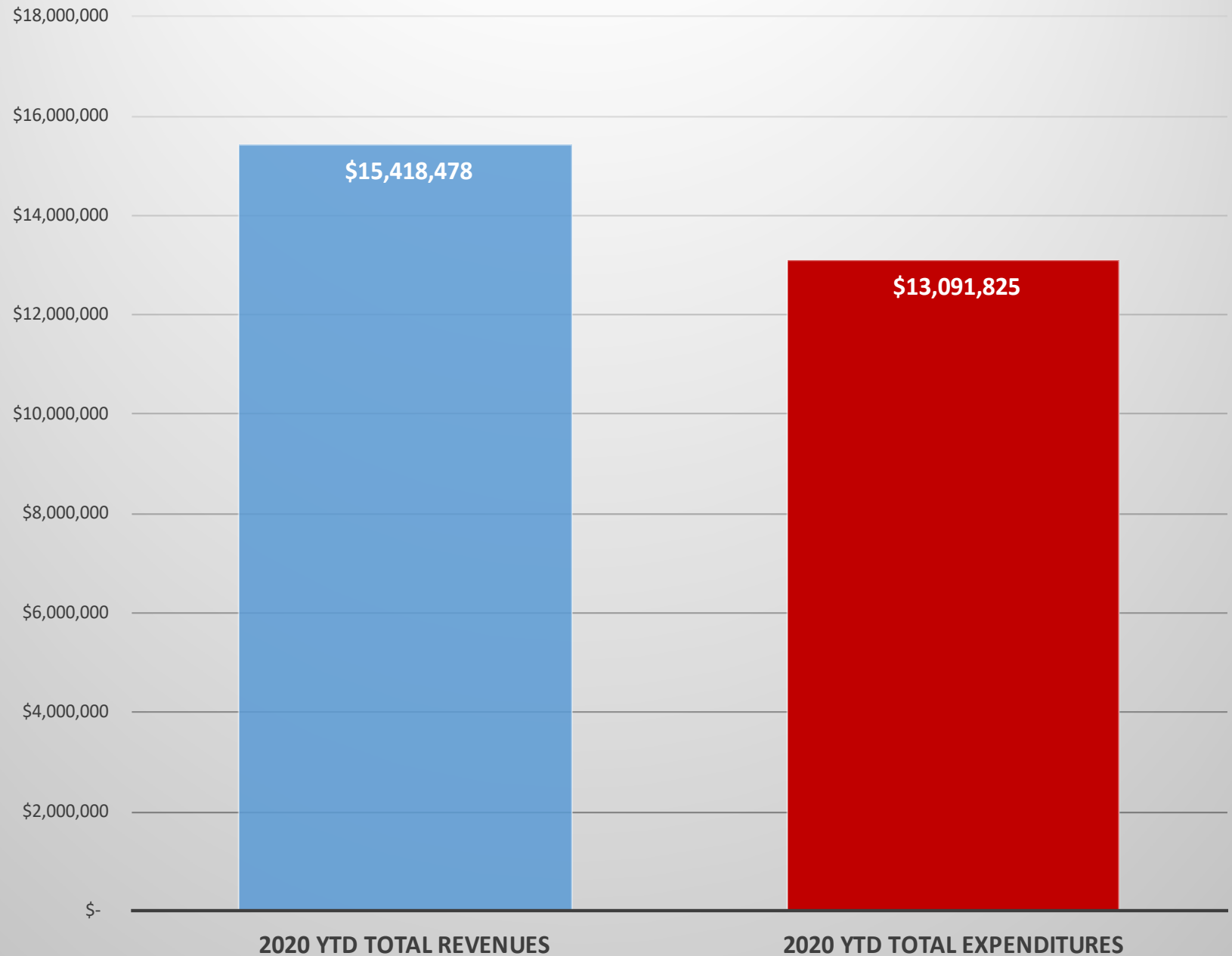
Park Fund

November 2020 Total Revenues vs. Historical Budget Average



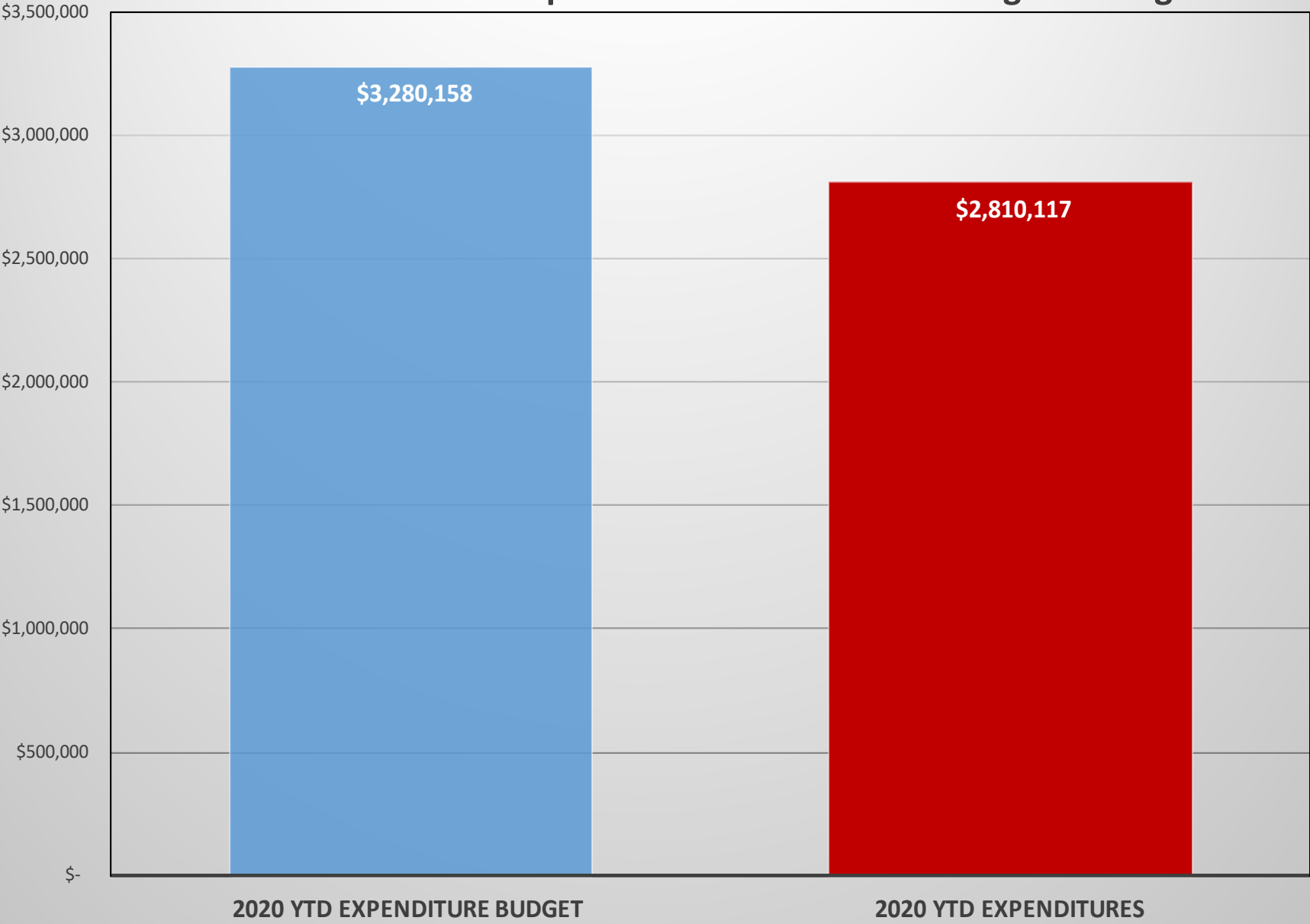
Park Fund

Total November 2020 YTD Expenditures vs. Total YTD Revenues



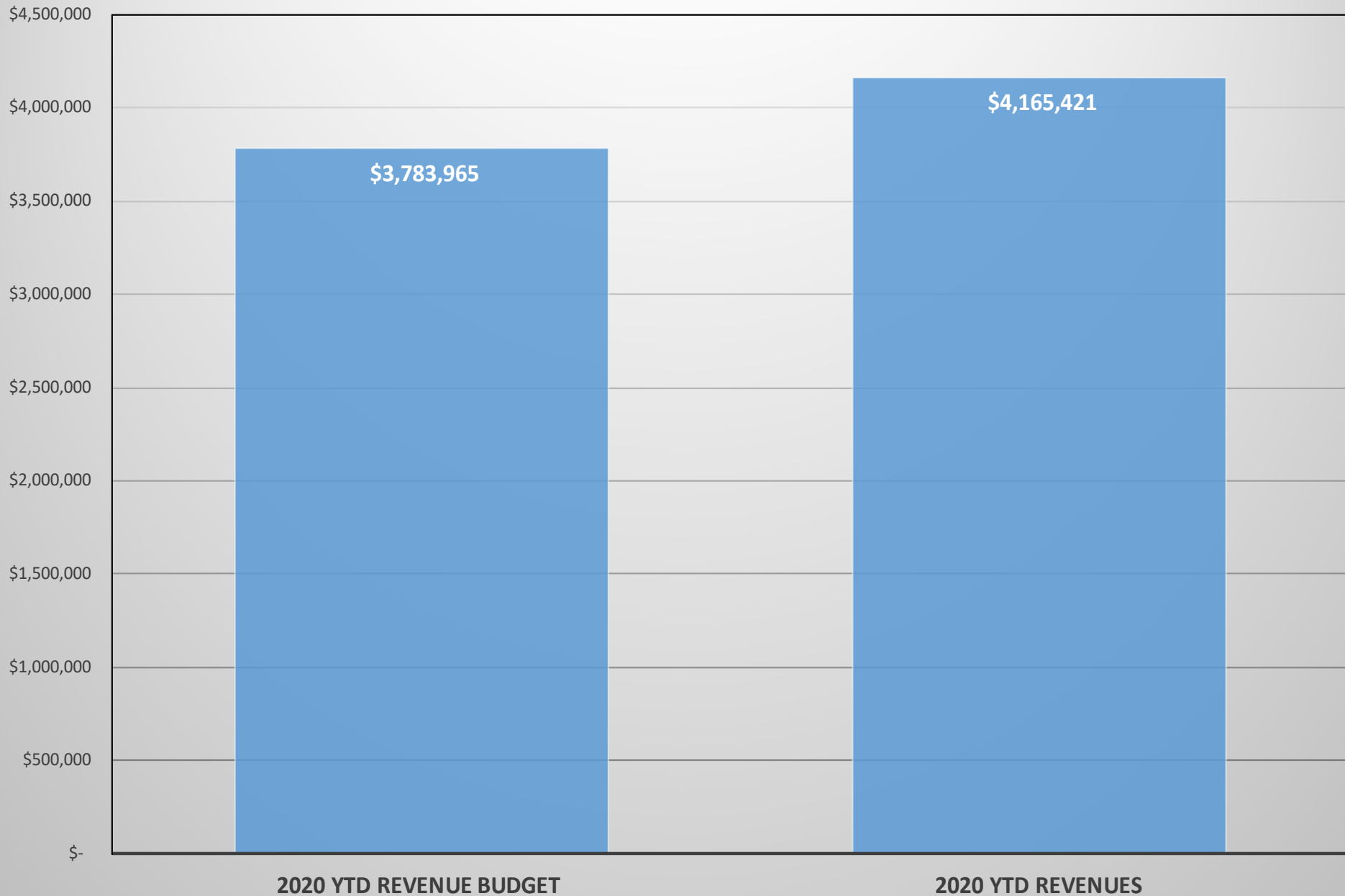
Golf Fund

November 2020 Expenditures vs. Historical Budget Average



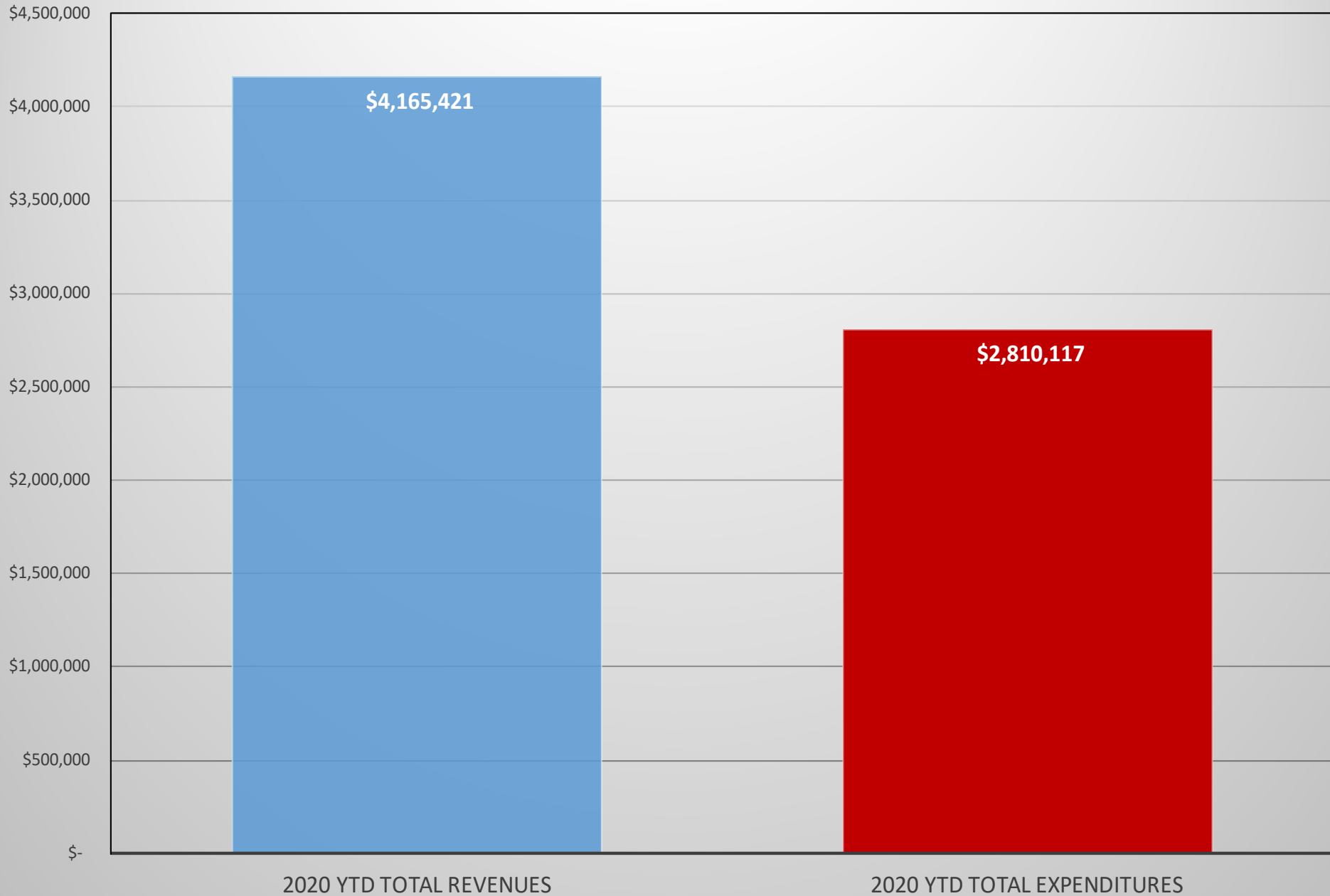
Golf Fund

November 2020 Total Revenues vs. Historical Budget Average



Golf Fund

Total November 2020 YTD Expenditures vs. Total YTD Revenues



Project Component	Budget Adopted June 2020	Expended as of November 30, 2020	Committed to Date	Budget Balance
1. South Bank West	\$ 10,412,530.00	\$ 10,412,530.00	\$ -	\$ -
2. South Bank Central	\$ 11,744,579.00	\$ 11,744,579.00	\$ -	\$ -
3. Howard St. SC Bridge	\$ -	\$ -	\$ -	\$ -
4. Promenades & Cent. Trail	\$ 8,607,192.00	\$ 7,932,523.00	\$ 468,973.46	\$ 224,695.54
5. Havermale Island	\$ 22,196,654.00	\$ 22,184,809.00	\$ 1,372.55	\$ 10,472.45
6. snxw mene?	\$ 616,742.00	\$ 201,742.00	\$ -	\$ 415,000.00
7. North Bank	\$ 10,091,981.00	\$ 7,925,950.00	\$ 2,507,590.49	\$ 8,300.08
8. South Bank East	\$ 156,847.00	\$ 156,847.00	\$ -	\$ -
Program Level	\$ 4,568,767.00	\$ 4,241,550.00	\$ 187,833.22	\$ 139,383.78
Total	\$ 68,395,292.00	\$ 64,800,530.00	\$ 3,165,769.72	\$ 797,851.85

Spokane Park Board

Briefing Paper



Committee	Golf		
Committee meeting date	Dec. 8, 2020		
Requester	Jason Conley	Phone number: 625-6211	
Type of agenda item	<input type="radio"/> Consent <input type="radio"/> Discussion <input type="radio"/> Information <input checked="" type="radio"/> Action		
Type of contract/agreement	<input type="radio"/> New <input type="radio"/> Renewal/extension <input checked="" type="radio"/> Amendment/change order <input type="radio"/> Other		
City Clerks file (OPR or policy #)	OPR 2017-0114		
Item title: (Use exact language noted on the agenda)	Rob Sanders Contract Amendment (\$27,000)		
Begin/end dates	Begins: 12/10/2020	Ends: 12/31/2021	<input type="checkbox"/> Open ended
Background/history: In 2018, the Park Board approved a Resolution requesting a \$7.5 million loan from the Spokane Investment Pool (SIP), to fund golf course irrigation projects along with other course/facility improvements. The second loan installment was \$2.5 million for Esmeralda projects. Irrigation projects were expected to have a significant impact to course revenues during construction. Since the City has a contract with the Esmeralda Golf Professional to manage the customer experience; including tee times, driving range, lessons, food & beverage, merchandise, and golf cart rentals, the SIP resolution addressed the projected financial impacts to the Golf Professional and requires any financial compensation to the Professional to come back before the Park Board. Based on the average of a two-year financial look-back, the City owes the Golf Pro, \$27,000 in lost revenue. The proposed contract amendment will repay the Golf Pro with the Pro receiving 10% of green fees until the debt is repaid. The City will receive 90% of green fees during this repayment cycle.			
Motion wording: Approve contract amendment with Rob Sanders, Golf Professional d/b/a Sandbaggers Club LLC for the 2021 golf season to repay \$27,000 in lost revenue to the Professional as a result of the Fall 2019/Spring 2020 course renovations.			
Approvals/signatures outside Parks: <input checked="" type="radio"/> Yes <input type="radio"/> No If so, who/what department, agency or company: Name: Rob Sanders Email address: rsanders@spokanecity.org Phone: 487-6291			
Distribution: Parks – Accounting Parks – Pamela Clarke Requester: Jason Conley Grant Management Department/Name:			
Fiscal impact: <input type="radio"/> Expenditure <input checked="" type="radio"/> Revenue Amount: \$27,000 Golf Revenues Budget code: Golf Enterprise Fund			
Vendor: <input checked="" type="radio"/> Existing vendor <input type="radio"/> New vendor Supporting documents: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Quotes/solicitation (RFP, RFQ, RFB) <input type="checkbox"/> Contractor is on the City's A&E Roster - City of Spokane <input type="checkbox"/> UBI: Business license expiration date: </div> <div> <input type="checkbox"/> W-9 (for new contractors/consultants/vendors) <input type="checkbox"/> ACH Forms (for new contractors/consultants/vendors) <input type="checkbox"/> Insurance Certificate (min. \$1 million in General Liability) </div> </div>			

Esmeralda Golf Professional 2021 Contract Amendment



Rob Sanders—Esmeralda 2021 Contract Amendment



- Parks and Recreation entered into a 5-year contract (with optional 5-year extension) with Rob Sanders in 2017 for Esmeralda Golf Course.
- 2018—Park Board passed a Resolution, authorizing a \$7.5 million loan from the Spokane Investment Pool(SIP) to upgrade the conditions at the 4 City courses.
- Second SIP golf construction project started in the fall of 2019, upgrading the Esmeralda Irrigation system. Project concluded in spring of 2020.

Rob Sanders—Esmeralda 2021 Contract Amendment



- Construction closed 2 holes of the course at a time, during the irrigation project.
- Impacts to course revenues were fully expected.
- The 2018 Park Board Resolution requires: “prior to commencement of any construction, Parks and Recreation staff shall confirm the compensation to be paid to each affected golf professional and identify the source of funds for such compensation, and shall have such compensation approved by the Park Board.”

Rob Sanders—Esmeralda 2021 Contract Amendment



Rob Sanders—Esmeralda 2021 Contract Amendment



Rob Sanders—Esmeralda 2020 Contract Amendment



- Financial Loss to the Golf Professional is calculated at \$56,584.18 (Based on 2-year adjusted average).
- Professional recognizes the City's investment in the course and is willing to accept \$27,000 as the negotiated financial impact to his operation.
- Pro compensation will come from the Golf Enterprise Fund revenues during the 2021 Season.

Revenue to Parks and Recreation Proposed



- 2% of gross receipts—driving range
- 2% of gross receipts—rental carts
- 1% of gross receipts—Pro Shop sales
- 50% of fee per person P&R golf lessons
- 40% of gross receipts—facility rentals
- 80% of gross receipts—course rentals (non golf)
- 90% of green fees ***NEW***

Revenue to Golf Professional Proposed



- 98% of gross receipts—driving range
- 98% of gross receipts—cart rentals
- 99% of gross receipts—Pro Shop sales
- 50% of fee per person P&R lessons
- 60% of gross receipts, facility rentals
- 100% of food and beverage sales
- 10% of green fees (until repayment is met)*NEW*

Recommendation



**Approve a contract amendment
with Rob Sanders, d/b/a
Sandbaggers Club LLC, for the 2021
Golf Season defining an updated
revenue sharing agreement**



City of Spokane
Parks and Recreation Division

CONTRACT AMMENDMENT

**COMMISSION SPLIT FOR OPERATION OF
THE ESMERALDA MUNICIPAL GOLF COURSE**

This Contract Amendment is made and entered into by and between the **CITY OF SPOKANE PARKS AND RECREATION DIVISION** as ("City"), a Washington municipal corporation, and **Rob Sanders, GOLF PROFESSIONAL d/b/a SANDBAGGERS CLUB, L.L.C.**, as ("Professional"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the parties entered into an Agreement wherein the Professional agreed to furnish all labor, supervision, organization and other items of work and costs necessary for the proper execution and completion of the services required of a Golf Professional at Esmeralda Municipal Golf Course, along with all facets of the operation and management of the Esmeralda Clubhouse facilities, Restaurant/Coffee Shop, Pro Shop, and Practice Range; and

WHEREAS, a change or revision of the Work has been requested, thus the original Contract needs to be formally Amended by this written document; and

NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The original Contract dated December 8, 2016, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. EFFECTIVE TERM. This Contract Amendment shall become effective on December 10, 2020.

3. AMENDMENT. The original Agreement is revised to read as follows:

Section 7. CONSIDERATION PAID TO THE PROFESSIONAL.

7.2 The City shall pay the Professional the following revenue, if applicable post accounting closing entries of the golf season:

For calendar year ~~2017-2019~~2021, the Professional will be entitled to revenue sharing calculated on the number of paid rounds of golf played at ESMERALDA, based on the average number of paid rounds played per year for the last ten (10) years. Rounds are defined as regular rounds, discount rounds, tournament rounds, and hotel rounds. For

calendar year ~~2017-2019~~2021, the adjusted average number of total rounds per year used to calculate revenue sharing is THIRTY FIVE THOUSAND (35,000). Therefore, revenue sharing for calendar year ~~2017-2019~~2021 will be calculated as follows:

If the total number of rounds in a calendar year is greater than THIRTY FIVE THOUSAND (35,000)/year but less than THIRTY FIVE THOUSAND NINE HUNDRED AND NINETY NINE (35,999) rounds per year, the Professional will receive TEN PERCENT (10%) of the increased revenue from those rounds.

If the total number of rounds in a calendar year is greater than THIRTY SIX THOUSAND (36,000)/year but less than THIRTY SIX THOUSAND NINE HUNDRED AND NINETY NINE (36,999) rounds per year, the Professional will receive TWENTY PERCENT (20%) of the increased revenue from all rounds greater than THIRTY FIVE THOUSAND (35,000).

If the total number of rounds in a calendar year is greater than THIRTY SEVEN THOUSAND (37,000)/year, the Professional will receive 30 PERCENT (30%) of the increased revenue from all rounds greater than THIRTY FIVE THOUSAND (35,000).

~~At the end of 2019 golf season, the parties will meet and determine any future revenue sharing criteria for the remaining two (2) years of this Agreement.~~

7.3 The City agrees to fund a pole barn, to store The Professional's carts during the 2021 golf season as partial consideration for the golf professional taking a lesser percentage of the green fees, and added percentage of range and cart rental fees. The City will make every reasonable attempt to construct the pole barn before March 15, 2017.

7.4 Revenue Sharing Amendment. The Park and Recreation Division, commenced capital projects for golf courses, beginning in the 2018 golf season. Indian Canyon golf course received a new irrigation system during the fall of 2019, and spring of 2020. This project closed (2 holes at a time) during the majority of this renovation. This partial closure had a direct impact on the number of golfers and impacted the revenues for the entire golf course operation. The Professional has documented revenue loss during the project period, compared to a two-year average of prior years in the amount of \$56,584.18. The Professional and the Parks Division have agreed to a settlement amount of \$27,000. Beginning in the 2021 golf season, until this dollar figure is fully reimbursed to the Professional, considerations will be modified from section 6.1 and 7.1 of the original contract accordingly.

Section 6.1 Parks and Recreation Division shall be entitled to the following:

- g. NINETY PERCENT (90%) of Green Fees, until settlement amount is reached.

Section 7.1 The Professional shall be entitled to the following:

- g. TEN PERCENT (10%) of Green Fees, until settlement amount is reached.

Upon full reimbursement of the \$27,000 revenue loss; revenue splits will return to prior contract language as outlined in the original contract. If the full reimbursement is not reached during the 2021 golf season, the City at its discretion, shall either reimburse the

Professional the remaining amount owed in cash, or if the City elects to extend the Professional an additional five-year contract (as discussed in Section 4 of the original contract) the revenue sharing agreement will continue into future golf seasons until fully reimbursed.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Amendment by having legally-binding representatives affix their signatures below.

ROB SANDERS, GOLF PROFESSIONAL

**CITY OF SPOKANE
PARKS AND RECREATION DIVISION**

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Winter Activation

Here's to a safe, active, and creative season!



LIGHT SHOWS



Numerica Lights up the Night Holiday Tree Walk

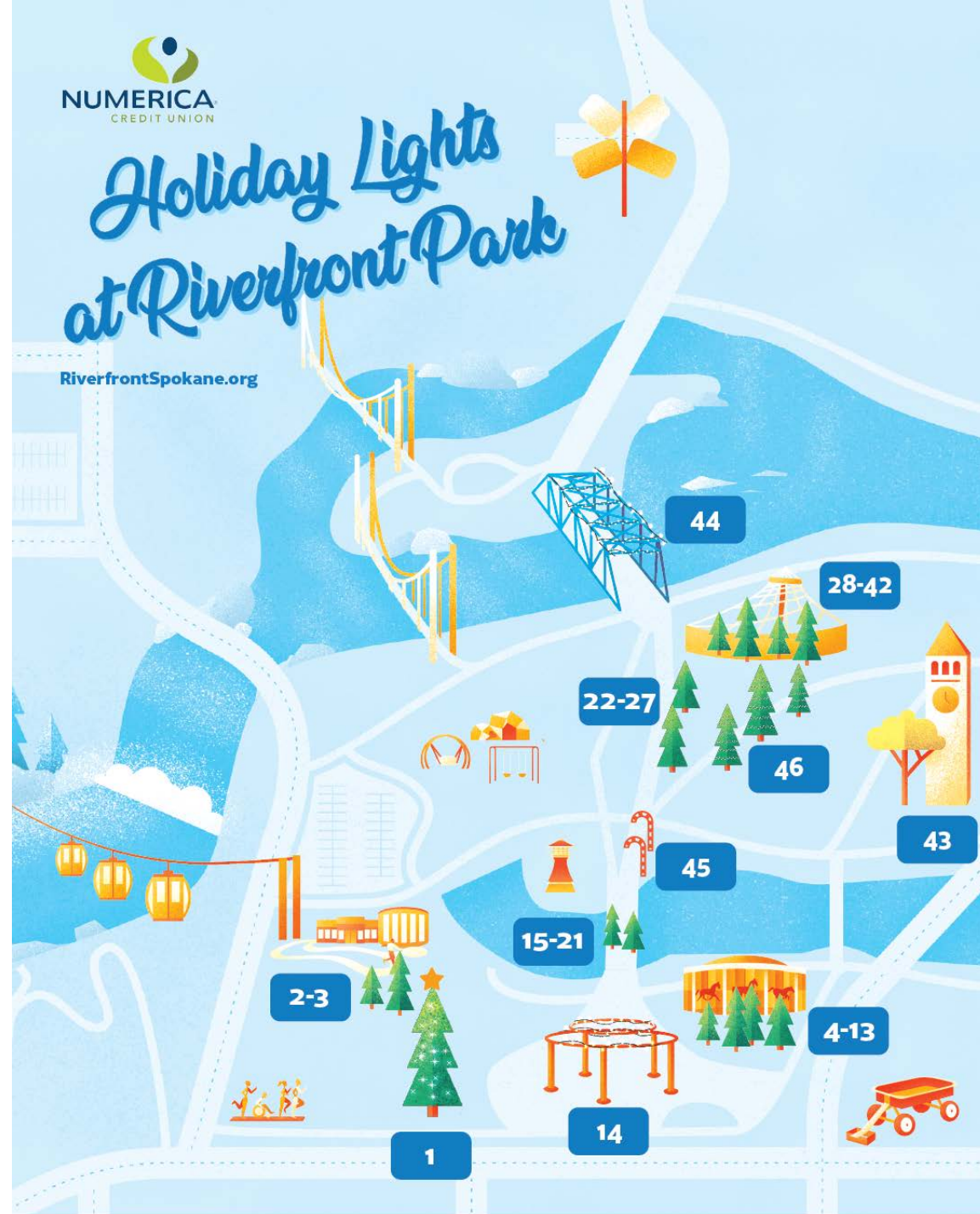
November 27 – January 3

Walk the park to find nearly 40 trees festively decorated by local organizations and businesses! Don't miss the special holiday lights at the Rotary Fountain and Clock Tower, and take in the nightly holiday-themed Pavilion light show from sunset until 10 P.M. Photo: James Richman Photography.



Holiday Lights at Riverfront Park

RiverfrontSpokane.org





Riverfront Trail of Lights

December 1 – January 3

Riverfront offers an expanded park-wide lighting display for the community to enjoy! Take in the magic of several new holiday displays including a Candy Cane Lane along the Howard Street Promenade, a light tunnel under the historic blue bridge, and more.





Cowley Park Lights

December 3 – January 1

Every year, the KXLY Extreme Team and Avista Utilities light up Cowley Park for the kids at the Sacred Heart Children's Hospital. Photo: Avista Utilities



Enchanted Garden Drive-Thru Holiday Lights at Manito

December 11 – December 20

The Enchanted Garden Drive-Thru Holiday Lights transform a decades-long Spokane tradition into a COVID-friendly experience to lift spirits and brighten the season. Typically held indoors at Manito's Gaiser Conservatory, we're moving the show outdoors to allow for physical distancing. Grab some hot cocoa from home and explore twinkling, festive lights in one of our city's most historic parks!

The background features abstract, overlapping geometric shapes in various shades of green, primarily concentrated on the right side of the frame. These shapes include triangles and polygons of different sizes and opacities, creating a layered, modern aesthetic. The word "DOWNTOWN" is centered horizontally in the middle of the image.

DOWNTOWN



Winter Farmers Market at the Pavilion

Each Wednesday in December and January,
3 – 7 P.M.

On opening night, 650 shoppers showed up to support local growers and artisans in a safe environment – and some vendors sold out! Join us at this weekly farmers market at the Pavilion. Approximately 20 vendors from the Fairwood Farmers Market will be placed throughout the Pavilion Central Plaza (outdoors), Pavilion Main Lobby and Sky Room (indoors). Enjoy fresh local products and handmade goods, plus prepared food available for takeout.





Wheatland Bank Horse and Carriage Rides

Fridays 3 – 8 P.M.,
Saturdays Noon – 5 P.M.

Sold out!

Enjoy an 8-minute loop through the wonders of Riverfront Park. Wheatland Bank Horse and Carriage Rides are organized by the Downtown Spokane Partnership, and run past the iconic holiday tree, the Rotary Fountain, through the 40 tree displays along the Howard Street Promenade, and past the Pavilion. Pre-registration required. Free.

<https://downtownspokane.org/>



Downtown Spokane Great Holiday Giveaway

Dec. 2 - 30

Participating businesses throughout downtown and the Riverfront Winter Farmers Market have special tags to give away. Each tag is an entry into a drawing for a \$20 gift card to one of 50 local downtown businesses. Enter to win at the SkyRibbon Café.

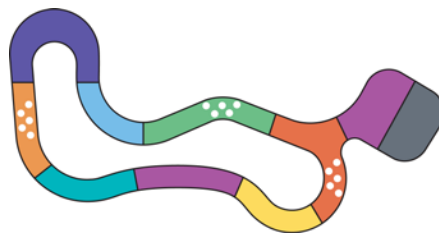
<https://downtownspokane.org/>



Numerica Skate Ribbon

Opened Dec. 5

With safety at the forefront, we're following two sets of COVID-19 guidelines that alter our operations a bit. Reservations will be required in advance; this will help us limit the number of skater to 37 at a time and help avoid lines. Please wear a mask and gloves. You'll notice color-coded sections of the ribbon, with just 5 skaters allowed per section, to aid social distancing.



The background features abstract, overlapping green geometric shapes, primarily triangles and polygons, in various shades of green, creating a modern, layered effect on the right side of the image.

RECREATION



Winter Activity Guide

- XC skiing
- Snowshoe tours
- Hiking
- Private family tours
- TRS winter outings
- TRS skiing and snowboarding
- Virtual programs
- Indoor activities in small groups when guidelines allow
- www.SpokaneRec.org



Snowshoe Tours at Mt. Spokane

Multiple dates

Try this amazing winter sport – we provide the gear! During a guided hike, you'll travel on beautiful trails through the snow-covered trees around Mt. Spokane.



Youth Winter Adventures

December 29-30

Ages 9-12 will learn snowshoeing, cross country skiing, and snow cave building at Mt. Spokane State Park!



Virtual Bing - Family Game Night

Friday nights, ages 6+

Put away the board games for a night and join us online for a night of bingo!

Virtual Bingo – Happy Hour

Thursday nights, ages 21+

If you're missing happy hour at your favorite restaurant or bar, grab some delicious take-out and join us online.

Virtual Trivia Nights

Tuesday nights

Each week will offer a different theme, with prizes!

Virtual Yoga – holiday edition

Monday nights, all abilities





SKI IN THE CITY

You don't have to go to the mountain to get your xc-ski and fat biking fix! Look for groomed trails in and around Spokane this winter.

- **INDIAN CANYON**
*xc-skiing & snowshoeing on groomed trails only
- **RIVERSIDE STATE PARK**
*xc-skiing, snowshoeing & fat biking
- **DWIGHT MERKEL**
*xc and skate-skiing, fat biking & snowshoeing

- spokaneparks.org/snow for updated info and rules -
for updated grooming info call 509-363-5418



Grooming XC Ski, Skate Ski, Snowshoe, and Fat Bike Trails

When conditions allow

You don't have to go to the mountain to get your XC ski and fat biking fix! Spokane Parks & Recreation will again groom trails in and around Spokane this winter. Trails planned at Indian Canyon, Riverside State Park, and Dwight Merkel. Visit SpokaneParks.org/snow for the scoop on which activities are where, and an updated grooming schedule.

MORE TO COME!

Watch for a special
announcement coming
soon for New Years Eve!

SpokaneParks.org/winter

For all of our seasonal activities



From: [Dave Lucas](#)
To: [Comstock NHC Chair](#)
Cc: [Ogden, Jennifer M.](#); [Anderson, Bob](#); [Sumner, Nick](#); [Kitz, Hannah](#); [Gilman, Greta](#); [Lodato, Sally](#); [Chase, Richard](#); [Sperling, Gerry](#); [Brownlee, Kevin](#); [Kinnear, Lori](#); [Conley, Jason K.](#); [Clarke, Pamela](#); [Richman, James](#); [Jones, Garrett](#); [Vorderbrueggen, Al](#); [Spell, Angel](#); [Proszek, Richard](#); [Engineering Services High System Tank](#); [Mayor](#); [Patricia Hansen](#); [Mary Winkes](#); [Carol Tomsic](#); [Rita Connor](#); [Terry Black](#); [Phil Svoboda](#); [Diane Birginal](#); [Heather Stewner](#); [hartsem@hotmail.com](#)
Subject: Re: Comstock Neighborhood Council resolution regarding proposed Hamblin water tower
Date: Thursday, December 03, 2020 10:20:43 PM
Attachments: [Rockwood Neighborhood Council Letter of support to Comstock Neighborhood.pdf](#)

John Schram, Comstock Neighborhood Council Co-Chair,

I have attached a letter of support to the Comstock Neighborhood Council Resolution from the Rockwood Neighborhood Council. The Rockwood Neighborhood Council voted in support of the Comstock Neighborhood Council Resolution during our December Council meeting. It will be recorded in our meeting minutes if there are any questions about the vote. I hope this letter of support will help to encourage detailed coordination with the Neighborhood Councils when substantial changes are being proposed to neighborhood parks and greenways.

S/F

Dave Lucas

Rockwood Neighborhood Council Chair

Attachment:

**Rockwood Neighborhood Council
Meeting**

December 1, 2020

Zoom Meeting 7 PM

To whom it may concern:

On Tuesday, 1 December, the Rockwood Neighborhood Council reviewed the Comstock Neighborhood Council resolution and voted to support the proposed resolution.

In addition, the Rockwood Neighborhood Council CA representative will take the Rockwood Neighborhood Council vote of support to the CA meeting to support the Comstock Neighborhood Council resolution.

The Comstock Neighborhood Council resolution brings forth a larger issue, highlighting the need to include the Neighborhood Councils in the decision-making process for construction and major changes to the Park spaces within the neighborhoods.



David Lucas, Rockwood Neighborhood Council Chair

On Fri, Nov 20, 2020, 8:49 PM Comstock NHC Chair

<comstockneighborhoodcouncil@gmail.com> wrote:

Parks Board Members, staff, legal council and other interested parties:

At the November 17th, 2020 meeting of the Comstock Neighborhood Council there was discussion of, a motion made for, and an affirmative resolution passed (see attached) to remind the Parks Board of their self established legal rules of conduct as it pertains to Park properties. It appears as though the Parks board and the City of Spokane is choosing to ignore not only its own rules, but the will of the people as well, in proceeding towards the approval of the proposed Hamblin Park water tower. While the public understands the need for infrastructure improvement to maintain the high standards of community living and growth, this should not come at the cost of our sacred park system when many other viable alternatives have been easily identified. Not only is Hamblin Park subject to the same rules of development as any other park it is specifically designated as a conservation area which has even further stringent constraints. The point evident today is that the City of Spokane is not only willing to entertain the desecration of this park but they additionally wish to provide compensatory damages in the form of proposed park "improvements". This may be considered bribery or an unjust inducement in any private sector business venture under these circumstances.

The Comstock Neighborhood Council encourages all neighborhood councils and their members, especially those in proximity to Hamblin Park, to join in the outcry against this potential dereliction of duty by the Parks Board and the City of Spokane.

John Schram, Comstock Co-chair

Proposed Resolution 2020_11_17

WHEREAS, it is recognized that the residents of Spokane have for many decades enjoyed the use of Hamblen Park, and other Spokane city parks,

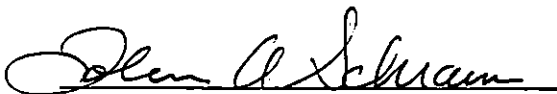
WHEREAS, the 6.71 acre Hamblen Park, dedicated in honor of Laurence R. Hamblen, former Park Board director and founder of the Spokane Parks Foundation, is designated conservation land, a non-developed natural refuge located in the heart of a residential neighborhood,

WHEREAS, the results of the High System Water Tank Project Survey (October 21, 2020), demonstrate that nearly 70 percent of respondents do not want a water tank located in Hamblen Park,

WHEREAS, the City of Spokane Charter, Article V, Section 48 (Effective Date: November 1987 Ordinance C28870 Section 1), prohibits the sale or exchange of park land without a vote of the citizens,

NOW, THEREFORE LET IT BE RESOLVED that the Comstock Neighborhood Council, authorized under the City of Spokane Charter Article VIII, Sections 71-76 (Effective Date: November 2000 Ordinance C32687 Section 1), **opposes any development in Hamblen Park or any other city park for non-park uses without a vote of the people.**

Voted and approved by unanimous consent at the November 17th, 2020 Comstock Neighborhood Council regular meeting. All voting members were deemed to be in good standing and eligible.



John Schram, Comstock Co-Chair

11/20/2020

Date

From: [Makaya Judge](#)
To: [Engineering Services High System Tank](#); [Clarke, Pamela](#); [Kinnear, Lori](#); [Wilkerson, Betsy](#)
Subject: Hamblen Park water tower
Date: Tuesday, November 17, 2020 3:22:06 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To whom it may concern,

Sometimes, it is a few people who have strong opinions who are heard on a subject, and the more boring opinions of those who are less passionate go unnoticed. While I don't feel very strongly about the water tower location, I do have some thoughts that I wanted to share, for what it is worth.

The Hamblen park location seems to be the most financially responsible option. This option affects the fewest number of direct neighbors. The area and its residents need and deserve quality infrastructure. Those few neighbors who don't want it for some reason are going around drumming up support with their pitchforks and bullying the popular opinion to their side. However, I urge the city to be practical and consider the greater good.

I am a lifetime resident of the South Hill, who went to Jefferson and Sac, and who is raising her children on the South Hill. We walk and play at Hamblen. I used to sit and eat my ice cream after marching band practice under the water tower on Lamont. Honestly, I have fond memories of that water tower when I drive by it. Water towers are just a part of living in a town, and quickly become part of the normal backdrop of life. Make the financially reasonable decision, the few people who are upset now will get over it, and will never know how much they need it unless they get in the shower one day and there is no water pressure.

I support the water tower going in at the Hamblen park location. I am grateful for the offer for mitigating that with some reinvestment back into the park. It all sounds great. Thank you for making sure we have a good water supply and doing your best to meet everyone's needs.

Best,
Makaya Judge
South Hill Resident
LHNC Secretary

From: [Janssen, Karin](#) on behalf of [Engineering Services High System Tank](#)
To: [Clarke, Pamela](#)
Cc: [Kinnear, Lori](#); [Wilkerson, Betsy](#)
Subject: FW: South Hill/Lincoln Heights Water Tank
Date: Wednesday, November 18, 2020 10:05:51 AM

FYI...another vote in favor.

From: sidexout@comcast.net <sidexout@comcast.net>
Sent: Tuesday, November 17, 2020 3:58 PM
To: Engineering Services High System Tank <eraeshst@spokanecity.org>
Subject: South Hill/Lincoln Heights Water Tank

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good Afternoon,

I support the Hamblen Park location for the new South Hill water tank as it will save taxpayer dollars.

Thank you,
Scott Emmanuel

From: [Maggie Condon](#)
To: [Clarke, Pamela](#)
Subject: Water tower input - Hamblen Park
Date: Monday, November 23, 2020 12:34:10 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good Day,

My name is Maggie Condon, and I am the HOA President for the Rockridge View I Condominiums - located at 30th Ave & Martin.

I would like to say on behalf of our 8 residents that we all are very much in favor of the Hamblen Park location for the Water Tower.

Locating the tower on the ridge behind our condos would have a devastating effect on our property values, the light and heat we get from the sun - especially in winter - to say nothing of our view and enjoyment of living in a peaceful and quiet natural environment. Even if the costs were the same, Hamblen is a much more logical choice but since it will be over a million taxpayer dollars less expensive, it just makes so much more sense to put it there.

Thank you,

Maggie Condon Campos

Maggie Condon-Campos
Master Trip Designer
www.alltravelguru.com
1210 N. Idaho Street, Unit B
Post Falls ID 83854

Cell/mobile 509 230 9832

Affiliate of The Travel Society
Virtuoso

We understand the concern and uncertainty of the current Coronavirus (Covid-19) outbreak. As the situation unfolds, we are monitoring any impacted areas of travel that may affect our clients. We receive updated information daily from our partner/vendors. Currently, all travel is business as usual, as more information becomes available, there may be changes to vendor cancelation policies, which will be expressed to our valued clients.

We are advocates for our clients, and always provide in trip assistance for any portion of their trip that is impacted by any means.

Any questions pertaining to Travel Insurance should be directed to the insurance company that the policy was purchased from. We will do our best to assist with any claims that may arise from this, or any other situation.

For more information on this developing issue, please follow the links below:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories.html/>

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

https://ec.europa.eu/health/coronavirus_en

From: [Carol Tomsic](#)
To: [John Schram \(Comstock\)](#); [ANDREW HOYE](#); [Rita Conner - Southgate](#); [Summer Beers - Southgate](#); [Mary Winkes \(Manito\)](#); [Simmons, Scott M.](#); [Jones, Garrett](#); [Clarke, Pamela](#); [Kinnear, Lori](#); [Wilkerson, Betsy](#); [Beggs, Breean](#); [Buller, Dan](#)
Cc: [Marilyn](#); [Sally](#); [Makaya Judge](#)
Subject: Lincoln Heights Neighborhood Council Preserve Hamble Proposed Resolution Response
Date: Wednesday, December 02, 2020 8:12:34 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

The Lincoln Heights Neighborhood Council Executive Board met on November 30, 2020 at 6 pm on Zoom. Our council was asked by representatives of Preserve Hamblen, a neighborhood group in opposition to a water tower in Hamblen Park, to support their resolution to oppose any development in Hamblen Park or any other city park for non-park uses without a vote of the people.

Per council bylaws, the executive board can vote on any matter deemed urgent if the deadline is before our next regularly scheduled meeting. Our council's next regularly scheduled meeting is January 19, 2020. The representatives of Preserve Hamblen requested a response by the 12/10/ 2020 Spokane Parks Board Meeting.

The Lincoln Heights Neighborhood Council Executive Board decided not to sign the resolution or take an official stand on the location of the water tower in Hamblen Park.

While we empathized with the park users, we looked at the location selection criteria and saw that there is only one site that meets the criteria. We believe the site of the water tower should be a fiscally responsible use of tax-payer dollars and not cause a disproportionately severe impact to the residents nearby. We do want to stress that we feel strongly that the City holds to its promise to take compensatory actions such as replacing native trees and investing the saved funds into projects if the Hamblen Park location is selected.

Our council supported the residents at the former site at 31st/Napa in their opposition to the water tower. The water tower was less than 100 feet from residences. Their homes were designed and built to take advantage of the sunshine. The impact of the water tower on the residents included the loss of natural light, a perpetual shadow, and the loss of existing trails. In contrast, residents near the proposed Hamblen Park site are a block away before the view would affect their houses.

Carol Tomsic
Chair, Lincoln Heights Neighborhood Council

From: [Office of John Schram](#)
To: [Carol Tomsic](#); [ANDREW HOYE](#); [Rita Conner - Southgate](#); [Summer Beers - Southgate](#); [Mary Winkes \(Manito\)](#); [Simmons, Scott M.](#); [Jones, Garrett](#); [Clarke, Pamela](#); [Kinnear, Lori](#); [Wilkerson, Betsy](#); [Beggs, Breean](#); [Buller, Dan](#)
Cc: [Marilyn](#); [Sally](#); [Makaya Judge](#); ["Black, Terry"](#)
Subject: RE: Lincoln Heights Neighborhood Council Preserve Hamble Proposed Resolution Response
Date: Friday, December 04, 2020 1:29:43 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Carol,

Thank you and the executive board for the consideration of joining Comstock in reminding the Parks board of their responsibilities under their own bylaws and be held accountable for a public vote if they decide to proceed with entertaining the City's proposal for a water tank installation on Parks Conservation land. I will also note for clarity that as you state the LHNC executive board is NOT taking an official stand on the Hamblin location then the remainder of your comments are simply to be taken as personal opinions so as to not be given the weight of any official LHNC position.

John Schram Comstock Co Chair

From: Carol Tomsic <carol_tomsic@yahoo.com>
Sent: Wednesday, December 2, 2020 8:12 PM
To: Office of John Schram <john.schram@lpl.com>; ANDREW HOYE <ahoye@comcast.net>; Rita Conner - Southgate <ritaconner44@gmail.com>; Summer Beers - Southgate <summer.beers@gmail.com>; Mary Winkes (Manito) <mmcspo@yahoo.com>; smsimmons@spokanecity.org; gjones@spokanecity.org; pclarke@spokanecity.org; lkinnear@spokanecity.org; bwilkerson@spokanecity.org; bbeggs@spokanecity.org; Dan Buller <dbuller@spokanecity.org>
Cc: Marilyn <mdlloyd@comcast.net>; Sally <phillips1948@comcast.net>; Makaya Judge <makayajudge@gmail.com>
Subject: Lincoln Heights Neighborhood Council Preserve Hamble Proposed Resolution Response

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be a fiscally responsible use of tax-payer dollars and not cause a disproportionately severe impact to the residents nearby. We do want to stress that we feel strongly that the City holds to its promise to take compensatory actions such as replacing native trees and investing the saved funds into projects if the Hamblen Park location is selected.

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Carol Tomsic
Chair, Lincoln Heights Neighborhood Council

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From: [Lisa](#)
To: [Clarke, Pamela](#)
Cc: [Wendy & Jeff](#); [Debbie Walker](#); [Margaret Rolla](#)
Subject: Hamblen Park High System Water Tank
Date: Wednesday, December 02, 2020 4:34:13 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Pamela,

Members of the RockRidge View II Condo Association on E. 30th Avenue have been involved in the water tank decision process since the beginning by participating in public meetings and sharing our opinions with public officials. I'm copying our executive board on this email. Will you make sure that the people making this decision are aware of our position for the upcoming Park Board meeting?

We want you to know that the RockRidge View II Condo Association, representing 8 property owners, supports locating the High System Water Tank in Hamblen Park. It is the best location for our south hill neighborhood and most cost-effective use of tax-payer dollars.

We recommend that the folks making the decision on behalf of the Park Board visit and compare the possible tower locations. As you know, the Hamblen Park location is easily accessible by car, but the Napa/31st location is not at all accessible by road. However it is a less than a 50 yard hike from our back patios. Feel free to contact me if any board members would like to view that location via our property.

Thank you for all your efforts and consideration in this process.

--

Lisa Robbe, J.D., M.P.A.
208-660-2519

From: [Clarke, Pamela](#)
To: [Clarke, Pamela](#)
Subject: FW: HAMBLLEN PARK - WATER TOWER
Date: Wednesday, December 09, 2020 3:02:28 PM

I am writing this letter to express opposition to the “proposed” water tower placement in Hamblen Park.

1. I see that there are a number of letters in support of placing the Water Tower in Hamblen Park in the upcoming (12/10/2020) meeting agenda, whereas in the prior month, while the notices placed in the park were fresh in the locals’ minds, there were a number of letters written in opposition. IF the timing of this was during warmer weather when more people were able to get out and use Hamblen Park I believe you would be seeing opposition letters again. This month one letter reads “Those few neighbors who don't want it for some reason are going around drumming up support with their pitchforks and bullying the popular opinion to their side.” (Makaya Judge) Another letter reads “WHEREAS, The results of the High System Water Tank Project Survey (October 21, 2020), demonstrate that nearly 70 percent of respondents do not want a water tank located in Hamblen Park.” (John Schram) Please note the survey from 10/21/2020 is not one person’s opinion it is a compilation of the public opinion.

There is a proper and legal, in fact PRESCRIBED METHOD (see item #3 below), that could determine which of these statements is more accurate. It may be that if put to a vote those of us who oppose it would be in the minority, however, to date I have heard of no such effort to put this to a vote of the people. Also with RE: to the statement about “pitchforks” and “bullying”. I walk that park every day - I saw no strong arm methods being used by people who oppose the tower - simply people expressing their opposition to the proposed misuse of the ONE very unique, natural park in the neighborhood, in fact the one and only park in this neighborhood.

2. As a designated conservation area, in addition to a City Park, Hamblen Park bears even higher constraints than other city parks. This consideration does not seem to be addressed, say nothing of being given the importance of such a designation . The continued proposals to “improve” this park in “exchange” for the publics’ sanction of the water tower is an embarrassment (not to mention possibly against the "rules") to the dignity of government entrusted individuals - particularly as this park is a natural conservation area within a park. Adding benches, play areas etc. will not be an improvement in the eyes of nature.

3. I humbly request that you read (or re-read as a reminder) “City of Spokane Charter Section 48: Park Board - Powers - <https://my.spokanecity.org/opendata/charter/article-05/#Section48> which states a variety of things - indicating a clear picture of what a park IS and IS NOT. The following excerpt is with regard to the legal aspect when considering taking a large portion of Hamblen Park and changing the use of that portion to use for city utilities - in this case SIGNIFICANTLY IMPINGING ON THE PUBLIC USE OF IT AS PARK SPACE.

“Neither the park board nor the city council shall have the power to sell or exchange any existing park or portion thereof without the prior approval of the electorate given by a majority vote at the next ensuing general municipal election or special municipal election, as the case may be.”

4 On a completely personal note. My parents lived about a block from Hamblen Park. In the last few years of their lives this was the place where I could bring them to “be with nature”. After their passing 14 years ago I would seek solace in the peace that one finds in the quiet center of Hamblen Park. The same cannot be said for the part of this park that would remain after a water tower takes a significant portion of this park. I am certain that I am not the only person who has a story about how important this natural area is to them.

I remind you again of responsibilities of the public officers to whom this letter is directed in the City

of Spokane Charter Article V, Section 48 -

“Neither the park board nor the city council shall have the power to sell or exchange any existing park or portion thereof without the prior approval of the electorate given by a majority vote at the next ensuing general municipal election or special municipal election, as the case may be.” I also ask that you consider the solemn duty you have as public representatives to uphold, protect, and preserve the precious parks of Spokane.

In summary it seems to me that, legal considerations aside, this debate is amongst people who see this from two different perspectives - those who consider the financial impact it will have on their properties or development of property and those who consider the quality of life and the community as a whole which includes all of nature. Particularly due to increased development being approved by the City of Spokane in this area it is clear that a water tower is needed. The option to use Hamblen Park is ill-considered and as is common much more financially driven than by quality of life driven - a very sad state of affairs for all residents of the City of Spokane.

Thank you for your time and consideration of this issue.

Judy Hunt
Southgate resident

High System Water Tank - Hamblen Park

Comments from:

Robert Flowers, 618 E 18th Ave, Spokane, WA
509.981.2360

Incomplete Analysis

1. The site location analysis for this project appears to be incomplete for the following reasons:
 - a. The analysis of this project is limited to industrial (two “pillar” and one “standpipe” designs – the “giant mushroom” design was selected for analysis. For the analysis to be more complete, a wider range of potential designs should be incorporated and reviewed such as the potential for a design with architectural character in keeping with the area finally selected.
 - b. Locating a large infrastructure facility, such as a water tank, generally involves reviewing both current and future needs. The analysis presented for this project fails to incorporate future water system needs on the South Hill. By limiting sites so that extensions of the water main required to connect this facility to the current system are minimized, the analysis skews the cost of the facility to only current users and ignores any future extensions of the water mains that will be required to serve developing areas south of the proposed site.
 - c. The visual analysis for the Hamblin Park site indicates that the proposed tank will either not be visible or only minimally visible from surrounding homes and travel routes. This analysis appears to be faulty in that Hamblin Park’s trees are sparsely distributed, and the crowns of these trees do not form a closed canopy. The proposed tank will be visible to residents and the public in this area.
 - d. My calculations indicate that the shadow of the proposed facility (at 100 feet high) will extend over the entire park site and surrounding area during some winter months. The shadow will retard melting of ice and snow on sidewalks and roads leading to Hamblin Elementary School and the general neighborhood.

Suitability of Hamblin Park

1. The project as proposed is industrial in appearance and is in direct conflict with the nature and purpose of Hamblin Park.
2. Park properties, in general, should not be used for facilities or other uses which conflict with their intent and purpose. Hamblin Park’s conservation designation refutes development in favor of a more natural environment. This project radically violates the current conditions and intent of Hamblin Park. The offer to “improve” Hamblin Park as mitigation for the impacts this project would serve only to degrade the existing character of the park further.

3. The project as proposed will site a facility of industrial appearance immediately adjacent to Hamblin Elementary School and will become the most prominent structure on the block. The visual intrusion of the tank will degrade and detract from the overall positive learning atmosphere at Hamblin Elementary.

A Better Alternative Site

1. The proposed project, as presented, would be best located in an area where the current visual quality and activity levels are least impacted. I believe of the sites so far identified that site is the South Complex/KXLY alternative for the following reasons:
 - a. The area contains a nearby tall transmitter tower and therefore, currently exhibits a semi-industrial visual character. Addition of the tank in this area will not appreciably change its use.
 - b. This sports complex area is an active recreation area where the focus of users is on activities rather than the environment.
 - c. This site is a part of a long line of strip developments and higher traffic areas which tend to lessen long views of any one segment. Shorter viewing time generally results in reduced concern for visual quality. The general visual character of this area is more accommodating to the project than a conservation park.
 - d. Ample room for facility.
 - e. Water mains extension in this area will be required in future to accommodate growth on the South Hill.

End

From: [Comstock NHC Chair](#)
To: [Clarke, Pamela](#)
Cc: [Dave Lucas](#); [Mary Winkes](#); [Patricia Hansen](#)
Subject: Parks Board meeting 12-10-2020 Hamblin Water Tower feedback
Date: Wednesday, December 09, 2020 3:05:53 PM
Attachments: [ordinance-c35312-as-amended-2015-11-02.pdf](#)
[2020-01-15 Comstock no cell tower resolution.docx](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Pamela, the following is intended for Park Board members et al prior to the 12-10-2020 meeting:

Spokane Parks Board, you have all received the recently submitted Comstock Neighborhood Council resolution which opposes 1) City infrastructure in any park let alone the HamblinPark Conservation Area and 2) holds you to account (if you ignore your primary directive of preserving our sacred park space) by requiring a vote by the citizens of Spokane.

I will also remind not only the Parks Board but the City of Spokane of the City of Spokane Ordinance NO. C35312 regarding wireless communications facilities in generally updating SMC Section 17C.355 which places preferential ordering and justifications on wireless communications installations. These infrastructures clearly do not belong in City Parks let alone Conservation lands. Also see attached for a 2019 Comstock resolution you received at the time when Verizon was attempting to unilaterally install stand alone cell towers at the top of the High Drive Bluff natural area. Comstock asks that you join us in our resolve to protect all parks from intrusive infrastructure installations.

Finally, it seems apparent that since you are still in "information gathering mode" regarding the Hamblin water tank that this proposal somehow is acceptable to all of you. I would formally request that a motion be made and passed at the 12-10-2020 board meeting to end the City's rational yet misguided attempt to have the Hamblin water tank as an option. It is not the Parks Board job to save the City inconvenience let alone monetary resources. It is to maintain and preserve Parks from all manner of intrusion and non park infrastructure. I would personally hold each of you as being in dereliction of your sworn aforementioned Parks Board duties if this does not occur. We have all recently seen the outcome of a board that did not adhere to their purpose.

John Schram, Comstock

**CITY OF SPOKANE
ORDINANCE NO. C35312**

An Ordinance Relating to Wireless Communication Facilities; repealing Chapter 17C.355 SMC; adopting a New Chapter 17C.355A SMC; amending SMC Section 17C.110.110, Table 17C.110-1, 17C.320.080, 17C.130.220, 17C.120.220, 17C.110.215, 17C.124.220, 17A.020.010, 17A.020.200, 17C.120.110, Table 17C.120-1, 17C.124.110, 17C.130.110, Table 17C.130-1, and 01.05.160, as those sections relate to wireless communications facilities; and Declaring an Emergency.

WHEREAS, Chapter 17C.355 SMC currently governs the City's regulation of wireless communication facilities; and

WHEREAS, some of the existing regulations for wireless communication facilities are more than ten years old and federal laws, regulations and court decisions, wireless technology and consumer usage have reshaped the environment within which Wireless Communications Facilities are permitted and regulated; and

WHEREAS, federal laws and regulations that govern local zoning standards and procedures for wireless communications have substantially changed since the City adopted Chapter 17C.355; and

WHEREAS, on March 9, 2015, the City Council adopted Ordinance No. C35243 imposing a moratorium on applications for new wireless communications support towers in the City's residential zones; and

WHEREAS, following the adoption of the moratorium, the City has been engaged in an extensive stakeholder process that has resulted in a substantial re-write of the City's regulations relating to wireless communications facilities; and

WHEREAS, following appropriate procedures and public notice, on October 14, 2015, the Spokane Plan Commission conducted a hearing on proposed amendments to the City's wireless communication facility regulations and recommended that the City Council approved the proposed amendments; and

WHEREAS, at the conclusion of its public hearing, the Plan Commission approved written findings, conclusions, and recommendation (the "Plan Commission Recommendation") which is incorporated into this Ordinance as if set forth fully herein; and

WHEREAS, on October 26, 2015, the City Council conducted a lawfully-noticed public hearing and received the report and recommendation of the Plan Commission regarding the Ordinance which modifies the code sections relating to wireless communication facilities; and

WHEREAS, the City Council of the City of Spokane desires to update its local standards and procedures to protect and promote the public health, safety and welfare of the City of Spokane community, to reasonably regulate wireless communication facilities aesthetics, to protect and promote the City's unique character in a manner consistent with State and federal laws and regulations; and

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

SECTION 1. That Chapter 17C.355 of the Spokane Municipal Code is hereby repealed.

SECTION 2. That there is adopted a new Chapter 17C.355A of the Spokane Municipal Code to read as follows:

Section 17C.355A.010 Purpose

Section 17C.355A.020 Definitions

Section 17C.355A.030 Towers

Section 17C.355A.040 Collocation of Antennas, DAS, and Small Cells

Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations

Section 17C.355A.060 Application Submittal Requirements

Section 17C.355A.070 General Development Standards Applicable to WCFs

Section 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit

Section 17C.355A.090 Exception from Standards

Section 17C.355A.100 Final Inspection

Section 17C.355A.110 Maintenance

Section 17C.355A.120 Discontinuation of Use

Section 17C.355A.130 Independent Technical Review

Section 17C.355A.140 Exempt Facilities

Section 17C.355A.150 Indemnification

Chapter 17C.355A

Wireless Communication Facilities

Section 17C.355A.010 Purpose

The purpose of this Chapter is:

- A. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it is the City's goal to minimize the visual impact of wireless communication facilities on the community, particularly in and near residential zones;
- B. To promote and protect the public health, safety and welfare, preserve the aesthetic character of the Spokane community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under State and federal law;
- C. To minimize the impact of WCFs by establishing standards for siting design and screening;
- D. To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs first be located on buildings, existing towers or utility poles in public rights-of-way;
- E. To protect residential zones from excessive development of WCFs;
- F. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;
- G. To preserve the quality of living in residential areas which are in close proximity to WCFs;
- H. To preserve the opportunity for continued and growing service from the wireless industry;

- I. To preserve neighborhood harmony and scenic viewsheds and corridors;
- J. To accommodate the growing need and demand for wireless communication services;
- K. To establish clear guidelines and standards and an orderly process for expedited permit application review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, businesses and community at large;
- L. To ensure City zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions;
- M. To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures; and
- N. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

Section 17C.355A.020 Definitions

- A. “Antenna” means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
- B. “Antenna Array” means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
- C. “Base Station” means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.
 - 1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - 2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cell networks).
 - 3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in this section that has been reviewed and approved under the applicable

zoning or siting process, or under Washington or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time the relevant application is filed with Washington or the City under this section, does not support or house equipment described in this section.
- D. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- E. “Commission” means the Federal Communications Commission (“FCC”).
- F. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.
- G. “Small Cells” mean compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two parameters in subsections (a) and (b). For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.
 - (a) Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.
 - (b) Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.
- H. “Stealth design” means technology that minimizes the visual impact of wireless communications facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees, flagpoles, bell towers, and architecturally screened roof-mounted antennas.
- I. “Tower” means any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
- J. “Tower Height” means the vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.
- K. “Transmission Equipment” means equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not

limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

- L. "Utility Support Structure" means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures; traffic sign structures; or water towers.
- M. "Wireless Communication Facilities" or "WCF" means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets.

Section 17C.355A.030 Towers

- A. Towers shall be located only in those areas and pursuant to the process described in SMC Tables 17C.355A-1 and 17C.355A-2, provided that towers that are proposed to be located in a residential zone or within 150 feet of a residential zone shall be subject to the siting priorities set forth for preferred tower locations in SMC 17C.355A.050.

Table 17C.355A-1 New Wireless Communication Tower Criteria Allowed by Type II Permit				
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Stealth Design	Setback from Property Lines (does not apply within ROW)[2]
O & OR[1]	Yes	60'	Optional[1]	N/A
	No	60'	Optional[1]	20'
NR, NMU CC & CA[1]	Yes	60'	Optional[1]	N/A
	No	60'	Optional[1]	20'
CB & GC[1]	Yes or No	70'	Optional[1]	20'
All DT[1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'
Industrial[1]	Yes or No (allowed in ROW only if less than or equal to 70')	150'	Optional[1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then a Type III process and stealth design are required. If an applicant wants to construct a tower

within 51' - 150' of a residential zone, then a Type II process and stealth design are required. If an applicant wants to construct a tower beyond 150' of a residential zone, then the review process is that which is required in the zone in which the tower is to be located.

[2] See exception for locations adjacent to a residence in SMC 17C.355A.070(B).

Table SMC 17C.355A-2 New Wireless Communication Tower Criteria Allowed by Type III Conditional Use Permit				
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Stealth Design	Setback from Property Lines[2] (does not apply within ROW)
All R[1]	Yes or No	60'	Required	20'
O, OR, NR, NMU, CC & CA[1]	Yes or No	61' - 70'[3]	Optional[1]	20'
CB & GC[1]	Yes or No	71' - 90'[4]	Optional[1]	20'

[1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then stealth design is required.

[2] See exceptions for locations adjacent to a residence in SMC 17C.355A.070(B).

[3] An additional 20 feet in height is allowed if applicant uses stealth design.

[4] An additional 30 feet in height is allowed if applicant uses stealth design.

Section 17C.355A.040 Collocation of Antennas, DAS, and Small Cells

- A. To the extent not otherwise covered by Chapter 17C.356 (Eligible Facilities Requests), collocation and new wireless communication antenna arrays are permitted in all zones via administrative approval provided that they are attached to or inside of an existing structure (except on the exterior of pole signs or anywhere on a billboard) that provides the required clearances for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than 15 feet above the structure.
- B. Installation requires the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC.
- C. For antenna arrays on City-owned property, the execution of necessary agreements is also required.
- D. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 15 feet above the existing structure, the proposal is subject to Type II review. The limitation to 15 feet applies to cumulative increases and any previously approved additions to height made under this section must be included in its measurement.
- E. Any equipment shelter or cabinet and other ancillary equipment are subject to the general development standards of SMC 17C.355A.070.
- F. Distributed Antenna Systems and Small Cells.
 1. Distributed Antenna Systems (DAS) and Small Cells are allowed in all land use zones, regardless of the siting preferences listed in SMC 17C.355A.050.

2. DAS and small cells are subject to approval via administrative review only unless their installation requires the construction of a new utility support structure or building. Type II review is required when the applicant proposes a new utility support structure or building.
3. Multiple Site DAS and Small Cells.
 - a. A single permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
 - b. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

Section 17C.355A.050 Tower Sharing, Collocation and Preferred Tower Locations

- A. Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Applications for a new tower must address all existing towers or structures of a similar height within 1/2 mile of the proposed site as follows: (a) by providing evidence that a request was made to locate on the existing tower or other structure, with no success; or (b) by showing that locating on the existing tower or other structure is infeasible.
- B. Preferred Tower Locations. All new towers proposed to be located in a residential zone or within 150 feet of a residential zone are permitted only after application of the following siting priorities, ordered from most-preferred (1) to least-preferred (8);
 1. City-owned or operated property and facilities, not including right-of-way and right-of-way facilities, that are not in residential zones or located within 150 feet of residential zones;
 2. industrial zones and downtown zones;
 3. City-owned or operated property and facilities in any zone, as long as the tower is inconspicuous from a public street, public open areas, or property that is being used for residential purposes;
 4. Community Business and General Commercial zones (CB & GC);
 5. office and other commercial zones;
 6. other City-owned or operated property and facilities;
 7. parcels of land in residential zones;
 8. sites in residential zones on or within 150 feet of a designated historic structure or district.

The applicant for a tower located in a residential zone or within 150 feet of a residential zone shall address these preferences in an alternative sites analysis meeting the requirements of section 17C.355A.060 below.

Section 17C.355A.060 Application Submittal Requirements

In addition to the application materials identified in SMC 17G.060.070, Type II and Type III applications submitted under this chapter shall include the following materials.

- A. Requirement for FCC Documentation. The applicant shall provide a copy of:
 - 1. its documentation for FCC license submittal or registration, and
 - 2. the applicant's FCC license or registration.
- B. Site plans. Complete and accurate plans and drawings to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.
- C. Visual analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view.
- D. Statement of Purpose/RF Justification. A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a Washington-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.
- E. Design justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- F. Collocation and alternative sites analysis.
 - 1. All Towers. All applications for a new tower will demonstrate that collocation is not feasible, consistent with SMC 17C.355A.050.
 - 2. Towers in a residential zone or within 150 feet of a residential zone.
 - a. For towers in or within 150 feet of a residential zone, the applicant must address the City's preferred tower locations in SMC 17.355A.050 with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative site analysis that shows at least five (5) higher

ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate. An applicant may reject an alternative tower site for one or more of the following reasons:

1. preclusion by structural limitations;
2. inability to obtain authorization by the owner;
3. failure to meet the service coverage objectives of the applicant;
4. failure to meet other engineering requirements for such things as location, height and size;
5. zoning constraints, such as the inability to meet setbacks;
6. physical or environmental constraints, such as unstable soils or wetlands; and/or
7. being a more intrusive location despite the higher priority in this chapter as determined by the Planning Director or Hearing Examiner, as applicable.

- b. A complete alternative sites analysis provided under this subsection (F)(2) may include less than five (5) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five (5) potentially available, higher ranked, alternative sites.

3. Required description of coverage objectives. For purposes of disqualifying potential collocations and/or alternative sites for the failure to meet the applicant's service coverage objectives the applicant will provide (a) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency and/or technology; (b) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

- G. DAS and small cells. As outlined in SMC 17C.355A.010, the City encourages, but it does not require, the use of DAS and small cells. Each applicant will submit a statement that explains how it arrived at the structure and design being proposed.

- H. Radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC. The report shall also include a cumulative analysis that accounts for all emissions from all WCFs located on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.

- I. Noise study. A noise study, prepared, signed and sealed by a Washington-licensed engineer, for the proposed WCF and all associated equipment in accordance with the Spokane Municipal Code.
- J. Collocation consent. A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.
- K. Other published materials. All other information and/or materials that the City may, from time to time, make publicly available and designate as part of the application requirements.

Section 17C.355A.070 General Development Standards Applicable to WCFs

The following criteria shall be applied in approving, approving with conditions or denying a WCF. Unless otherwise provided in this chapter, WCF construction shall be consistent with the development standards of the zoning district in which it is located.

- A. Height. Refer to SMC Tables 17C.355A-1 and 2.
- B. Setback Requirements. Refer to SMC Tables 17C.355A-1 and 2 for towers. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. Notwithstanding the setbacks provided for in Tables 17C.355A-1 and 2, when a residence is located on an adjacent parcel, the minimum side setback from the lot line for a new tower must be equal to the height of the proposed tower, unless:
 - 1. The setback is waived by the owner of the residence; or
 - 2. The tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. (For example, on a 100-foot tall monopole with a breakpoint at eighty [80] feet, the minimum setback distance would be twenty-two [22] feet [110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint] or the minimum side yard setback requirements for that zone, whichever is greater.) Provided, that if an applicant proposes to use breakpoint design technology to reduce the required setback from a residence, the issuance of building permits for the tower shall be conditioned upon approval of the tower design by a structural engineer.
- C. Landscaping. All landscaping shall be installed and maintained in accordance with this chapter. Existing on-site vegetation shall be preserved to the greatest extent reasonably possible and/or improved, and disturbance of the existing topography shall be minimized. The director may grant a waiver from the required landscaping based on findings that a different requirement would better serve the public interest.
 - 1. Tower bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be landscaped following the provisions of this section. In all residential, O, OR, NR, NMU, CC, CA, CB, GC, Downtown, and other commercial zones, landscaping shall consist of a six-foot wide strip of L2

landscaping as described in SMC 17C.200.030. Street Frontage and perimeter property landscaping where required shall follow standards set forth in SMC 17C.200.040 Site Planting Standards.

2. If fencing is installed, it shall consist of decorative masonry or wood fencing. Chain link is not allowed in residential, O, OR, NR, NMU, CC, and CA zones, except that in a CB and GC zone up to 3 strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade. In Downtown and industrial zones, three strands of barbed wire may be placed atop a lawful fence if the fence is not visible from an adjacent street or is placed behind a sight-obscuring fence or wall. Electrified fences are not permitted in any zone. Razor or concertina wire is not allowed.
 3. Applicant shall meet the irrigation requirements of SMC 17C.200.100 where feasible and ensure the full establishment of plantings for two years in accordance with SMC 17C.200.090.
- D. Visual Impact. All WCFs in residential zones and within 150 feet of residential zones, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the urban, built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture, and/or be consistent with other uses and improvements permitted in the relevant zone.
- E. Use of Stealth Design/Technology. The applicant shall make an affirmative showing as to why they are not employing stealth technology. More specifically:
1. Stealth design is required in residential zones and to the extent shown in Tables A-1 and A-2. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening wireless communications facilities in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the Pacific Northwest.
- F. Lighting. For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FAA-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are encouraged in residential, O and OR zones or adjacent to residences.
- G. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in SMC 10.08D.070.

- H. Signage. No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.
- I. Code compliance. All facilities shall at all times comply with all applicable federal, State and local building codes, electrical codes, fire codes and any other code related to public health and safety.
- J. Building-mounted WCFs.
1. In residential zones, all transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
 2. In residential zones, all roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible.
 3. In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.
- K. WCFs in the public rights-of-way.
1. *Preferred locations.* Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a two hundred (200) foot separation from other wireless facilities (except with respect to DAS or Small Cells), except when collocated or on opposite sides of the same street.
 2. *Pole-mounted or tower-mounted equipment.* All pole-mounted and tower-mounted transmission equipment shall be mounted as close as possible to the pole or tower so as to reduce the overall visual profile to the maximum extent feasible. All pole-mounted and tower-mounted transmission equipment shall be painted with flat, non-reflective colors that blend with the visual environment.
 3. For all WCFs to be located within the right-of-way, prior to submitting for a building permit, the applicant must have a valid municipal master permit, municipal franchise, or exemption otherwise granted by applicable law, to the extent consistent with RCW 35.21.860.
- L. Accessory Equipment. In residential zones, all equipment shall be located or placed in an existing building, underground, or in an equipment shelter that is (a) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and (b) located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.
- M. Spacing of Towers. Towers shall maintain a minimum spacing of one-half mile, unless it can be demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings) in the immediate service area prohibit adequate service by the existing facilities or that collocation is not feasible under SMC 17C.355A.050.

- N. Site Design Flexibility. Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the WCF and supporting equipment may be installed so as to best camouflage, disguise them, or conceal them, to make the WCF more closely compatible with and blend into the setting and/or host structure, upon approval by the Planning Director or the Hearing Examiner, as applicable. The design flexibility allowed under this subsection includes additional height for a tower located within tall trees on (i) City property or (ii) other parcels at least 5 acres in size, so that the impact of the tower may be minimized by the trees while still allowing for the minimum clearance needed for the tower to achieve the applicant's coverage objectives. A formal exception from standards under SMC 17C.355A.090 is not required for proposals meeting this subsection by being a less intrusive design option.
- O. Structural Assessment. The owner of a proposed tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Washington, which shall be submitted with the application for a building permit.

Section 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit

- A. Approval criteria. In addition to the development standards in this chapter and the approval criteria in SMC 17G.060.170, the following additional approval criteria apply:
 - 1. The need for the proposed tower shall be demonstrated if it is to be located in a residential zone or within one hundred fifty feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and collocation opportunities on existing support towers within one-half mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.
 - 2. The proposed tower satisfies all of the provisions and requirements of this chapter 17C.355A.
- B. Public Notice. In addition to the notice requirements of SMC 17G.060.120, for proposals in residential zones and within 150 feet of a residential zone, public notice shall include:
 - 1. A black and white architectural elevation and color photo simulation rendering of the proposed WCF.
 - 2. The sign required by SMC 17G.060.120(B) shall include that same architectural elevation and color photo simulation combination selected by the City that depicts the visual impact of the WCF.

Section 17C.355A.090 Exception from Standards

- A. Applicability. Except as otherwise provided in this chapter (under Site Design Flexibility), no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this Section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance and design deviation provisions in SMC Title 17, provided this section does not provide an exception from this chapter's visual

impact and stealth design requirements or the approval criteria set forth in Section 17C.355A.080.

- B. Procedure Type. A wireless communications facility exception is a Type III procedure.
- C. Submittal Requirements. In addition to the general submittal requirements for a Type III application, an application for a wireless communication facility exception shall include:
 - 1. A written statement demonstrating how the exception would meet the criteria.
 - 2. A site plan that includes:
 - a. Description of the proposed facility's design and dimensions, as it would appear with and without the exception.
 - b. Elevations showing all components of the wireless communication facility as it would appear with and without the exception.
 - c. Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.
- D. Criteria. An application for a wireless communication facility exception shall be granted if the following criteria are met:
 - 1. The exception is consistent with the purpose of the development standard for which the exception is sought.
 - 2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
 - 3. The applicant demonstrates the following:
 - a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
 - b. The gap can only be filled through an exception to one or more of the standards in this chapter; and
 - c. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's standards to the greatest extent possible.
 - 4. Exceptions in Residential Zones. For a new tower proposed to be located in a residential zone or within 150 feet of a residential zone, unless the proposal qualifies as a preferred location on City-owned or operated property or facilities under SMC 17C.355A.050(B)(3), the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive on the values that this chapter seeks to protect.

Section 17C.355A.100 Final Inspection

- A. A Certificate of Occupancy will only be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations.
- B. Failure to Comply. If it is found that the WCF installation does not substantially comply with the approved plans and photo simulations, the applicant immediately shall make any and all such changes required to bring the WCF installation into compliance.

Section 17C.355A.110 Maintenance

- A. All wireless communication facilities must comply with all standards and regulations of the FCC and any other State or federal government agency with the authority to regulate wireless communication facilities.
- B. The site and the wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
- C. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the WCF as provided in SMC 10.10.090.
- D. If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

Section 17C.355A.120 Discontinuation of Use

- A. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the planning director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
- B. There shall also be a rebuttable presumption that any WCF that is regulated by this chapter and that is not operated for a period of six (6) months shall be considered abandoned. This presumption may be rebutted by a showing that such WCF is an auxiliary back-up or emergency utility or device not subject to regular use or that the WCF is otherwise not abandoned. For those WCFs deemed abandoned, all equipment, including, but not limited to, antennas, poles, towers, and equipment shelters associated with the WCF shall be removed within six (6) months of the cessation of operation. Irrespective of any agreement among them to the contrary, the owner or operator of such unused facility, or the owner of a building or land upon which the WCF is located, shall be jointly and severally responsible for the removal of abandoned WCFs. If the WCF is not thereafter removed within ninety (90) days of written notice from the City, the City may remove the WCF at the owner of the property's expense or at the owner of the WCF's expense, including all costs and attorneys' fees. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the WCF for a continuous period of six (6) months.

Section 17C.355A.130 Independent Technical Review

Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of an independent, radio frequency technical expert of its choice to provide technical evaluation of permit applications for WCFs, including administrative and conditional use permits. The technical expert review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this chapter. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid within ten (10) days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued.

Section 17C.355A.140 Exempt Facilities

The following are exempt from this chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;
- C. A government-owned WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and state requirements. The WCF shall be exempt from the provisions of this chapter for up to one week after the duration of the state of emergency; and
- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The WCF shall be exempt from the provisions of this chapter for up to one week before and after the duration of the special event.
- E. In locations more than 150 feet from a residential zone, other temporary, commercial WCFs installed for a period of 90 days, subject to renewals at the City's discretion; provided, that such temporary WCF will comply with applicable setbacks and height requirements.
- F. Eligible Facilities Requests permitted under Chapter 17C.356 SMC.

Section 17C.355A.150 Indemnification

Each permit issued shall have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damage, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF on City property or in the public right-of-way.

SECTION 3. That SMC 17C.110.110 is amended to read as follows:

Section 17C.110.110 Limited Use Standards

The uses listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.110-1.

A. Group Living.

This regulation applies to all parts of Table 17C.110-1 that have a note [1]. Group living uses are also subject to the standards of chapter 17C.330 SMC, Group Living.

1. General Standards.

All group living uses in RA, RSF, RTF, RMF and RHD zones, except for alternative or post incarceration facilities, are regulated as follows:

- a. All group living uses are subject to the requirements of chapter 17C.330 SMC, Group Living, including the maximum residential density provisions of Table 17C.330-1.
- b. Group living uses for more than six residents are a conditional use in the RA and RSF zones, subject to the standards of chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- c. Group living uses for more than twelve residents are a conditional use in the RTF and RMF zones, subject to the standards of chapter 17C.320 SMC, Conditional Uses, and the spacing requirements of SMC 17C.330.120(B)(2).
- d. Exception.

Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in subsections (A)(1)(a), (b) and (c) of this section. The only exception is residential facilities licensed by or under the authority of the state of Washington. In these cases, staff persons are not counted as residents to determine whether the facility meets the twelve-resident cut-off above, for which a conditional use permit is required.

2. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size and are subject to the provisions of chapter 17C.320 SMC, Conditional Uses. They are also subject to the standards of chapter 17C.330 SMC, Group Living.

B. Office.

This regulation applies to all parts of Table 17C.110-1 that have a note [2]. Offices in the RMF and RHD zones and are subject to the provisions of chapter 17C.320 SMC, Conditional Uses and are processed as a Type III application.

C. Basic Utilities.

This regulation applies to all parts of Table 17C.110-1 that have a note [3]. Basic utilities that serve a development site are accessory uses to the primary use being served. In the RA, RSF and RTF zones, a one-time addition to an existing base utility use is permitted, provided the addition is less than fifteen hundred square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type III application. New buildings or additions to existing base utilities uses are permitted in the RMF and RHD zones.

D. Community Service Facilities.

This regulation applies to all parts of Table 17C.110-1 that have a note [4]. In the RA, RSF and RTF zones, a one-time addition to an existing community services use is permitted, provided the addition is less than fifteen hundred square feet and three or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a

Type III application. New buildings or additions to existing community services uses are permitted in the RMF and RHD zones.

E. Daycare.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [5]. Daycare uses are allowed by right if locating within a building or residence, and providing services to no more than twelve (children or clients). Daycare facilities for more than twelve children are a conditional use and are processed as a Type II application in the RA, RSF and RTF zones. However, in the RSF zone, daycare centers up to forty children are permitted if locating within a building that currently contains or did contain a college, medical center, school, religious institution or a community service facility.

F. Religious Institutions.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [6]. In the RA, RSF and RTF zones, a one-time addition to religious institutions is permitted, provided the addition is less than one thousand five hundred square feet and fifteen or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest. Applicants must comply with the requirements set forth in [SMC 17G.060.050](#) prior to submitting an application. New buildings or additions to existing religious institutions uses are permitted in the RMF and RHD zones.

G. Schools.

This regulation applies to all parts of the [Table 17C.110-1](#) that have a note [7]. In the RA, RSF and RTF zones, a one-time addition to schools is permitted, provided the addition is less than five thousand square feet and five or less parking stalls located on the same site as the primary use. The addition and parking are subject to the development standards of the base zone and the design standards for institutional uses. New buildings or larger additions require a conditional use permit and are processed as a Type II application. The planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest. Applicants must comply with the requirements set forth in [SMC 17G.060.050](#) prior to submitting an application.

H. Agriculture.

This regulation applies to all parts of [Table 17C.110-1](#) that have a note [8]. The keeping of large and small domestic animals, including bees, is permitted in the RA zone. See [chapter 17C.310 SMC](#), Animal Keeping, for specific standards.

I. ~~((Wireless Communication Facilities:~~

~~This regulation applies to all parts of [Table 17C.110-1](#) that have a note [9]. Wireless communication facilities ((are either permitted or require)) requiring a Type III conditional use ((based on location and type of facility)) must use stealth design. See (([chapter 17C.355 SMC](#))) [chapter 17C.355A SMC](#), Wireless Communication Facilities.)) ~~[Deleted]~~~~

SECTION 4. That Table 17C.110-1 is amended to read as follows:

[Section 17C.110T.001](#) Table 17C.110-1 Residential Zone Primary Uses

TABLE 17C.110-1 RESIDENTIAL ZONE PRIMARY USES (Click here to view PDF)					
Use is: P - Permitted	RA	RSF & RSF-C	RTF	RMF	RHD

N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required					
RESIDENTIAL CATEGORIES					
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P
COMMERCIAL CATEGORIES					
Adult Business	N	N	N	N	N
Commercial Outdoor Recreation	N	CU	CU	CU	CU
Commercial Parking	N	N	N	N	N
Drive-through Facility	N	N	N	N	N
Major Event Entertainment	N	N	CU	CU	CU
Office	N	N	N	CU[2]	CU[2]
Quick Vehicle Servicing	N	N	N	N	N
Retail Sales and Service	N	N	N	N	N
Mini-storage Facilities	N	N	N	N	N
Vehicle Repair	N	N	N	N	N
INDUSTRIAL CATEGORIES					
High Impact Uses	N	N	N	N	N
Industrial Service	N	N	N	N	N
Manufacturing and Production	N	N	N	N	N
Railroad Yards	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	N
Waste-related	N	N	N	N	N
Wholesale Sales	N	N	N	N	N
INSTITUTIONAL CATEGORIES					
Basic Utilities [3]	L	L	L	L	L
Colleges	CU	CU	CU	P	P
Community Service	L[4]/CU	L[4]/CU	C[4]/CU	P	P
Daycare [5]	L	L	L	L	L
Medical Center	CU	CU	CU	CU	CU
Parks and Open Areas	P	P	P	P	P
Religious Institutions	L[6]/CU	L[6]/CU	L[6]/CU	P	P
Schools	L[7]/CU	L[7]/CU	L[7]/CU	P	P
OTHER CATEGORIES					
Agriculture	L[8]	N	N	N	N
Aviation and Surface Passenger	N	N	N	N	N

Terminals					
Detention Facilities	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU
Mining	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU
((Wireless Communication Facilities [9]))	L/CU	L/CU	L/CU	L/CU	L/CU
Notes: * The use categories are described in chapter 17C.190 SMC . * Standards that correspond to the bracketed numbers [] are stated in SMC 17C.110.110 . * Specific uses and development may be subject to the standards in SMC 17C.320.080 .					

SECTION 5. That SMC 17C.320.080 is amended to read as follows:

[Section 17C.320.080](#) Decision Criteria

Decision criteria for conditional uses are stated in [SMC 17G.060.170](#). Those conditional uses with decision criteria in addition to that provided in [SMC 17G.060.170](#) are listed below. Requests for conditional uses will be approved if the hearing examiner finds that the applicant has shown that all of the decision criteria have been met.

- A. ~~((Wireless Communication Support Tower.~~
For conditional use permits to construct a wireless communication support tower the following additional criteria apply:
1. ~~The need for the proposed wireless communication support tower shall be demonstrated if it is to be located in a residential zone or within three hundred feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and co-location opportunities on existing support towers within one mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.~~
 2. ~~The proposed tower satisfies all of the provisions and requirements of [SMC 17C.355.030](#) and [SMC 17C.355.040](#).)~~ [Deleted]
- B. Essential Public Facility.
For conditional use permits to site an essential public facility, the following additional criteria apply:
1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates including the:
 - a. Spokane County Regional Siting Process for Essential Public Facilities, and
 - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
 2. Housing for persons with handicaps as defined under the Federal Fair Housing Act and children in the custody of the state, which housing includes “community facilities” as defined in RCW 72.05.020 and facilities licensed under chapter 74.15 RCW, are exempt from the Spokane County Regional Siting Process for Essential Public Facilities. Housing for juveniles held in county detention facilities or state juvenile institutions as defined in chapter 13.40 RCW is subject to the Spokane County Regional Siting Process for Essential Public Facilities.

3. Facilities of a similar nature must be equitably dispersed throughout the City.
- C. Secure Community Transition Facility.
- For a conditional use permit to site a secure community transition facility the following additional criteria must be met:
1. Before issuance of a conditional use permit, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the:
 - a. Spokane County Regional Siting Process for Essential Public Facilities, and
 - b. administrative procedures adopted as part of the interlocal agreement regarding siting of essential public facilities within Spokane County.
 2. The siting of a secure community transition facility must comply with all provisions of state law, including requirements for public safety, staffing, security and training, and those standards must be maintained for the duration of the use.
 3. A secure community transition facility should be located on property of sufficient size and frontage to allow the residents an opportunity for secure on-site recreational activities typically associated with daily needs and residential routines.
 4. If state funds are available, the department of social and health services should enter into a mitigation agreement with the City of Spokane for training and the costs of that training with local law enforcement and administrative staff and local government staff, including training in coordination, emergency procedures, program and facility information, legal requirements and resident profiles.
 5. The applicant must show that the property meets all of the above requirements and, further, if more than one site is being considered, preference must be given to the site furthest removed from risk potential activities or facilities.
- D. Mining.
- For a conditional use permit for a mining use, the following additional criteria apply:
1. The minimum site size shall be three acres.
 2. The minimum setback shall be fifty feet from any property line; provided further, that such mining does not impair lateral or subjacent support or cause earth movements or erosions to extend beyond the exterior boundary lines of the mining site.
 3. Mining operations and associated buildings shall be located at least four hundred feet from a residential zone.
 4. An eight-foot site-obscurer fence shall be provided and maintained in good condition at all times on the exterior boundary of any portion of any site on which active operations exist and on the exterior boundary of any portion of the site which has been mined and not yet reclaimed.
 5. Sound levels, as measured on properties adjacent to a mining site, shall conform to the provisions of WAC 173-60-040, Maximum Permissible Environmental Noise Levels, for noise originating in a Class C RDNA (industrial zone).
 6. All mining and site reclamation activity shall be consistent with the Spokane Regional Clean Air Agency (SRCAA) air quality maintenance requirements.
 7. A reclamation plan approved by the Washington state department of natural resources (DNR) shall be submitted with the conditional use application. The plan shall be prepared consistent with the standards set forth in chapter 78.44 RCW. DNR shall have the sole authority to approve reclamation plans. Upon the exhaustion of minerals or upon the permanent abandonment of mining operations, the mined excavation must be rehabilitated or reclaimed consistent with the approved reclamation plan.
 8. Upon the exhaustion of minerals or materials in the mining use or upon the permanent abandonment of the mining use, all buildings, structures, apparatus or appurtenances accessory to the mining operation shall be removed or otherwise dismantled. Abandonment shall be deemed to have occurred after one year of cessation of all extraction operations.

9. Reclamation shall be complete within one year after the mining operations have ceased or after abandonment of the mining use. The reclamation of the site shall be consistent with the department of natural resources approved site reclamation plan.
 10. To provide for protection of groundwater and surface water, during and after operation, mining shall not be allowed to penetrate below an elevation ten feet above the highest known elevation of an aquifer within the Spokane Valley-Rathdrum Prairie Aquifer area.
 11. The primary reduction and processing of minerals or materials are high impact uses. These uses include, but are not limited to, concrete batching, asphalt mixing, rock crushing, brick, tile and concrete products manufacturing plants, and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products. These uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.
 12. The monitoring and clean-up of contaminants shall be ongoing. The mine operator shall comply with all existing water quality monitoring regulations of the Washington state department of ecology and the Spokane county regional health district.
- E. Retail Sales and Service Uses within Industrial Zone.
For a conditional use permit for a retail sales and service use in an industrial zone, the following additional criteria apply:
1. The use shall serve primarily other businesses and the use will contribute to the enhancement of the industrial character of the area and further the purpose of the industrial zone.
- F. Institutional and Other Uses in Residential Zones.
These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allows institutional uses (including expansions of existing facilities), allows increases to the maximum occupancy of group living, and permits other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:
1. Proportion of Residential Household Living Uses.
The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:
 - a. number, size and location of other uses not in the residential household living category in the residential; and
 - b. intensity and scale of the proposed use and of existing residential household living uses and other uses.
 2. Physical Compatibility.
 - a. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or
 - b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.
 3. Livability.
The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 - a. noise, glare from lights, late-night operations, odors and litter; and
 - b. privacy and safety issues.
 4. Public Services.
 - a. The proposed use is in conformance with the street designations of the transportation element of the comprehensive plan.

- b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
 - i. street capacity, level of service and other performance measures;
 - ii. access to arterials;
 - iii. connectivity;
 - iv. transit availability;
 - v. on-street parking impacts;
 - vi. access restrictions;
 - vii. neighborhood impacts;
 - viii. impacts on pedestrian, bicycle and transit circulation;
 - ix. safety for all modes; and
 - x. adequate transportation demand management strategies.
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.
- G. Alternative or Post Incarceration Facilities – Group Living.

These criteria apply to group living uses that consist of alternative or post incarceration facilities in the RA through the RHD zones.

 - 1. Physical Compatibility.
 - a. The proposal will preserve any City-designated scenic resources; and
 - b. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.
 - 2. Livability.

The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

 - a. noise, glare from lights, late-night operations, odors and litter; and
 - b. privacy and safety issues.
 - 3. Public Services.
 - a. The proposed use is in conformance with the street designations in the transportation element of the comprehensive plan.
 - b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
 - i. street capacity, level of service or other performance measures;
 - ii. access to arterials;
 - iii. connectivity;
 - iv. transit availability;
 - v. on-street parking impacts;
 - vi. access restrictions;
 - vii. neighborhood impacts;
 - viii. impacts on pedestrian, bicycle and transit circulation; and
 - ix. safety for all modes; and
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.
 - 4. Safety.

The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.
- H. Detention Facilities.

These approval criteria ensure that the facility is physically compatible with the area in which

it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

1. Appearance.
The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.
2. Safety.
The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.
3. Public Services.
 - a. The proposed use is in conformance with the street designations shown in the transportation element of the comprehensive plan.
 - b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:
 - i. street capacity, level of service or other performance measures;
 - ii. access to arterials;
 - iii. connectivity;
 - iv. transit availability;
 - v. on-street parking impacts;
 - vi. access restrictions;
 - vii. neighborhood impacts;
 - viii. impacts on pedestrian, bicycle and transit circulation; and
 - ix. safety for all modes; and
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the engineering services department.
- I. Master Campus Plan.
These approval criteria apply to hospitals, colleges and universities, religious institutions and government complexes that develop in a campus setting. The purpose of master campus plan is to recognize the long-range development plans of those institutions and allow for a single integrated review of a campus development plan while allowing for a comprehensive review of facilities serving the site and impacts on neighboring residential areas. Through the master campus plan, these entities prepare master plans for their entire campus to facilitate orderly growth of the institution and assure its compatibility with the surrounding neighborhood.
 1. Eligibility.
All property owned or controlled by a major institution, including all property owned or controlled by the major institution within one-half mile of the primary site. Adjoining property owners may also agree to be included in the master campus plan if the use of their property is functionally related to the institution.
 2. Submittal Requirements.
In addition to the submittal requirements for a Type III application, a master plan of the proposed campus is required to be submitted. The master plan is a long range development plan that would show the long range intent for building locations, uses, circulation, parking, landscape detail, lighting and treatment of the perimeter of the campus area.
 3. Approval Criteria.
 - a. Physical Compatibility.
 - i. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or

- ii. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.
 - b. Livability.
The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 - i. noise, glare from lights, late-night operations, odors and litter; and
 - ii. privacy and safety issues.
 - 4. Development Permits.
After a master campus plan is approved, the institution may then make such improvements as are consistent with the master plan, with only normal development permits being required.
 - 5. Master Plan Amendment.
It is expected that the master campus plan will undergo modification. Such modifications may involve the expansion or relocation of the campus boundary, alteration/addition of uses or other changes. Master plan amendments shall be reviewed as a Type III permit application, subject to the same procedural requirements or as prescribed in subsection (I)(6) of this section.
 - 6. Master Campus Plan Minor Adjustments.
In the issuance of building permits for construction within an approved major campus plan, minor adjustments to the plan may be made consistent with the provisions of [SMC 17G.060.230](#).
- J. Office.
These approval criteria apply to offices allowed as a conditional use permit in the RMF and RHD zones.
- 1. Uses in the Office land use category of [SMC 17C.190.250](#) may be allowed by a Type III conditional use permit approval in the RMF and RHD zone subject to the following criteria:
 - a. The property must have frontage on a principal arterial.
 - b. The subject property is adjacent to or immediately across the street from an existing commercial zone.
 - c. Uses permitted in the Office land use category may not be developed to a depth greater than two hundred fifty feet.
 - d. Ingress and/or egress onto a local access street are not permitted unless the City traffic engineer determines that there is no alternative due to traffic volumes, site visibility and traffic safety.
 - e. All structures shall have size, scale, and bulk similar to residential uses as provided in [SMC 17C.110.500](#), Institutional Design Standards.
 - f. The development standards of the underlying zone shall apply to the use.
 - g. Drive-thru facilities are prohibited, except as allowed by the hearing examiner.

SECTION 6. That SMC 17C.130.220 is amended to read as follows:

[Section 17C.130.220](#) Height

- A. Purpose
The height limits are intended to control the overall scale of buildings. The height limits for sites near residential zones discourage buildings that visually dominate adjacent residential zones. Light, air, and potential for privacy are intended to be preserved in residential zones that are close to industrial zones.

B. Height Standards

The height standards for all structures are stated in [Table 17C.130-2](#). Exceptions to the maximum height standard are stated below.

1. Maximum Height.

Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150).

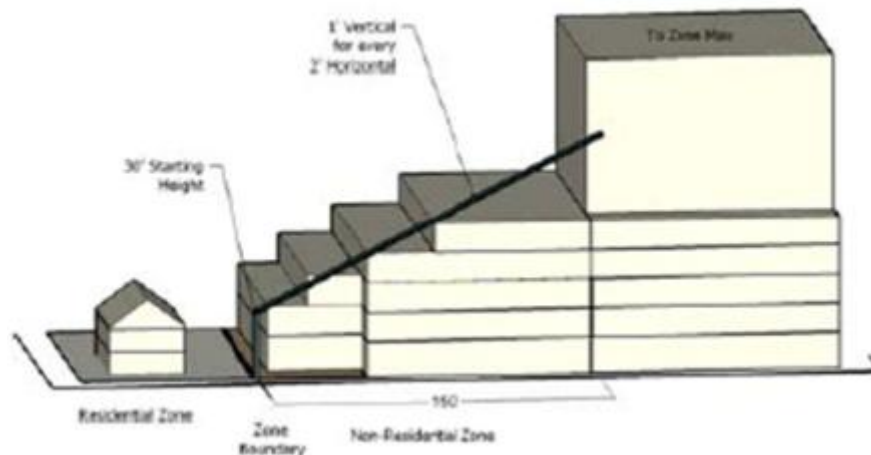
Changes to the height limits require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet or one hundred fifty feet depending on location.

2. Buildings and structures for uses that are not classified as industrial uses within the Industrial Categories of [Table 17C.130-1](#) and that are over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.

3. Adjacent to Single-family and Two-family Residential Zones.

To provide a gradual transition and enhance the compatibility between the more intensive industrial zones and adjacent single-family and two-family residential zones:

- a. For all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows: Starting at a height of thirty feet at the residential zone boundary, additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.

Chimneys, flag poles, satellite receiving dishes and other items similar with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.

5. Rooftop Mechanical Equipment.

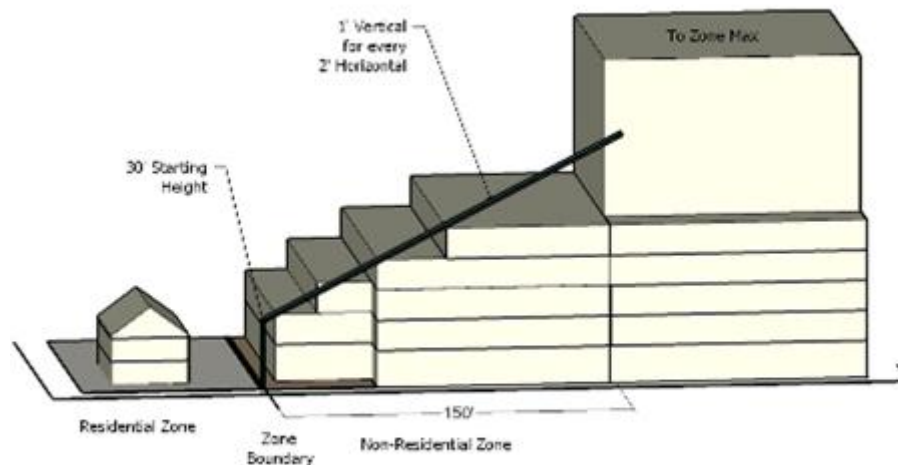
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines and roof lines facing an abutting residential zone. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment, which cumulatively covers no more than ten percent of the roof area, may extend ten feet above the height limit.

6. Radio and television antennas, utility power poles and public safety facilities are exempt from the height limit except as provided in (([chapter 17C.355 SMC](#))) [chapter 17C.355A.SMC](#), Wireless Communication Facilities.
- C. Special Height Districts
Special height districts are established to control building heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts and [chapter 17C.180.SMC](#), Airfield Overlay Zones.

SECTION 7. That SMC 17C.120.220 is amended to read as follows:

[Section 17C.120.220](#) Height

- A. Purpose
The height limits are intended to control the overall scale of buildings. The height limits in the O, NR and NMU zones discourage buildings that visually dominate adjacent residential areas. The height limits in the OR, CB and GC zones allow for a greater building height at a scale that generally reflects Spokane's commercial areas. Light, air and the potential for privacy are intended to be preserved in single-family residential zones that are close to commercial zones.
- B. Height Standards
The height standards for all structures are stated in [Table 17C.120-2](#). Exceptions to the maximum height standard are stated below.
 1. Maximum Height.
Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet or one hundred fifty feet depending on location.
 2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.
 3. Adjacent to Single-family and Two-family Residential Zones.
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:
 - a. For all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet at the residential zone boundary additional building height may be added at a ratio of 1 to 2 (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.
Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.
 5. Rooftop Mechanical Equipment.
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.
 6. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in ([chapter 17C.355 SMC](#)) [chapter 17C.355A SMC](#), Wireless Communication Facilities.
- C. Special Height Districts
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.

SECTION 8. That SMC 17C.110.215 is amended to read as follows:

[Section 17C.110.215](#) Height

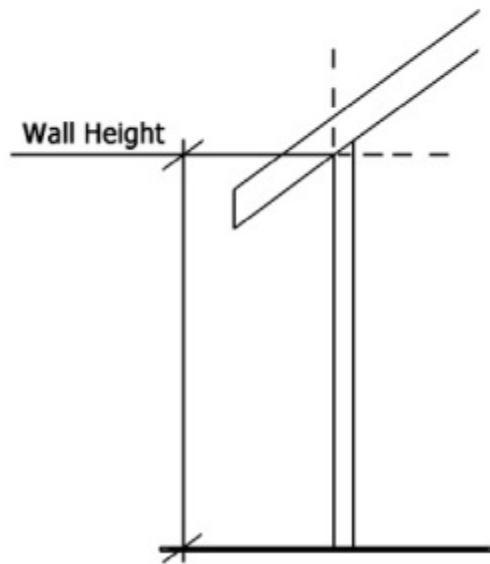
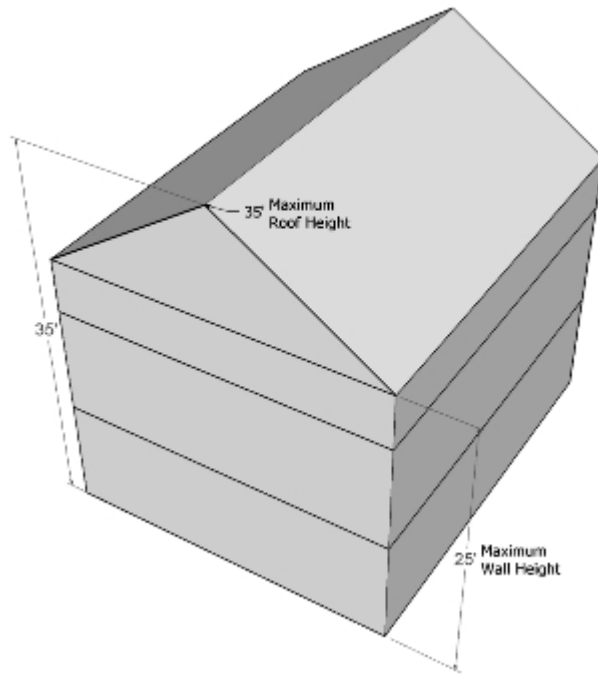
- A. Purpose.
The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.
- B. Height Standards.
The maximum height standards for all structures are stated in [Table 17C.110-3](#). The building height shall be measured using the following method:
 1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing grade or finished grade,

whichever is lower, up to a plan essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between the supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plan above it shall not exceed the maximum height of the zone.

2. When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plan as a lower portion, it must be set back from the lower portion a distance equal to two times the difference between the existing and finished grade on the lower portion of the wall.
3. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.
4. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plan of the maximum height limit.
5. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
6. For purposes of measure building height in residential zones, the following terms shall be interpreted as follows:
 - a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
 - b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
 - c. "Finished grade" means the grade upon completion of the fill or excavation.
 - d. "Excavation" means the mechanical removal of earth material.
 - e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

TABLE 17C.110.215-1 MAXIMUM HEIGHT	
Maximum Wall Height [1]	25 ft.
Maximum Roof Height [2]	35 ft.
[1] The height of the lowest point of the roof structure intersects with the outside plane of the wall. [2] The height of the ridge of the roof. See "Example A" below.	

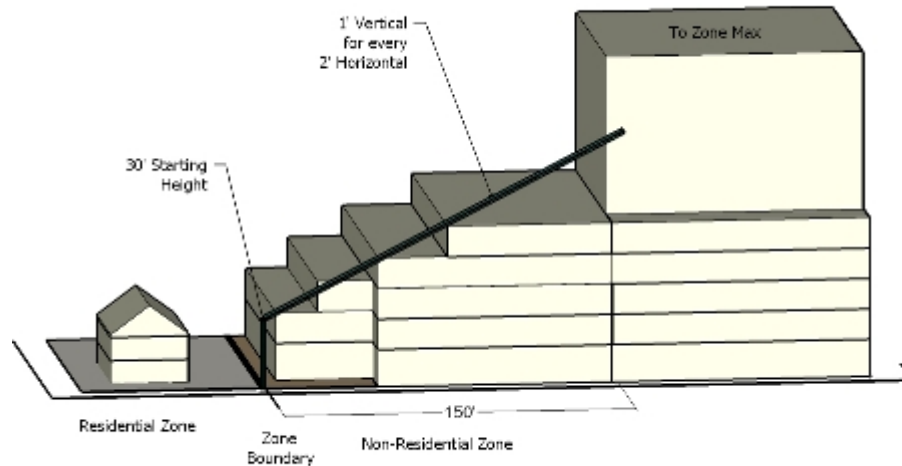
C. Example A



C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are thirty feet, thirty-five feet, forty feet, fifty-five feet, seventy feet, or one hundred fifty feet depending on location.

2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards
3. Adjacent to Single-family and Two-family Residential Zones.
To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:
 - a. for all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet, the residential zone boundary additional building height may be added at a ratio of one to two (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.



4. Projections Allowed.
Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.
5. Farm Buildings.
Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.
6. Utility power poles and public safety facilities are exempt from the height limit.
7. Radio and television antennas are subject to the height limit of the applicable zoning category.
8. Wireless communication support towers are subject to the height requirements of (~~chapter 17C.355 SMC~~) [chapter 17C.355A SMC](#), Wireless Communication Facilities.

9. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.
- D. Special Height Districts.
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- E. Accessory Structures.
The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-three feet in height.

SECTION 9. That SMC 17C.124.220 is amended to read as follows:

[Section 17C.124.220](#) Height & Massing

- A. Purpose.
The height and massing standards control the overall scale of buildings. These standards downtown allow for building height and mass at a scale that generally reflects the most intensive area within the City. The standards help to preserve light, air, and the potential for privacy in lower intensity residential zones that are adjacent to the downtown zones.
- B. Height and Massing Standards.
The height and massing standards for all structures are stated in [Table 17C.124-2](#) and as shown on the zoning map. Bonus height may be allowed as defined in [SMC 17C.124.220\(E\)](#). The Bonus height provisions are not available within downtown zones that have a maximum height specified on the zoning map by a dash and a maximum height specified after the zone map symbol (i.e. DTG-100).
 1. Changes to the Maximum Height Provisions.
Changes to the height limits are not allowed outside of a downtown plan update process.
 2. Pitched roof forms and accessible decks may extend above the height limit; however, if the space within the pitched roof is habitable, it shall only be used for residential purposes.
 3. Projections Allowed.
Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth, or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth, or diameter, they are subject to the height limit.
 4. Rooftop Mechanical Equipment.
All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges visible from streets. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.

5. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in (~~chapter 17C.355 SMC~~)chapter 17C.355A.SMC, Wireless Communication Facilities.
 6. Architectural Projections.
The height limits do not apply to uninhabitable space under four hundred square feet in floor area that is devoted to decorative architectural features such as belfries, spires, and clock towers.
 7. Ground Floor Allowed Height.
The first story of the building may be up to twenty-five feet tall and still count as only one story.
- C. Special Height Districts.
Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches and protection. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.
- D. Downtown West End Special Height District.
For the properties shown in Figure 17C.124.220-1 that are located in the area generally west of Monroe Street, east of Cedar Street, and between Main Avenue and Riverside Avenue, the maximum height shall be as shown in Figures 17C.124.220-1 and 17C.124.220-2.

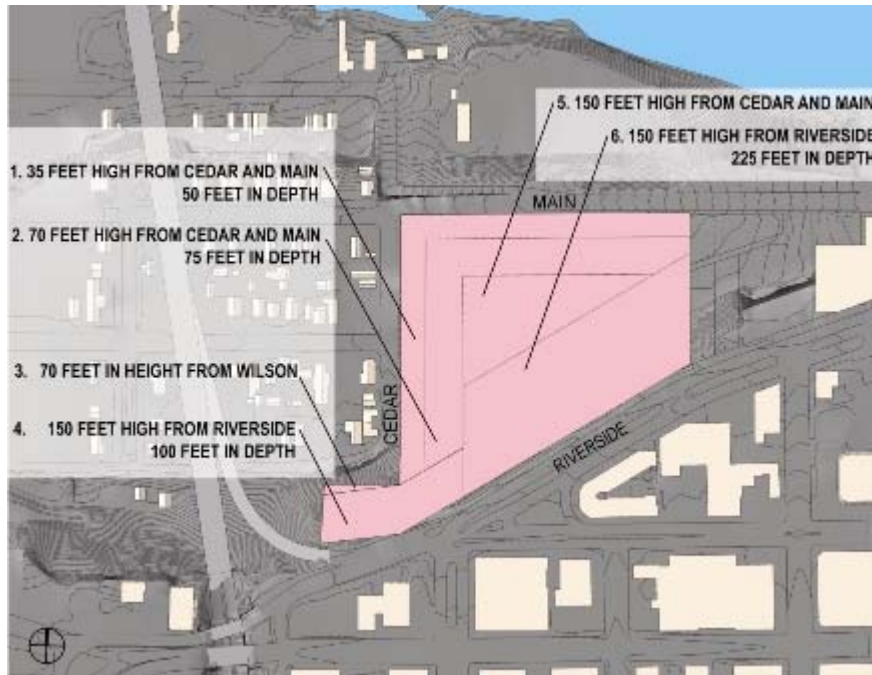


Figure 17C.124.220-1

Notes for Figure 17C.124.220-1.

1. Thirty-five feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, fifty feet in depth from Cedar Street and Main Avenue right-of-way/property line.
2. Seventy feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, seventy-five feet in depth beginning fifty feet from the Cedar Street and Main Avenue right-of-way/property line.

3. Seventy feet in height from Wilson Avenue street grade (highest street elevation fronting the parcel).
4. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, one hundred feet in depth from the Riverside Avenue right-of-way/property line.
5. One hundred fifty feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel).
6. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, two hundred twenty-five feet in depth from the Riverside Avenue right-of-way/property line.

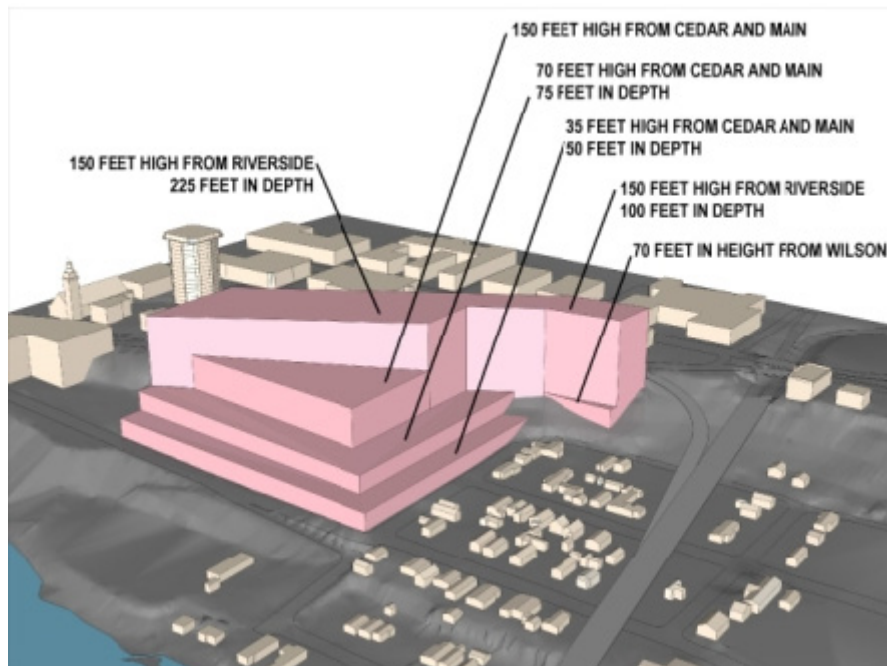
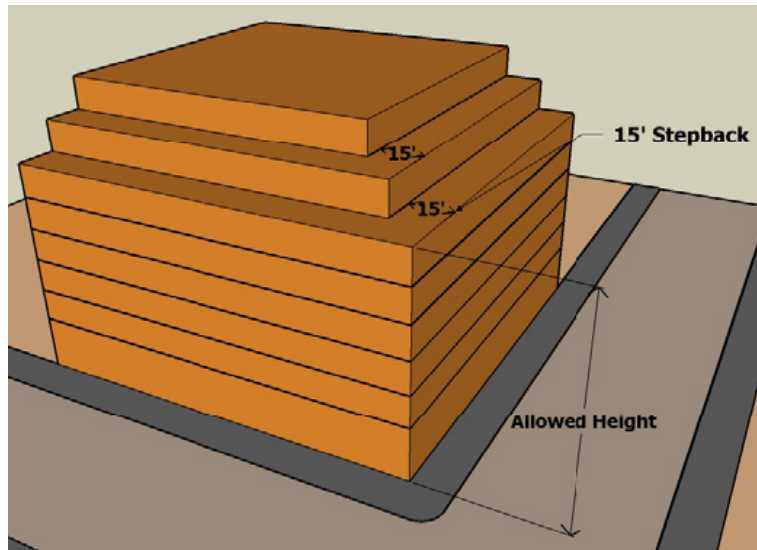


Figure 17C.124.220-2

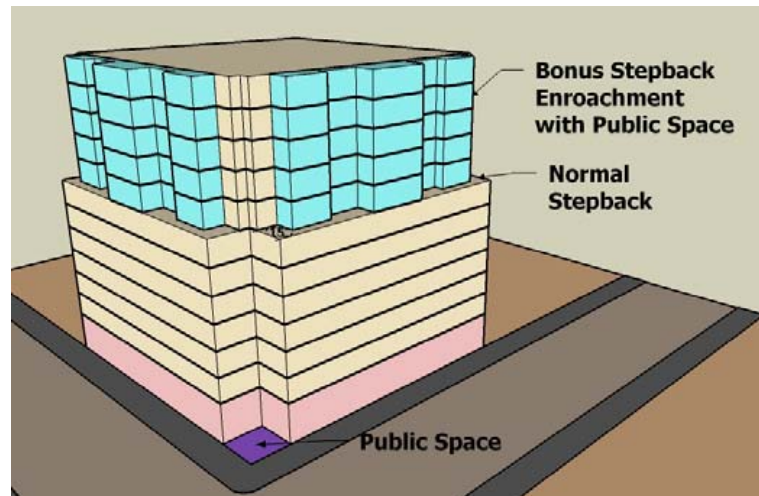
E. Additional Height Within Specific Height Designation Areas.

Additional stories for structures where the maximum height is specified with a dash after the zoning map symbol (i.e. DTG-70).

1. One additional story is allowed for every fifteen feet of upper story structure setback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified.



2. In the DTC-100 zone one additional story is allowed for every fifteen feet of upper story structure setback from Spokane Falls Boulevard. There is no upper story structure setback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure setback from Spokane Falls Boulevard.
- F. Structure Standards Above the Seventh Above Ground Story.
These standards are designed to transition the building bulk and mass for buildings exceeding seven stories in the DTG, DTU, and DTS zones.
2. Upper Story Setback.
All stories above the seventh story shall be setback from all property lines and street lot lines a minimum of fifteen feet.
 3. Exception.
The provision of an exterior public space as defined below allows for encroachment into the upper story setback. The allowed area of encroachment may not exceed an area equal to five times the area of the exterior public space.
Exterior Public Space(s) – A Plaza or Courtyard With a Minimum Area of Two Hundred Square Feet.
A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving, and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.



G. Bonus Height.

The bonus height provisions are not available within specially designated height areas or the downtown zones that have a maximum height specified on the zoning map by a dash and a maximum height specified after the zone map symbol (i.e. DTG-100).

Additional bonus stories may be achieved if a development incorporates specified and described public amenities allowing bonus height and stories above the number of stories allowed outright in the zone. The bonus stories are in addition to what is specified in [Table 17C.124-2](#). The number of stories above the number of stories allowed outright may be increased through a ministerial process intended to ensure that each amenity both satisfies design criteria and serves a public purpose in the proposed location. Amenities provided must be associated with the use for which the height increase is sought. Proposed amenities shall have a public benefit that is appropriate considering the height increase being achieved.

0. Structure Standards for Stories Above the Twelfth Above Ground Story.

These standards are designed to transition the apparent building height and mass for buildings that exceed twelfth stories in the DTG, DTU, and DTS zones. All stories above the twelfth story must meet the following standards. The following floor area and maximum diagonal plan tower dimension shall be measured from the inside face of the outside wall.

- a. On sites less than or equal to thirty-four thousand square feet in size:
 - i. the maximum tower floor plate area per site is twelve thousand square feet;
 - ii. the maximum tower diagonal plan dimension is one hundred fifty feet.
- b. On sites over thirty-four thousand square feet in size:
 - i. the maximum tower floor plate area per site is thirty-six percent of the total site area;
 - ii. the maximum tower diagonal plan dimension is based upon the following formula: Maximum tower diagonal plan dimension = (Square Root of (Site Area x 2)) x 0.6).

1. Bonus Height Provisions.

- a. The following items qualify for addition structure height.
 - i. Permanent Affordable Housing.
Structure envelop devoted to permanent affordable household living space (housing units affordable to households making less than eighty percent of area median income for the City as defined by HUD) is not subject to a height or story limit.
 - ii. Affordable Housing Building Volume Bonus.
An area equal to the area devoted to permanent affordable housing that lies below the twelfth story may be added above the twelfth story in residential use that is not affordable housing.
 - iii. Historic Landmark Transfer of Development Right (TDR).
Subject to the requirements of [chapter 17D.070 SMC](#), Transfer of Development Rights, additional building height and gross floor area may be transferred from a building on the Spokane register of historic places that is within a downtown zone to a new development within a downtown zone. The TDR may be transferred from a historic landmark located on the same site or from a historic landmark located on a separate site.
- b. Two Story Bonus.
The following items each qualify for two bonus stories.
 - i. Ground Floor Uses that “Spill” onto Adjacent Streets.
One ground floor use that “spills” (single use) per one hundred foot of structure street frontage.

Preferred uses include retail sales and service or entertainment use, or any combination thereof, located on the ground floor with direct access and fronting on a street.
 - ii. Canopy Covering at Least Fifty Percent of Adjacent Frontage Over Public Sidewalk.
A virtually continuous canopy structure. A canopy is a permanent architectural element projecting out from a building facade over a sidewalk or walkway. A canopy shall be at least five feet in horizontal width and be no less than eight feet and no more than twelve feet above grade.
 - iii. Alley Enhancements.
Decorative paving, pedestrian-scaled lighting, special paving, and rear entrances intended to encourage pedestrian use of the alley.
 - iv. Additional Streetscape Features.
Seating, trees, pedestrian-scaled lighting, and special paving in addition to any that are required by the design standards and guidelines.
 - v. Small Scale Water Feature.
A small scale minor water feature integrated within an open space or plaza between the structure and public sidewalk. Small scale minor water features are generally designed to be viewed but not physically interacted with.
 - vi. Incorporating Historic Features and Signage.
Including historic plaques or markings about the local area or site.

- Reusing historic building elements and features on the site. Reusing existing landmark signs.
- vii. Incorporating Bicycle Parking Enhancements.
Providing covered bicycle parking for all required bicycle parking along with other bicycle amenities such as secured bicycle lockers and equipment storage facilities.
- c. Four Story Bonus.
The following items qualify for four bonus stories each.
 - i. Additional Building Stepback Above the Seventh Floor.
An additional ten feet of upper floor stepback from the street lot lines.
 - ii. Preferred Materials in Pedestrian Realm.
Use of brick and stone on the building facades that face streets on the first three stories of the building.
 - iii. Multiple Ground Floor Uses that “Spill” onto Adjacent Streets.
One ground floor use that “spills” per thirty feet of structure street frontage. Preferred uses include retail sales and service or entertainment use, or any combination thereof, located on the ground floor with direct access and fronting on a street.
 - iv. Major Exterior Public Spaces/Plaza.
A plaza or courtyard, with a minimum area of four hundred square feet or one percent of the site size, whichever is greater. A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.
 - v. Workforce Housing Greater Than Twenty-five Percent of the Total Number of Housing Units.
For this bonus, the housing units shall be affordable to households earning one hundred twenty percent or less of area medium income (AMI). For homes to be purchased the total housing payment (principal, interest, taxes, and insurance, PITI) shall be no more than thirty-three percent of income. For rental housing the rent plus utilities shall be no more than thirty percent of income.
 - vi. Public Art.
Public art includes sculptures, murals, inlays, mosaics, and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g., fountain) that are designed and crafted by one or more artists. Such artists must be listed on a registry of either the Washington state arts commission or the Spokane arts commission. To receive the bonus, public art must be documented at a value that is at least one percent of the construction value of the bonus stories.

- vii. **Through-block Pedestrian Connections.**
Through-block pedestrian connection providing a continuous walkway accessible to the public, at least ten feet in width, paved with decorative paving and lighted for nighttime use. It may be covered or open to the sky.
- viii. **Major Water Feature.**
A major water feature integrated within an open space or plaza between the structure and public sidewalk. A major water feature is designed to be viewed and is large enough to be physically interacted with by the public. It shall be at least ten square feet in size as measure in plan view.
- ix. **Green/Living Roof.**
A planted area of a roof covering greater than fifty percent of the roof surface.
- d. **Eight Story Bonus.**
The following items qualify for eight bonus stories each.
 - i. **Workforce Housing Greater Than Fifty Percent of the Total Number of Housing Units.**
For this bonus, the housing units shall be affordable to households earning one hundred twenty percent or less of area medium income (AMI). For homes to be purchased the total housing payment (principal, interest, taxes, and insurance, PITI) shall be no more than thirty-three percent of income. For rental housing the rent plus utilities shall be no more than thirty percent of income.
 - ii. **Bicycle Commuter Shower Facilities.**
Structures containing two hundred thousand square feet or more of office gross floor area shall include shower facilities and clothing storage areas for bicycle commuters. One shower per gender shall be required. Such facilities shall be for the use of the employees and occupants of the building, and shall be located where they are easily accessible to parking facilities for bicycles.

SECTION 10. That SMC 17A.020.010 is amended to read as follows:

[Section 17A.020.010](#) "A" Definitions

- A. **Abandoned Sign Structure.**
A sign structure where no sign has been in place for a continuous period of at least six months.
- B. **Aboveground Storage Tank or AST.**
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
- C. **Accepted.**
A project for which the required plans have been found to be technically adequate.
- D. **Accessory Dwelling Unit (ADU).**
An accessory dwelling unit is a separate additional living unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "Mother-in-law apartments,"
 2. "Accessory apartments," or
 3. "Second units."
- E. Accessory Structure.
A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.
1. Accessory structures may be attached or detached from the primary structure.
 2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
 3. See also [SMC 17A.020.160](#) ("Primary Structure").
- F. Accessory Use.
A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.
- G. Activity.
See Regulated Activity.
- H. Administrative Decision.
A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.
- I. Adult Bookstore or Adult Video Store.
1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified anatomical areas," as defined in [SMC 17A.020.190](#), or "specified sexual activities," as defined in [SMC 17A.020.190](#). A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:
 - a. At least thirty percent of the establishment's displayed merchandise consists of said items; or
 - b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
 - c. At least thirty percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
 - d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or
 - e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space maintained for the display, sale, and/or rental of said items"); or

- f. The establishment regularly offers for sale or rental at least two thousand of said items; or
 - g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.
- 2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.
- J. Adult Business.
An “adult bookstore or adult video store,” an “adult entertainment establishment,” or a “sex paraphernalia store.”
- K. Adult Entertainment Establishment.
 - 1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
 - 2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
 - 3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.
- L. Adult Family Home.
A residential use as defined and licensed by the state of Washington in a dwelling unit.
- M. Agency or Agencies.
The adopting jurisdiction(s), depending on the context.
- N. Agricultural Activities.
 - 1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;
 - g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
 - 2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.
- O. Agricultural Land.
Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial

photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.

P. AKART.

An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Q. Alkali Wetlands.

Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.

R. Alley.

See “Public Way” ([SMC 17A.020.160](#)).

S. Alteration.

A physical change to a structure or site.

1. Alteration does not include normal maintenance and repair or total demolition.
2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.

T. Alteration of Plat, Short Plat, or Binding Site Plan.

The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).

U. Alternative or Post-incarceration Facility.

A group living use where the residents are on probation or parole.

V. ~~((Alternative Tower Structure (“Stealth” Technology).~~

~~Manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers (see also “Low Visual Impact Facility” [SMC 17A.020.120](#))).~~ ~~[Deleted]~~

W. ~~((Antenna Array (Wireless Communication Antenna Array).~~

- ~~1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).~~
- ~~2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.)~~ ~~[Deleted]~~

X. ~~((Antenna Height.~~

~~The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.)~~ ~~[Deleted]~~

Y. ~~((Antenna Support Structure.~~

~~Any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.)~~ ~~[Deleted]~~

Z. API 653.

The American Petroleum Institute’s standards for tank inspection, repair, alteration, and reconstruction.

AA. Appeal.

A request for review of the interpretation of any provision of [Title 17 SMC](#).

BB. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

CC. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

DD. Application – Complete.

An application that is both counter-complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).

EE. Aquaculture.

The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas.

Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.

FF. Aquatic Life.

Shall mean all living organisms, whether flora or fauna, in or on water.

GG. Aquifer or Spokane Aquifer.

A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.

HH. Aquifer Sensitive Area (ASA).

That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).

II. Aquifer Water Quality Indicators.

Common chemicals used for aquifer water quality screening. These are:

1. Calcium,
2. Magnesium,
3. Sodium,

4. Total hardness,
 5. Chloride,
 6. Nitrate-nitrogen, and
 7. Phosphorus.
- JJ. Archaeological Areas and Historical Sites.
Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.
- KK. Architectural feature
Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.
- LL. Architectural Roof Structure
Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.
1. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
 2. The base flood depths range from one to three feet.
 3. A clearly defined channel does not exist.
 4. The path of flooding is unpredictable and indeterminate.
 5. Velocity flow may be evident.
 6. AO is characterized as sheet flow and AH indicates ponding.
- MM. Area of Shallow Flooding.
A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).
1. The base flood depths range from one to three feet.
 2. A clearly defined channel does not exist.
 3. The path of flooding is unpredictable and indeterminate.
 4. Velocity flow may be evident.
 5. AO is characterized as sheet flow and AH indicates ponding.
- NN. Area of Special Flood Hazard.
The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- OO. Arterial.
See:
1. "Principal Arterials" – [SMC 17A.020.160](#),
 2. "Minor Arterials" – [SMC 17A.020.130](#),
 3. "Collector Arterial" – [SMC 17A.020.030](#), or
 4. "Parkway" – [SMC 17A.020.160](#).
- PP. Assisted Living Facility.
A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.
1. An "assisted living facility" contains multiple assisted living units.
 2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.
- QQ. Attached Housing.
Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:
1. Townhouses,
 2. Row houses, and
 3. Other similar structures

RR. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

SS. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

TT. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

UU. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

SECTION 11. That SMC 17A.020.200 is amended to read as follows:

[Section 17A.020.200](#) "T" Definitions

A. Temporary Erosion and Sediment Control Measures.

Erosion and sediment control devices used to provide temporary stabilization of a site, usually during construction or ground disturbing activities, before permanent devices are installed.

B. Temporary Sign.

A sign placed on a structure or the ground for a specifically limited period of time as provided in [SMC 17C.240.240\(G\)](#).

C. Temporary Structure.

A structure approved for location on a lot by the department for a period not to exceed six months with the intent to remove such structure after the time period expires.

D. Tenant Space.

Portion of a structure occupied by a single commercial lease holder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

E. Through Pedestrian Zone.

The portion of a sidewalk that is intended for pedestrian travel and is entirely free of permanent and temporary objects.

F. Tideland.

Land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

G. Total Maximum Daily Load (TMDL).

A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non point sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also

account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

- H. ~~((Tower (Wireless Communication Support Tower).
Any structure that is designed and constructed specifically to support a wireless communication antenna array. Towers include self-supporting towers, guyed towers, a single pole structure (monopole), lattice tower, and other similar structures.)) [Deleted].~~
- I. ~~((Tower Compound.
The area containing support tower and ground equipment. The fence surrounding the equipment is the outer extent of the compound.)) [Deleted].~~
- J. ~~((Tower Height.
The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.)) [Deleted].~~
- K. Tracking.
The deposition of sediment onto paved surfaces from the wheels of vehicles.
- L. Tract.
A piece of land created and designated as part of a land division that is not a lot, lot of record or a public right-of-way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, in maintenance agreements, or through conditions, covenants and restrictions (CC&Rs).
- M. Traveled Way.
The area of street which is intended to carry vehicular traffic, including any shoulders.
- N. Type I Application.
An application for a project permit that is subject to an administrative approval and is not categorically exempt from environmental review under chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#), and does not require a public hearing. Type I applications are identified in [Table 17G.060-1](#) in [chapter 17G.060 SMC](#). These applications may include, but are not limited to, building permits and grading permits.
- O. Type II Application.
An application for a project permit that is subject to an administrative decision of a department director, that may or may not be categorically exempt from chapter 43.21C RCW (SEPA), and does not require a public hearing. The Type II applications are identified in [Table 17G.060-1](#) in chapter [17G.060 SMC](#). These applications may include, but are not limited to, short plats, binding site plans, shoreline substantial development permits, and some conditional use permits; provided, the planning director may require conditional use permits which are otherwise characterized as Type II applications under this title to be submitted and processed as Type III applications when the director issues written findings that the Type III process is in the public interest.
- P. Type III Application.
An application for a project permit that is subject to a quasi-judicial decision of the hearing examiner that may or may not be categorically exempt from chapter 43.21C RCW (SEPA) and the City of Spokane Environmental Ordinance [chapter 17E.050 SMC](#) and requires a public hearing. Type III applications are identified in [Table 17G.060-1](#) in [chapter 17G.060 SMC](#). These applications may include, but are not limited to, rezones, conditional use permits, preliminary long plats, or shoreline conditional use permits.

SECTION 12. That SMC 17C.120.110 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.
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](#).
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 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 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. ~~((Wireless Communication Facilities.
This regulation applies to all parts of [Table 17C.120-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).)~~ [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 13. that Table 17C.120-1 is amended to read as follows:

[Section 17C.120.100](#) Commercial Zones Primary Uses

- A. Permitted Uses – “P.”
Uses permitted in the commercial zones are listed in Table 17C.120-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.
- B. Limited Uses – “L.”
Uses allowed that are subject to limitations are listed in Table 17C.120-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.
- C. Conditional Uses – “CU.”
Uses that are allowed if approved through the conditional use review process are listed in Table 17C.120-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.
- D. Uses Not Permitted – “N.”
Uses listed in Table 17C.120-1 with an “N” are not permitted. Existing uses in categories

listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

TABLE 17C.120-1 COMMERCIAL ZONE PRIMARY USES						
Use is: P: Permitted N: Not Permitted L: Allowed, but Special Limitations CU: Conditional Use Review Required	O (Office)	OR (Office Retail)	NR (Neighborhood Retail)	NMU (Neighborhood Mixed Use)	CB (Community Business)	GC (General Commercial)
Residential Categories						
Group Living [1]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Residential Household Living	P	P	P	P	P	P
Commercial Categories						
Adult Business	N	N	N	N	L[2]	L[2]
Commercial Outdoor Recreation	N	N	N	N	P	P
Commercial Parking	CU[3]	CU[3]	P	P	P	P
Drive-through Facility	L[4]	L[4]	L[4]	L[4]	P	P
Major Event Entertainment	N	N	N	N	P	P
Office	P	P	P	P	P	P
Quick Vehicle Servicing	N	N	L[5, 10]	L[5, 7, 10]	P	P

Retail Sales and Service	N	L/CU[6]	P	L[7]	P	P
Mini-storage Facilities	N	N	N	N	L[9]	L[9]
Vehicle Repair	N	N	N	N	P	P
Mobile Food Vending	L[13]	L[13]	L[13]	L[13]	L[13]	L[13]
Industrial Categories						
High Impact Uses	N	N	N	N	N	N
Industrial Service	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Manufacturing and Production	N	N	L[8, 10]	L[7, 8, 10]	L/CU[8, 10]	L/CU[8, 10]
Railroad Yards	N	N	N	N	N	N
Warehouse and Freight Movement	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Waste-related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	L/CU[8, 10]	L/CU[8, 10]
Institutional Categories						
Basic Utilities	P	P	P	P	P	P
Colleges	P	P	P	P	P	P
Community Service	P	P	P	P	P	P
Daycare	P	P	P	P	P	P
Medical Centers	P	P	P	P	P	P
Parks and Open Areas	P	P	P	P	P	P

Religious Institutions	P	P	P	P	P	P
Schools	P	P	P	P	P	P
Other Categories						
Agriculture	N	N	N	N	CU	CU
Aviation and Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	N	N	N	N	CU	CU
Essential Public Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	N	N	N
Rail Lines and Utility Corridors	CU	CU	CU	CU	CU	CU
Wireless Communication Facilities [11]	L/CU	L/CU	L/CU	L/CU	L/CU	L/CU
Notes: <ul style="list-style-type: none"> ▪ The use categories are described in chapter 17C.190 SMC. ▪ Standards that correspond to the bracketed numbers [] are stated in SMC 17C.120.110. ▪ Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards. 						

SECTION 14. That SMC 17C.124.110 is amended to read as follows:

[Section 17C.124.110](#) Limited Use Standards

- A. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.124-1](#).
1. Group Living.
This regulation applies to all parts of [Table 17C.124-1](#) 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.124-1](#) 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.124-1](#) that have a [3]. See [SMC 17C.230.310](#) for the parking structure design guidelines. See [SMC 17C.124.340](#), Parking and Loading, for ground level parking structure use standards.
 - a. New standalone surface commercial parking lots are not allowed as the primary use within the area shown on [Map 17C.124-M1](#), Surface Parking Limited Area. Within the area shown on [Map 17C.124-M1](#), standalone commercial parking as a primary use must be located entirely within a parking structure.
- 4. Drive-through Facility.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [4]. Drive-through facilities are subject to the additional standards of [SMC 17C.124.290](#).
- 5. Quick Vehicle Servicing.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a Type III or IV complete street. Quick vehicle servicing uses must be fully contained within a structure. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.124.290](#).
- 6. Retail Sales and Services Uses Motorized Vehicle Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [6]. Sale, rental, or leasing of motor vehicles, including passenger vehicles, light and medium trucks is not allowed. Sale, rental, and leasing of motorcycles and other recreational vehicles not able to be licensed for normal on street use is allowed. For sale or leasing of motorcycles and other recreational vehicles see [SMC 17C.124.270](#), Outdoor Activities.
- 7. Industrial Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [7]. These types of uses are limited to assure that they will not dominate the downtown area and to limit their potential impacts on residential and commercial uses. In addition, if the planning 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 director may require documentation that the development will be modified to conform with the standards.
 - a. Limited industrial uses are allowed. Only limited industrial uses are allowed. Industrial uses more intensive than the limited industrial definition are not allowed.
 - b. Industrial buildings and industrial sites are subject to the same design standards as commercial buildings and commercial sites.
- 8. Mini-storage, Storage, Warehousing, Industrial and Parking Structure Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [8]. See [SMC 17C.124.340](#).
- 9. Mini-storage Facilities Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have an [9]. Mini-storage facilities are subject to the additional standards of [chapter 17C.350 SMC](#), Mini-storage Facilities.
- 10. Outdoor Activity Limitation.
This regulation applies to all parts of [Table 17C.124-1](#) that have a [10]. Outdoor display, storage, or use of industrial equipment or other industrial items such as

tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.

11. Community Services.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [11]. Most community service uses are allowed by right.

12. Wireless Communication Facilities.

~~((This regulation applies to all parts of [Table 17C.124-1](#) that have an [12]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#).) See chapter 17C.355A SMC.~~

13. Existing Light Industrial and Self-service Storage Uses.

This regulation applies to all parts of [Table 17C.124-1](#) that have an [13]. Light industrial and self-service storage uses in operation on the effective date of this ordinance, are considered to be a conforming use.

14. Mobile Food Vending.

This standard applies to all parts of [Table 17C.124-1](#) that have a [14]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#).

SECTION 15. That SMC 16C.130.110 is amended to read as follows:

[Section 17C.130.110](#) Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from [Table 17C.130-1](#).

1. Group Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [1].

- a. Group living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a group living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Group living uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape and transportation plan which will limit conflicts between the residential, employment and industrial uses.

- b. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are not permitted.

2. Residential Household Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [2].

- a. Residential household living uses are allowed on sites within one-quarter mile of the Spokane River where residents can take advantage of the river amenity. The planning director may authorize a residential living use greater than one-quarter mile from the Spokane River if the applicant demonstrates that the site has a river viewpoint and a pedestrian connection to the river. Residential uses shall provide buffering from adjacent industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The proposal shall include a design, landscape, and transportation plan, which will limit conflicts between the residential, employment and industrial uses.

- b. A single-family residence may be erected on a lot having a side property line which adjoins a lot in a residential zone, with or without an intervening alley, or on a lot which has less than one hundred feet of frontage and has residences existing on all lots adjoining its side property lines.
 - c. Living quarters for one caretaker per site in the LI, HI and PI zones are permitted.
- 3. Group Living and Residential Household Living.

This standard applies to all parts of [Table 17C.130-1](#) that have a [3]. Group living and residential household living uses may be permitted in the PI zone as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of Division G – Administration and Procedures. A minimum of fifty percent of the site within the binding site plan or planned unit development shall be in manufacturing and production, industrial service or office uses. Group living and residential household living uses shall be buffered from industrial lands by use of berms, landscaping, fencing or a combination of these measures or other appropriate screening measures deemed appropriate by the planning director. The buffering improvements shall be developed on the residential portion of the binding site plan or planned unit development at the time the residential uses are constructed. The site development plan shall include a design, landscape, and transportation plan, which will limit conflicts between the residential and industrial uses.
- 4. Adult Business.

This standard applies to all parts of [Table 17C.130-1](#) that have a [4]. Adult businesses are subject to the following standards:

 - a. [Chapter 17C.305 SMC](#), Adult Business.
 - b. Adult businesses are subject to the size requirements specified in item [5] below applicable to retail sales and services uses in the light industrial (LI) zone.
 - c. In addition to the standards in subsections (4)(a) and (b) of this section, adult businesses are permitted only in the light industrial zone adult business overlay zone as designated on the official zoning map.
- 5. Retail Sales and Service Uses Size Limitation.

This standard applies to all parts of [Table 17C.130-1](#) that have a [5]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than sixty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than sixty thousand square feet per site are a conditional use.
- 6. Retail Sales and Service Uses Size Limitation.

This standard applies to all parts of [Table 17C.130-1](#) that have a [6]. Retail sales and service uses are allowed if the floor area plus outdoor sales and display and outdoor storage area is not more than twenty thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than twenty thousand square feet per site are a conditional use.
- 7. Retail Sales and Service Uses Size Limitation.

This standard applies to all parts of [Table 17C.130-1](#) that have a [7]. Retail sales and service uses are allowed if the floor area plus the outdoor sales and display and outdoor storage area is not more than three thousand square feet per site. Retail sales and service uses where the floor area plus the outdoor sales and display and outdoor storage area is more than three thousand square feet per site may be permitted as a part of a binding site plan under the provisions of the subdivision code or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site area of the uses in the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses.
- 8. Mini-storage Facilities.

This standard applies to all parts of [Table 17C.130-1](#) that have a [8]. The limitations are

stated with the special standards for these uses in [chapter 17C.350 SMC](#), Mini-Storage Facilities.

9. High Impact Uses.

This standard applies to all parts of [Table 17C.130-1](#) that have a [9]. High impact uses shall be located a minimum of six hundred feet from the boundary of a residential or commercial zone.

10. Colleges, Medical Centers, Daycare and School Uses.

This standard applies to all parts of [Table 17C.130-1](#) that have an [10]. Colleges, medical centers, daycare and school uses may be permitted as a part of a binding site plan under the provisions of the subdivision code, or a planned unit development under the provisions of the zoning code. A minimum of fifty percent of the site within the planned unit development or binding site plan shall be in manufacturing and production, industrial service or office uses. Colleges, medical centers, daycare and school uses are allowed within the planned unit development or binding site plan provided that the site development includes a design, landscape and transportation plan which will limit conflicts between the college, medical center, daycare, school and industrial uses.

11. Wireless Communication Facilities.

~~((This standard applies to all parts of [Table 17C.130-1](#) that have a [11]. Some wireless communication facilities are allowed by right. See [chapter 17C.355 SMC](#)-.))~~ See [chapter 17C.355A SMC](#).

12. Mobile Food Vending.

This standard applies to all parts of [Table 17C.130-1](#) that have a [12]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to [SMC 10.51.010](#).

SECTION 16. That TABLE 17C.130-1 is amended to read as follows:

[Section 17C.130.100](#) Industrial Zones Primary Uses

A. Permitted Uses (P).

Uses permitted in the industrial zones are listed in Table 17C.130-1 with a “P.” These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses (L).

Uses allowed that are subject to limitations are listed in Table 17C.130-1 with an “L.” These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters.

C. Conditional Uses (CU).

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.130-1 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in Part 3 of this division, Special Use Standards, is also subject to the standards of those chapters. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in Table 17C.130-1 with an “N” are not permitted. Existing uses in categories listed as not permitted may be subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

Table 17C.130-1 Industrial Zones Primary Uses			
Use is: P – Permitted; N – Not Permitted; L – Allowed, but with Special Limitations; CU – Conditional Use Review Required	LI Zone (Light Industrial)	HI Zone (Heavy Industrial)	PI Zone (Planned Industrial)
Residential Categories			
Group Living	L[1]	N	L[3]
Residential Household Living	L[2]	L[2]	L[3]
Commercial Categories			
Adult Business	L[4]	N	N
Commercial Outdoor Recreation	P	P	CU
Commercial Parking	P	P	P
Drive-through Facility	P	P	P
Major Event Entertainment	CU	CU	CU
Office	P	P	P
Quick Vehicle Servicing	P	P	P
Retail Sales and Service	L/CU[5]	L/CU[6]	L[7]
Mini-storage Facilities	L[8]	L[8]	L[8]
Vehicle Repair	P	P	P
Mobile Food Vending	L[12]	L[12]	L[12]
Industrial Categories			
High Impact Use	L[9]	L[9]	N

Industrial Service	P	P	P
Manufacturing and Production	P	P	P
Railroad Yards	CU	P	P
Warehouse and Freight Movement	P	P	P
Waste-related	CU	CU	CU
Wholesale Sales	P	P	P
Institutional Categories			
Basic Utilities	P	P	P
Colleges	P	N	L[10]
Community Service	P	N	N
Daycare	P	CU	L[10]
Medical Centers	P	N	L[10]
Parks and Open Areas	P	CU	P
Religious Institutions	P	N	N
Schools	P	N	L[10]
Other Categories			
Agriculture	P	P	P
Aviation and Surface Passenger Terminals	P	P	P
Detention Facilities	CU	CU	CU
Essential Public Facilities	CU	CU	CU
Mining	CU	CU	CU
Rail Lines and Utility Corridors	P	P	P
Wireless Communication Facilities	L/CU[11]	L/CU[11]	L/CU[11]
Notes: <ul style="list-style-type: none"> • The use categories are described in chapter 17C.190 SMC. • Standards that correspond to the bracketed numbers [] are specified in SMC 17C.130.110. 			

- Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.
- Standards applicable to conditional uses are stated in [chapter 17C.320 SMC](#).

SECTION 17. That SMC 01.05.160 is amended to read as follows:

[Section 01.05.160](#) Land Use Violation

- A. For each subsequent violation, excluding continuing violations, by a person the classification of infraction advances by one class.
- B. Infraction/Violation Class – General.

SMC 1.05.160 Penalty Schedule – Land Use Violation Infraction		Violation Class
General		
IFC 105.3.3 SMC 17G.010.100(B) SMC 10.48.050	Occupy Land or Building Without Certificate of Occupancy	2
SMC 10.48.130	Alarm Installation or Monitoring Company Failure to Provide Customer List	1
	Alarm Installation or Monitoring Company Failure to Report New Customers	1
Boiler Code		
SMC 10.29.020	Operating Boiler Without License	1
SMC 10.29.021	Failure to Report Hazard	1
SMC 10.29.022	Leaving Boiler Room	2
SMC 17F.030.110	Failure to Cause Required Inspections of Boiler, Pressure Vessel	2
SMC 17F.030.130	Improper Operation of Boiler, Pressure Vessel	1
SMC 17F.060.050	Operate Without Elevator Operating Permit	1
Fire Code – International Fire Code (IFC)		
Chapter 22 IFC	Improper Aboveground Storage Tank for Motor Fuel Dispensing	1
Chapter 28 IFC	Improper Storage, Display of Aerosols	2
Chapter 33 IFC	Unauthorized Manufacture, Storage, Sale, Use, Handling of	1
IFC 105.6.14	Explosives	
Chapter 10.33A SMC SMC 17F.080.060		
IFC 107	Continuance of Hazard	1
IFC 109		
IFC 110		
IFC 109.2.2	Noncompliance with Condemnation Tag	1
IFC 109.2.4	Removal, Destruction of Tag, Sign	1
IFC 304	Improper Storage/Accumulation of Rubbish, Vegetation	2
IFC 304	Storage, Use, Handling of Miscellaneous Combustible Material	2
IFC 308	Improper Use of Candles, Open Flame	3
IFC 311	Failure to Properly Maintain Vacant Building, Property	2
IFC 503.4	Obstruction of Fire Access Road	2
IFC 703.1	Failure to Maintain Fire-resistive Construction	2

IFC 703.2	Failure to Maintain Fire Assemblies for Openings	2
IFC 704		
IFC 805	Failure to Flameproof Decorative Material	2
IFC 806		
IFC 901.4	Failure to Install Protection for Kitchen Hoods, Ducts	2
IFC 901.4	Failure to Install Sprinkler System	2
IFC 901.4	Failure to Install Alarm System	1
SMC 17F.080.100		
SMC 17F.080.150		
IFC 901.6	Failure to Maintain Automatic Extinguishing System	2
IFC 901.6	Failure to Maintain Kitchen Rangehood Extinguishing System	2
IFC 901.6	Failure to Maintain Sprinkler System	2
IFC 901.6	Failure to Maintain Standpipe System	2
IFC 903.4	Failure to Provide Approved Electronic Monitoring for Sprinkler and	2
IFC 907.15	Fire Alarm Systems	
IFC 904.11.6.3	Failure to Clean Kitchen Hoods, Ducts	2
IFC 905.3	Failure to Install Standpipe System	2
IFC		
IFC 1003.6	Obstruction of Exit	1
IFC 1011	Failure to Provide Exit Signs	1
IFC 2703.3	Release of Hazardous Material	1
IFC 3404.2.13.1.3	Failure to Remove Abandoned Underground Storage Tank	1
Spokane Municipal Code		
SMC 10.08.040	Fire Hazard from Vegetation and Debris	1
SMC 10.20.020	Abatement of Nuisance	1
SMC 12.01.0804	Failure to Maintain Pedestrian Strip	2
SMC 12.02.010	Sidewalk Not Clear of Snow, Ice	3
SMC 12.02.0210	Vegetation Nuisance Obstruction	1
SMC 12.02.0737	Obstruction of Public Right-of-Way	1
SMC 12.02.0760	Disposal of Leaves and Yard Debris	2
SMC 13.05.010	Tree, etc., Interfering With City Sewer	2
SMC 13.05.020	Poplar, Cottonwood Tree Near Utility Line	2
SMC 17C.110.100	Use Not Permitted in Residential Zone	2
SMC 17C.110.110	Limited Use Standards (Residential)	2
SMC 17C.110.120	Accessory Uses – Residential	2
SMC 17C.110.200	Violation of Development Standards – Residential	2
–		
SMC 17C.110.220		
SMC 17C.110.225	Accessory Structures – Residential	2
SMC 17C.110.230	Residential Fence	2
SMC 17C.110.270	Exterior Storage	2
SMC 17C.110.300	Alternative Residential Development	1
–		
SMC 17C.110.350		
SMC 17C.110.400	Multi-family Design Standards	1
–		
SMC 17C.110.465		
SMC 17C.110.500	Institutional Design Standards	1
–		
SMC 17C.110.575		
SMC 17C.120.100	Use Not Permitted in Commercial Zone	1
SMC 17C.120.110	Limited Use Standards – Commercial	1
SMC 17C.120.210	Development Standards - Commercial	1

—		
SMC 17C.120.300		
SMC 17C.120.310	Commercial Fence	1
SMC 17C.120.500	Commercial Design Standards	1
—		
SMC 17C.120.580		
SMC 17C.122.070	Use Not Permitted in Center and Corridor Zone	1
SMC 17C.122.080	Development Standards – Center and Corridor Zone	1
—		
SMC 17C.122.150		
SMC 17C.124.100	Use Not Permitted in Downtown Zone	1
SMC 17C.124.110	Limited Use Standards – Downtown	1
SMC 17C.124.210	Development Standards - Downtown	1
—		
SMC 17C.124.300		
SMC 17C.124.310	Fences – Downtown Zone	1
SMC 17C.124.340	Parking and Loading - Downtown	1
SMC 17C.124.500	Design Standards – Downtown	1
—		
SMC 17C.124-590		
SMC 17C.130.100	Use Not Permitted in Industrial Zone	1
—		
SMC 17C.130.110		
SMC 17C.130.210	Violation of Development Standards	1
—		
SMC 17C.130.250		
SMC 17C.130.270	Outdoor Activities Not Permitted	1
SMC 17C.130.300	Detached Accessory Structures	1
SMC 17C.130.310	Industrial Fence	1
SMC 17C.160.020	North River Overlay District	1
—		
SMC 17C.160.030		
SMC 17C.170.110	Special Height Overlay Zone	1
SMC 17C.180.050	Airfield Overlay Zone	1
—		
SMC 17C.180.100		
SMC 17C.200.040	Landscaping and Screening Requirements	1
—		
SMC 17C.200.110		
SMC 17C.210.040	Non-conforming Rights	1
—		
SMC 17C.210.070		
SMC 17C.220.080	Off-Site Impacts	1
—		
SMC 17C.220.090		
SMC 17C.230.140	Development Standards – Parking and Loading	2
—		
SMC 17C.230.300		
SMC 17C.230.310	Design Standards - Parking Structures	1
SMC 17C.240.070	Sign in Violation of the Sign Code	1
—		
SMC 17C.240.270		
SMC 17C.300.100	Accessory Dwelling Units General Regulations	2

SMC 17C.300.110	Accessory Dwelling Units Criteria	2
SMC 17C.300.130	ADU Development Standards	1
SMC 17C.305.020	Adult Business Use Standards	1
SMC 17C.310.100	Animal Keeping – Permitted/Prohibited Practices	2
–		
SMC 17C.310.160		
SMC 17C.315.120	Bed and Breakfast Use-related Regulations	2
SMC 17C.315.130	Bed and Breakfast Site-related Standards	2
SMC 17C.315.150	Bed and Breakfast Monitoring	2
SMC 17C.315.160	Pre-established Bed and Breakfast Facilities	2
SMC 17C.316	Short Term Rentals	2
SMC 17C.319.100	Commercial Use of Residential Streets	2
SMC 17C.319.200	Recreational Camping	2
SMC 17C.320.080	Conditional Uses	1
SMC 17C.325.030	Drive-through Facilities	1
–		
SMC 17C.325.060		
SMC 17C.330.120	Group Living Development Standards	1
SMC 17C.335.110	Historical Structures – Change Of Use Development Standards	1
SMC 17C.340.100	Home Occupations	2
–		
SMC 17C.340.110		
SMC 17C.345.100	Manufactured Homes and Mobile Home Parks	1
–		
SMC 17C.345.120		
SMC 17C.350.030	Development Standards – Mini Storage Facilities	1
SMC 17C.350.040	Design Considerations – Mini Storage Facilities	1
SMC 17C.355.030	Wireless Communication Facilities	1
SMC 17C.355.030		
SMC 17C.355.040		
))		
Chapter 17C.355A		
SMC 17C.390.030.B	Mobile Food Vending Located Entirely on Private Property	1
Chapter 17D.060	Stormwater Facility Standards	1
SMC 17E.010.080	Aquifer Pollution Nuisance Declared by Critical Review Officer	2
SMC 17E.010.160(B)	Failure to Comply With Order, Decision of Critical Review Officer	1
SMC 17E.010.350(F)		
SMC 17E.010.540(F)	Failure to Abide by Terms, Conditions of Permit, License, Approval	1
SMC 17E.010.160(C)	Maintain Underground Storage Tank Without Permit	2
SMC 17E.010.210(A)		
SMC 17E.010.230	Use of Underground/Aboveground Storage Tank Without Permit	1
SMC 17E.010.440		
SMC 17E.010.350(A)	Supply False, Inaccurate, Incomplete Information Concerning an UST or AST	2

SMC		
17E.010.350(E)		
SMC		
17E.010.540(A)		
SMC		
17E.010.540(E)		
SMC	Approval Permit Violation	2
17E.010.350(B)		
SMC		
17E.010.540(B)		
SMC	Fill Unpermitted Underground/Aboveground Storage Tank	2
17E.010.350(C)		
SMC		
17E.010.540(C)		
SMC	Tamper with, Fail to Maintain Inventory, Other Records	2
17E.010.350(D)		
SMC		
17E.010.540(D)		
Chapter 17E.020	Prohibited Activities in Fish and Wildlife Areas and Buffers	1
SMC		
Chapter 17E.040	Prohibited Activities in Geological Hazard Areas and Buffers	1
SMC		
SMC 17E.060.120	Use, Alter Land, Erect, Alter, Occupy Structure Within Shoreline Without Compliance With Shoreline Management Regulations	1
Chapter 17E.070	Prohibited Activities in Wetlands and Buffers	1
SMC		
SMC 17F.070.380	Failure to Discharge Responsibilities of Owner	2
SMC 17F.070.390	Failure to Discharge Responsibilities of Occupant	2
SMC 17F.080.250	Failure to Maintain Fire Alarm System	1
SMC	Failure to Provide Fire Protection System Verification Fees	2
17F.080.260(B)		
SMC 17F.080.280	Failure to Secure Fire-damaged Building	2
SMC 17F.080.390	Failure to Provide Semi-annual Inspection of Private Hydrant	2
SMC 17F.080.420	Failure to Maintain Private Hydrant	2
SMC 17F.080.440	Lack of Basement Sprinkler System in Existing Building	2
SMC 17G.010.100	Testing Underground Storage Tank Without Spokane Fire	1
(C)(2)	Department Registration	

SECTION 18. Conflicts with Other Ordinances or Regulations. In the event that any City ordinance or regulation, in whole or in part, conflicts with any provisions in this Ordinance, the provisions of this Ordinance shall control.

SECTION 19. Severability. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Ordinance unconstitutional, preempted or otherwise invalid, that portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance.

SECTION 20. Declaration of Emergency and Effective Date. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage. The City Council previously adopted Ordinance C35243 imposing a moratorium on applications for new wireless communications support towers in the City's

residential zones. The City's wireless communications regulations were dated, and without the moratorium, processing of such applications by the City could have occurred under regulations that are inconsistent with the City's legitimate policy of protecting residentially zoned areas from the aesthetic, visual, and noise impacts associated with wireless communications support towers and related attachments. Wireless communications support towers that are incompatible with adjoining land uses could have been permitted, since current City regulations have not anticipated the proliferation of support towers that are being constructed in response to rapid increases in demand for and changes in wireless communications technology and law. The moratorium is set to expire, and it is necessary for the new regulations in this Ordinance to go into effect immediately for the same reasons the moratorium was needed.

CITY OF SPOKANE, WASHINGTON

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James Richman, Assistant City Attorney

Attachment to Mr. Schram's email:

Jason, thank you for the clarification that the stakes located on the High Drive Bluff are for purposes of determining where Verizon has the technical ability to erect cell phone towers. In anticipation of this the Comstock Neighborhood Council has voted unanimously against any erection of cell phone utilities along the High Drive Bluff or in our prized Comstock Park. See the following resolution, voted on in the January meeting, in order to add to the official citizen/neighborhood feedback record. Please forward to your hierarchy as well. Let me know if you need this in any other format to be considered a formal submission and if you would feel it necessary for me to read the resolution during any public testimony process. Thank you once again for your partnership with the Comstock neighborhood and please continue to reach out to the neighborhood if this proposal is not accepted and for any other utility installations which affect the Comstock neighborhood. This communication will be forwarded to the Manito/Cannon Hill and Cliff Cannon Neighborhood Councils, Friends of the Bluff, all Spokane City Council members, Mayor of Spokane, and the City of Spokane Parks and Recreation director and board for their comment and input.

John Schram, Comstock Co-Chair

Comstock Neighborhood Council resolution 2020_01_15

WHEREAS, it is recognized that the residents of the Comstock neighborhood have had for many decades the desire to maintain High Drive, between the cross streets of 29th Avenue and Grand Boulevard, as a road for smaller, slower moving, less commercial traffic due to its residential structure, scenic nature, and High Drive Bluff Park recreational access.

WHEREAS, the City of Spokane is in agreement with the precepts above and have officially designated this section of High Drive as non arterial and have installed signage to discourage large commercial vehicle traffic. This was reiterated during the planning process which began in 2012 as the complete street reconstruction project was initiated. This section of parkway was and is considered a showpiece. Lane widths were reduced and pedestrian, bicycle, and auto friendly features were installed so as to hearken back to the original Olmsted Brothers report to the Parks Board in favor of its scenic designation. This Olmsted Parkway designation along with High Drive Bluff Park are considered a special place to experience nature with minimal infrastructure detracting's.

WHEREAS, the 25-acre Comstock Park, named after James Comstock, a founding father and early Mayor of Spokane, duly dedicated July 1938, is desired to be as free from visual utility detracting's as possible so as to allow for the greatest visitor experience.

WHEREAS, the 500+ acres of City of Spokane Parks and Recreation owned land known as High Drive Bluff Park which runs the length of the western edge of Spokane's

South Hill is considered a non-developed natural refuge located in the heart of our residential district and is desired to maintain that character and unobstructed vista.

WHEREAS, the City of Spokane has adopted a cell tower ordinance which seeks to minimize the obtrusive effects of cell phone towers and poles while the residents of Comstock continue in the support of communication infrastructure alternatives and upgrades in general, as is necessary, in keeping with the ideals stated above and in the least obtrusive manner possible.

NOW, THEREFORE LET IT BE RESOLVED that the Comstock Neighborhood Council, authorized under the City of Spokane Charter Article VIII, Sections 71-76 (Effective Date: November 2000 Ordinance C32687 Section 1), **opposes any utility pole installation in Comstock Park or on the bluff side of High Drive in light of the above ideals.**

ADOPTED by the Comstock Neighborhood Council by unanimous vote at a regular meeting thereof, held this 15th day of January, 2020.

John Schram, Comstock Neighborhood Council Co-Chair

From: [Heather Stewner](#)
To: [Clarke, Pamela](#); [Wilkerson, Betsy](#); [Beggs, Breean](#); [Simmons, Scott M.](#); [Ogden, Jennifer M.](#)
Subject: Hamblen Park
Date: Wednesday, December 09, 2020 5:09:18 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Parks Board and All,

The importance of our Neighborhood Park, Hamblen is not simple at this pandemic time. With the current Covid orders the number of residents using the park has increased substantially. I see families heading to the park daily, strollers, toddlers, youngsters and dogs. This valuable Park is our neighborhood respite, from the walls closing in on our day. During the pandemic dog ownership has gone up, I see more dogs at Hamblen than ever. With the development of the Garden District some 450 units of housing, Hamblen will be in more demand than ever as neighbors get displaced from that wilderness area. Youngsters can ride their bikes from their homes in small groups still. We need every bit of this Park. This is our neighborhood Park the only one within walking distance for so many.

Parkland conservancies preserve **land** for future generations, purifying our air, providing wildlife habitat, and strengthening our communities. We need Hamblen untouched.

Spokane Council has just dedicated our communities to increased affordable housing, all people need Park area especially with increased housing. Hamblen cannot be shared with a water tank. It will take up to much neighborhood walking space

I want the Parks Board to live up to their capacity as citizens of our community with the intent to honor Hamblen Park as our neighborhood Jewel that it is. Stop the Water Department from intrusion in our Park.

Heather

[Sent from Heather's iPad](#)

From: [Patricia Hansen](#)
To: [Comstock NHC Chair](#); [Clarke, Pamela](#)
Cc: [Dave Lucas](#); [Mary Winkes](#); [Laura Mincks](#); [Seth Knutson](#); nicolajpayette@gmail.com; [Rosemary Small](#); [Philip Small](#); [Nancy MacKerrow](#); pamdaren@msn.com; [Wendy Bachman](#)
Subject: Re: Parks Board meeting 12-10-2020 Hamblin Water Tower feedback
Date: Thursday, December 10, 2020 12:26:26 AM
Attachments: [ordinance-c35312-as-amended-2015-11-02.pdf](#)
[2020-01-15 Comstock no cell tower resolution.docx](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

The Cliff Cannon Neighborhood Council's Executive Committee has taken under consideration and supports reminding the City of Spokane and the Spokane Parks Board of the City of Spokane Ordinance NO. C35312 (link provided below) regarding wireless communication facilities which places preferential ordering and justifications on wireless communication equipment installations. The first preferential placement is on City of Spokane properties. This placement mandates that payments from wireless communication carriers locating equipment on City of Spokane property be paid directly to the City for as long as the equipment remains on that property.

[Cell Tower \(Wireless Communication Facilities\) Code Update - City of Spokane, Washington \(spokanecity.org\)](#)

Wireless communication equipment is frequently located on water towers such as the one described in the proposal for Hamblin Park Conservation Area "improvements". However, the document is silent with reference to potential payments.

The process to rewrite and update SMC 17C.355 into Ordinance NO. C35312 was no less than a herculean task. The City of Spokane's elected officials, administration, employees, and legal counsel; Cliff Cannon Neighborhood Council plus legal counsel; AT&T, Verizon, and Sprint plus legal counsel; and River Oaks Communications Corporation (contracted with the City) worked collaboratively to design this state-of-the-art ordinance. Many of these partners are no longer in these positions. Thus, knowledge and appreciation of this Ordinance may not fully be understood.

As a reminder, Ordinance NO. C35312 is acknowledged and referenced by municipalities and community organizations across the country as a forward-thinking document.

The CCNC's Executive Committee urges the City of Spokane and the Spokane Parks Board to familiarize themselves with Ordinance NO. C35312 and reconsider the proposal for Hamblin Park Conservation Area cell tower "improvements".

Patricia Hansen, Ed.D.
Point of Contact
Cliff Cannon Neighborhood Council

208-755-1925 cell
patricia@pahansen.com

From: [Patricia Hansen](#)
To: [Comstock NHC Chair](#); [Ogden, Jennifer M.](#); [Anderson, Bob](#); [Sumner, Nick](#); [Kitz, Hannah](#); [Gilman, Greta](#); [Lodato, Sally](#); [Chase, Richard](#); [Sperling, Gerry](#); [Brownlee, Kevin](#); [Kinnear, Lori](#); [Conley, Jason K.](#); [Clarke, Pamela](#); [Richman, James](#); [Jones, Garrett](#); [Vorderbrueggen, Al](#); [Spell, Angel](#); [Proszek, Richard](#); [Engineering Services High System Tank](#); [Mayor](#)
Cc: [Mary Winkes](#); [Dave Lucas](#); [Carol Tomsic](#); [Rita Connor](#); [Terry Black](#); [Phil Svoboda](#); [Diane Birginal](#); [Heather Stewner](#); hartsem@hotmail.com; [Laura Mincks](#); [Seth Knutson](#); nicolajpayette@gmail.com; [Rosemary Small](#); [Philip Small](#); [Nancy MacKerrow](#); pamdaren@msn.com; [Wendy Bachman](#)
Subject: Re: Comstock Neighborhood Council resolution regarding proposed Hamblin water tower
Date: Thursday, December 10, 2020 12:26:22 AM
Attachments: [2020-11-17 Comstock resolution re Hamblin Water Tower signed.pdf](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Parks Board Members, staff, legal counsel and other interested parties:

The Cliff Cannon Neighborhood Council's Executive Committee has taken under consideration the recent Comstock Neighborhood Council resolution and its implications for the Parks Board regarding the Hamblin Park Conservation Area and have agreed to be in full support of its ideals. We believe that the Parks Board has a sacred duty to maintain and protect its lands from undue encroachment and development from every source and expect that this be upheld especially in this case.

Patricia Hansen, Ed.D.
Point of Contact
Cliff Cannon Neighborhood Council

208-755-1925 cell
patricia@pahansen.com

From: [Steven Sherman](#)
To: [Clarke, Pamela](#)
Cc: [Kinnear, Lori](#)
Subject: Hamblen Park
Date: Wednesday, December 09, 2020 8:25:24 PM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hamblen Park is a park for people not water tanks.

Converting Hamblen Park into a business by installing a water tank is not acceptable and is dissolving a tranquil piece of land - Part public park and part water distribution system with potential cellular communication systems attached.

This ad in the Inlander by Spokane Parks Foundation dated December 3 through 9 says it all: Now more than ever, our community needs open spaces to stay safe, stay distant, and stay active.

PRESERVE OUR PARKS

Please consider a water tank location that does not take away from the basic needs of people and other living beings.

Steve Sherman
1926 East 36th Ave
Spokane



December 8, 2020

Jennifer Ogden
President, Spokane Park Board
808 W Spokane Falls Blvd
Spokane, WA 99201

Dear Ms. Ogden,

I am writing on behalf of the Community Assembly, Spokane's coalition of twenty-nine neighborhood councils.

At our December 3rd meeting, Comstock Neighborhood Council brought their resolution regarding the potential construction of a water tower in Hamblen Park to Community Assembly for discussion and potential support. While we lacked sufficient information on the water tower project to consider supporting their resolution, we support Comstock's process and ask that the Spokane Park Board consider Comstock's concerns as expressed in their resolution.

Local residents and neighborhood councils have a strong interest in projects that occur in their neighborhoods. This is especially true for public projects that impact our trails, parks, and other public amenities. Neighborhood involvement in the selection of the location and the design for these amenities can create a better outcome for the local residents and the city as a whole.

Community Assembly requests that local residents and the neighborhood councils that represent them be closely involved in planning the future of their neighborhoods, especially when it impacts the parks and public open spaces that we cherish.

Together, we can make Spokane a better place for everyone.

Respectfully,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Greg Francis
Chair, Administrative Committee
Community Assembly

cc: Lori Kinnear, City Council Liaison to Spokane Park Board
Garrett Jones, Director, Parks and Recreation

encl: Comstock Neighborhood Council Resolution Dated 11/17/20

From: [Grandview-Thorpe Neighborhood Council](#)
To: [Jones, Garrett](#); [Spokane Parks and Recreation](#)
Subject: Comstock Resolution
Date: Thursday, December 10, 2020 9:48:01 AM
Attachments: [2020-11-17 Comstock resolution re Hamblin Water Tower signed.pdf](#)
[ATT00001.htm](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Parks Director Jones and Spokane Park Board Members,

At the Grandview-Thorpe Neighborhood meeting on December 10, 2020, the resolution prepared by Comstock NC regarding the Hamblin Water Tower was discussed. By consensus, our Neighborhood agreed to support the Comstock resolution that no development for "non-park use" happen in City Parks without a vote of the people. We believe that our City Parks are important green spaces for our Neighborhoods, and that residents of the City should have input before development happens within these Parks.

Thank you for your consideration,
Joy Sheikh
Chair, Grandview-Thorpe Neighborhood Council