



Spokane Plan Commission Agenda

November 11, 2015

2:00 PM to 5:00 PM

City Council Chambers

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each Citizens are invited to address the Plan Commission on any topic not on the agenda

Commission Briefing Session:

2:00-2:15	1) Approve October 28, 2015 Meeting Minutes	
	2) City Council/Community Assembly Liaison Reports	
	3) President Report	Dennis Dellwo
	4) Transportation Subcommittee Report	John Dietzman
	5) Secretary Report	Louis Meuler

Workshops:

2:15 - 2:55	1) Peaceful Valley Neighborhood Plan	Jo Anne Wright
2:55 - 3:30	2) Spokane Housing Ventures Annexation-Land Use and Zoning	Jo Anne Wright

Hearings:

4:00 - 5:00	1) Update to City-Wide 6 Year Program	Katherine Miller
	2) Annual Development Code Cleanup	Tami Palmquist
	3) Foreclosure Property Registry Ordinance	Melissa Wittstruck

Adjournment:

Next Plan Commission meeting will be on November 18, 2015

The password for City of Spokane Guest Wireless access has been changed:

Username: COS Guest

Password:

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs, and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Chris Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Memo

City of Spokane
Planning and
Development

To: City Council President Ben Stuckart and City Council Members

From: Ken Pelton, Principal Planner

Date: **11/5/2015**

Re: UDC Maintenance Plan Commission Recommendations

Please see the attached document which contains the items that are included in the Unified Development Code Maintenance Project for 2013. The Plan Commission held a public hearing on December 11, 2013 and recommends approval of these amendments.

Please let me know if you have any questions. Thank you.

509 625-6063 or Kpelton@spokanecity.org

Unified Development Code Maintenance Project

Introduction:

The attached document represents the list of recommended amendments to the Spokane Municipal Code.

To help understand the types of changes that are recommended, the amendments are generally categorized under three types.

The three types are:

Minor: These include changes such as corrections to cross references or moving code sections directly from chapter 11.19 to Title 17 without changing their substance.

Clarification: These include changes such as fixing conflicting provisions within the code, or fixing code provisions that were either oversights or mistakes when the code was adopted.

Substantive: These include changes such as adjusting permitted uses, adjusting a development standard, or improving the practical application of the code.

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TOPICS, COMMENTARIES, PROPOSED AMENDMENTS

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 17A.020 Definitions			
17A.020.030 “C” Definitions	Minor	Update definition of Critical Areas	Refers to the definition in the RCW for critical areas so the definition in the SMC and the RCW are consistent, and aligns the critical area terminology with the RCW terminology.
<p>Section 17A.020.030 “C” Definitions</p> <p>TT. Critical Areas. <u>As defined under chapter 36.70A RCW, or as amended, Any areas of frequently flooding flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, aquifer sensitive areas, or wetlands as defined under described in chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, and chapter 17E.070.SMC.</u></p>			
17A.020.060 “F” Definitions	Minor	Update definition of Floodway	Refers to the definition in the RCW for floodway so the definition in the SMC and the RCW are consistent.
<p>Section 17A.020.060 “F” Definitions</p> <p>R. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. <u>As defined under Section 90.58.030 RCW, or as amended.</u></p>			

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY																																																																								
Title 17C Land Use Standards																																																																											
Table 17C.110-1 Residential Zone Primary Uses	Minor	Correction needed to align with previously adopted ordinance #C34717.	Table 17C.110-1 was amended by Ordinance #C34717 to change Daycare to an outright permitted use in the RMF and RHD zones. Table 17C.110-1 was incorrectly amended by Ordinance #C34911 to change Daycare from an outright permitted use to a limited use in the RMF and RHD zones. Table 17C.110-1 needs to be corrected to show that Daycare is an outright permitted use as amended by Ordinance #C34717.																																																																								
<table><tr><th colspan="6">Table 17C.110-1 RESIDENTIAL ZONE PRIMARY USES</th></tr><tr><td>Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required</td><th>RA</th><th>RSF & RSF-C</th><th>RTF</th><th>RMF</th><th>RHD</th></tr><tr><td>Institutional Categories</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Basic Utilities [3]</td><td>L</td><td>L</td><td>L</td><td>L</td><td>L</td></tr><tr><td>Colleges</td><td>CU</td><td>CU</td><td>CU</td><td>P</td><td>P</td></tr><tr><td>Community Service</td><td>L[4]/CU</td><td>L[4]/CU</td><td>L[4]/CU</td><td>P</td><td>P</td></tr><tr><td>Daycare [5]</td><td>L</td><td>L</td><td>L</td><td>L P</td><td>L P</td></tr><tr><td>Medical Center</td><td>CU</td><td>CU</td><td>CU</td><td>CU</td><td>CU</td></tr><tr><td>Parks and Open Areas</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td></tr><tr><td>Religious Institutions</td><td>L[6]/CU</td><td>L[6]/CU</td><td>L[6]/CU</td><td>P</td><td>P</td></tr><tr><td>Schools</td><td>L[7]/CU</td><td>L[7]/CU</td><td>L[7]/CU</td><td>P</td><td>P</td></tr><tr><td colspan="6">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.110.110.• Specific uses and development may be subject to the standards in SMC 17C.320.080.110.115 through 17C.110.575.</td></tr></table>				Table 17C.110-1 RESIDENTIAL ZONE PRIMARY USES						Use is: P - Permitted N - Not Permitted L - Allowed, but special limitations CU - Conditional Use review required	RA	RSF & RSF-C	RTF	RMF	RHD	Institutional Categories						Basic Utilities [3]	L	L	L	L	L	Colleges	CU	CU	CU	P	P	Community Service	L[4]/CU	L[4]/CU	L[4]/CU	P	P	Daycare [5]	L	L	L	L P	L P	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	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.110.110.• Specific uses and development may be subject to the standards in SMC 17C.320.080.110.115 through 17C.110.575.					
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CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Table 17C.110-3 Development Standards			
Table 17C.110-3 Development Standards – “Notes”	Minor	Correction needed to align with previously adopted ordinances.	Footnote 6 was amended by Ordinance #C34717 to change allowed structure height in a rear yard from seventeen feet to twenty feet. Table 17C.110-3 was incorrectly amended by Ordinance #C34911 to change renumbered footnote 6 (renumbered to footnote 4) to permit a maximum structure height of seventeen feet rather than twenty feet as was previously amended by Ordinance #C34717. Footnote 13 was amended by Ordinance #C34717 to change the setback requirement for a covered accessory structure. Table 17C.110-3 was incorrectly amended by Ordinance #C34911 to change renumbered footnote 13 (renumbered to footnote 11) by not including the underlined text below: Setback for a detached accessory structure <u>and a covered accessory structure</u> may be reduced to zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).

**TABLE 17C.110-3
DEVELOPMENT STANDARDS [1]**

Notes:

-- No requirement

[1] Plan district overlay zone or SMC 17C.110.300, Alternative Residential Development, may supersede these standards.

[2] Lots created through subdivision in the RA, RSF and the RSF-C zones are subject to the lot size transition requirements of SMC 17C.110.200(C)(1).

[3] FAR may be increased to 0.65 for attached housing development only.

[4] No structure located in the rear yard may exceed ~~seventeen~~ twenty feet in height.

[5] Base zone height may be modified according to SMC 17C.110.215, Height.

[6] Attached garage or carport entrance on a street is required to be setback twenty feet from the property line.

[7] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.

[8] See SMC 17C.110.220(D)(2), setbacks regarding reduction in the rear yard setback.

[9] Attached garages may be built to five feet from the rear property line except, as specified in SMC 17C.110.225(C)(6)(b), but cannot contain any living space.

[10] Maximum site coverage for accessory structures is counted as part of the maximum site coverage of the base zone.

[11] Setback for a detached accessory structure and a covered accessory structure may be reduced to

zero feet with a signed waiver from the neighboring property owner, except, as specified in SMC 17C.110.225(C)(5)(b).

[12] The setback for a covered accessory structure may be reduced to five feet from the property line.

17C.120.110 Limited Use Standards	Minor	Add reference to additional standards for “Drive-through Facility”	
<p>Section 17C.120.110 Limited Use Standards</p> <p>The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.120-1.</p> <p>4. Drive-through Facility.</p> <p>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 <u>and SMC 17C.325</u>.</p>			
Table 17C.124-2 Development Standards	Substantive	Remove minimum lot size and lot depth, and reduce minimum front lot line in downtown zones.	Removing lot size and lot depth standards allows more flexibility in the creation of lots for dense urban development. None of the other commercial zoning categories have minimum lot size or minimum lot depth standards. It is important to maintain the requirement for a minimum front lot line so lots have street access.

Table 17C.124-2 Development Standards [1]

Standard	DTC (Downtown Core)	DTG (Downtown General)	DTU (Downtown University)	DTS (Downtown South)
Maximum FAR [2]	No Limit	6	6	4
Maximum height [3]	No Limit	12 Stories [3]	12 Stories [3]	12 Stories [3]
Minimum setback from street lot line [4,5]	0 ft.	0 ft.	0 ft.	0 ft.
Minimum setback from R-zoned lots [5]	10 ft.	10 ft.	10 ft.	10 ft.
Minimum setback from lot lines [5]	0 ft.	0 ft.	0 ft.	0 ft.
Minimum lot size	2,500 sq.ft.	2,500 sq.ft.	2,500 sq.ft.	2,500 sq.ft.
Minimum front lot line	<u>10</u> 25 ft.	<u>10</u> 25 ft.	<u>10</u> 25 ft.	<u>10</u> 25 ft.
Minimum lot depth	80 ft.	80 ft.	80 ft.	80 ft.
Landscaping required [6]	[6]	[6]	[6]	[6]
Parking required [7]	[7]	[7]	[7]	[7]

**17C.200.020
Plan Submittal
Requirements**

Minor

Require landscaping plan for higher density housing projects.

The suggested revision clarifies the uses which require preparation of a landscape plan for submittal along with a building permit application. Landscape plans are not usually necessary for a house, an attached house or a duplex on an individual lot. However, a landscaping plan is needed for higher density housing projects as well as multiple houses, attached houses, and more than one duplex on a single lot.

Section 17C.200.020 Plan Submittal Requirements

Landscape plans are not required for a houses, an attached houses ~~and or a duplexes on a lot~~. For all other types of development on sites, including planned unit developments, of more than seven thousand square feet of lot area, landscape plans shall:

- A. be prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- B. be submitted at the time of application for a development permit; and
- C. include the following elements:
 - 1. The footprint of all structures.
 - 2. The final site grading.
 - 3. All parking areas and driveways.
 - 4. All sidewalks, pedestrian walkways and other pedestrian areas.
 - 5. The location, height and materials for all fences and walls.
 - 6. The common and scientific names of all plant materials used, along with their size at time of planting.
 - 7. The location of all existing and proposed plant materials on the site.
 - 8. A proposed irrigation plan; and
 - 9. Location of all overhead utility and communication lines, location of all driveways and street signs.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 17E.060 Shoreline Master Program			
17E.060.280 Physical and Visual Public Access	Minor	Fix incorrect references	
<p>Section 17E.060.280 Physical and Visual Public Access</p> <p>D. Except as provided in SMC 17E.060.280(U) and (V), and subject to the limitations set forth in SMC 17E.060.280(A), public access shall be provided for any new development activity that requires a shoreline substantial development permit, conditional use permit, and/or variance permit where any of the following conditions are present:</p> <ol style="list-style-type: none"> 1. Where a new development activity will create increased demand for public access to the shoreline, the development shall provide public access proportional to the degree of impact as mitigation. 2. Where a new development will interfere with an existing public access way, the development shall provide public access to mitigate this impact. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby accesses; or 3. Where a new development will interfere with a public use of lands or waters waterward of the ordinary-high-water-mark, the development shall provide public access. 4. 			

Table 17E.060-4 Shoreline Primary Uses	Minor	Correct a conflict between “Boating Facilities” and “Water Enjoyment Recreational Facilities” for launch ramps in the WWTP Shoreline Environment.	“Water enjoyment recreation” includes boat ramps. Therefore, the two categories were in conflict in the WWTP Environment. The change will treat both “Launch ramps for small non-motorized water-craft” and “Water-enjoyment recreation” as a conditional use (CU).
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Table 17E.060-4
Shoreline Primary Uses

Use is: P: Permitted (with shoreline substantial development permit or exemption) N: Not permitted L: Allowed, but special limitations CU: Conditional use review required	Shoreline Environments					
	<i>NE</i>	<i>UCE</i>	<i>SRE</i>	<i>LUE</i>	<i>IUE</i>	<i>WTPE</i>
Boating Facilities						
Marinas	N	N	N	N	N	N
Launch ramps for small non-motorized water-craft	CU	CU	CU	CU	N	CU
Recreational Development						
Water-dependent recreation	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	N
Water-enjoyment recreation	L ^[7] /CU	CU	CU	CU	CU	N CU
Non-water oriented recreation	N	CU	CU	CU	CU	N

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 17G Administration and Procedures			
17G.050.310 Right of Appeal	Minor	Provide clearer procedures for the appeal of land use decisions.	The changes remove confusing appeal references and provide a direct link to the SMC section that specifies the appropriate appeal body.
<p>Section 17G.050.310 Right of Appeal</p> <p>A. The applicant of or a person with standing as defined in chapter 17A.020 SMC may appeal to the hearing examiner a decision of the director of planning services, engineering services, the building official, the responsible official under SEPA as provided in SMC 17G.060.210 and the landmarks commission related to applications for certificate of appropriateness and determination of eligibility under SMC 17D.040.230 by filing with the permit application department a written appeal within fourteen days of the date of the written decision.</p> <p>B. The applicant, a person with standing, or a City department may appeal to the city council any decision of the <u>decisions of the</u> hearing examiner, except as provided in <u>as provided in</u> SMC 17G.060.210, by filing with the permit application department a written appeal within fourteen days of the date of the written decision of the hearing examiner.</p>			
17G.060.075 Shoreline Substantial Development Permit Letter of Exemption	Minor	Fix incorrect references	
<p>Section 17G.060.075 Shoreline Substantial Development Permit Letter of Exemption Procedure</p> <p>A. State law and the shoreline master program specifically exempt certain types of development from the requirement of obtaining a shoreline substantial development permit. The types of development that are exempted are listed in SMC 17E.060.320<u>0</u> and WAC 173-27-040. No exempt development, use or activity shall be undertaken within the jurisdiction of the Shoreline Management Act (chapter 90.58 RCW or its successor) and the shoreline master program unless a statement of exemption has been obtained from the director. Burden of proof that a development or use is exempt from the permit process is on the applicant.</p> <p>B. Application procedure for a letter of exemption from a shoreline substantial development permit is the same as for any shoreline permit as defined in SMC 17G.060.070 with these additional application materials:</p> <ol style="list-style-type: none"> 1. Written explanation of exemption type as defined in SMC 17E.060.320<u>0</u> and WAC 173-27-040. 2. A contractor's bid to verify the total cost or fair market value of the proposal including labor and material, if the proposed exemption category is below the dollar threshold defined in WAC 173-27-040. 			

3. A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction as defined in WAC 173-27-040.
- C. All development within the shoreline, even when an exemption from the requirement of a substantial development permit is granted, must be consistent with the policies of the Shoreline Management Act and the shoreline master program. Conditions may be attached to the approval of a shoreline exemption in order to assure consistency of the project with the Shoreline Management Act and the shoreline master program (WAC 173-27-040).
 - D. A letter of exemption from a shoreline substantial development permit is not always an exemption from a shoreline conditional use permit or a shoreline variance. A development or use that is listed as a conditional use pursuant to the SMP regulations or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance (WAC 173-27-040).
 - E. In the case of shoreline projects with federal permit review and upon completion of a letter of exemption, the director must submit to ecology:
 1. Letter of exemption.
 2. Site plan.
 3. What is being approved; and
 4. Conditions of approval.

It must also state the specific exemption provision from WAC 173-27-040 and SMC 17E.060.3200 and provide a summary of analysis of the consistency of the project with the SMP and the SMA. It shall contain any SEPA determination made and include the permit data sheet and transmittal letter form (WAC 173-27-990 Appendix A).
 - F. The director shall review watershed restoration projects as defined in WAC 173-27-040 for consistency with the SMP and shall issue a decision along with any conditions within forty-five days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as defined in WAC 173-27-040.

17G.060.210 Appeals	Minor	Provide clearer procedures for the appeal of land use decisions and clean up state mandated shoreline language.	
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Section 17G.060.210 Appeals

- A. The provisions of this section shall apply to any written order, requirement, permit, decision, or determination made under the land use codes. ~~The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.~~
- B. ~~Appeal or request for reconsideration~~ of a director's decision on a ~~Type I and Type II~~ project permit application is to the hearing examiner as an open record appeal, except appeals of building permits that are not related to the land use codes shall go before the building construction review board pursuant to chapter 4.06 SMC and appeals related to the fire code shall be heard by the fire code advisory board pursuant to chapter 4.08 SMC. The hearing examiner shall consider the appeal in accordance with procedures set forth in chapter 17G.050 SMC and the hearing examiner's rules of procedure.
- C. ~~Appeal of the a~~ hearing examiner's decisions ~~on a Type III project permit application are~~ is to superior court, except rezones, PUDs, preliminary long plats, and skywalk permits are appealable to city council as a closed record appeal hearing and are subject to the procedures in chapter 17G.050 SMC.
- D. Shoreline substantial development permits decisions, after final decision by the City, may be appealed within twenty-one days from the "date of filing" or the date of actual receipt by the Department of Ecology ~~date the department of ecology receives the final decision~~; appeal is made to the shorelines hearings board.
- E. Shoreline conditional use permits and shoreline variance permits may be appealed to the shorelines hearings board within twenty-one days from the "date of filing" or the date the decision of the Department of Ecology is transmitted to the City of Spokane ~~date of transmittal by the department of ecology of the final decision to the City~~. If, as a result of the appeal process, the project has been modified, the director must reissue the permit according to WAC chapter 173-27-130 and submit a copy of the reissued permit to the department of ecology.
- F. Except as otherwise provided, ~~Appeals or requests for reconsideration from decisions or rulings shall be made filed~~ within fourteen calendar days of the date of the ~~written order decision, or within seven days of the date of issuance of the decision on a request for reconsideration~~. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day. The appeal or request for reconsideration is filed in the department that is responsible for the permit application, except an appeal to superior court must be filed as a land use petition to the court within twenty-one days of the date of the written decision is signed issued.
- G. An appeal or request for reconsideration ~~of the director or hearing examiner~~ shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal or reconsideration. The following information, accompanied by an appeal fee as specified in chapter 8.02 SMC, shall be submitted. All fees including transcript deposit fees must be paid by the appellant no later than the last day to file the appeal. The appellant shall pay the cost of a written transcript within five days of the receipt of the hearing examiner's statement for the cost. An appeal application is not considered complete until all required fees are paid. Failure to timely pay all fees results in dismissal of the appeal with prejudice. The appeal or request for reconsideration application shall contain:
 - a. file number of the decision;

- b. an indication of facts that establish the appellant's right to ~~appeal or request reconsideration~~ the relief requested;
- c. an identification of exceptions and objections to the decision being appealed or reconsidered, or an identification of errors in fact or conclusion;
- d. the requested relief from the decision being appealed or reconsidered;
- e. any other information reasonably necessary to make a decision on the appeal or reconsideration;
- f. failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal or reconsideration request.

H. The appeal or request for reconsideration is rejected if:

- a. it is filed by a person without standing as specified in chapter 17A.020 SMC;
- b. an appeal decision is being sought from a decision-maker not authorized by this chapter to make such a decision;
- c. it is not timely filed;
- d. the appeal fees have not been paid; or
- e. it is not filed in accordance with the procedures of this chapter.

- I. An appeal or request for reconsideration stays the underlying decision pending final disposal of the appeal ~~or other requests for relief~~, unless the action ordered in the decision is necessary to protect the public health or safety, or unless the appeal is required to be filed in superior court. Filing a suit or action in court does not stay the final decision unless and until the court, pursuant to RCW 36.70C.100, issues an order.

J. Notice of Appeal.

Notice of a hearing by the hearing examiner on an request for reconsideration or appeal of a Type I or Type II project permit is given to the director, appellant, applicant, and any party of record. This notice is mailed through regular U.S. mail or personally served at least fourteen days prior to the hearing. The notice of appeal contains the following information:

- a. Location of the property including a map sufficient to clearly locate the site.
- b. Description of the proposed action.
- c. Name of the applicant.
- d. Application name and number.
- e. Decision made on the application, including the environmental threshold determination.
- f. Name of the appellant if other than the applicant.
- g. Date, time, and place of hearing.
- h. A statement of whether the appeal is on the record or if new information will be allowed; and
- i. Name, address, and office telephone number of the City official from whom additional information may be obtained.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 17G Administration and Procedures			
Section 17G.080.020 General Provisions. C. Expiration of Approval.	Minor	Amend timelines for expiration of preliminary plats to bring them into alignment with state subdivision law	<p>The purpose of the change is to bring the Subdivision Code into alignment with the state subdivision law related to expiration of preliminary plats, RCW 58.17.140.</p> <p>The proposed amendment points directly to the state law and would avoid the need to amend the Subdivision Code again when the state law changes.</p> <p><i>58.17.140 Time limitation for approval or disapproval of plats — Extensions.</i></p> <p><i>(3)(a) Except as provided by (b) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.</i></p> <p><i>(b) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.</i></p> <p><i>(4) Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.</i></p>
<p>Section 17G.080.020</p> <p>C. Expiration of Approval.</p> <p>Approval of a preliminary subdivision, short subdivision or binding site plan shall automatically expire five years after preliminary approval is granted, except that a time extension may be granted.</p>			

A final plat, final short plat or final binding site plan meeting all requirements of Chapter 17G.080
Subdivisions shall be submitted to the director within the timelines of RCW 58.17.140. A time
extension may be requested for a preliminary ~~subdivision plat~~, short ~~subdivision plat~~ or preliminary
binding site plan, as provided in subsection (~~M~~L) of this section.

CODE MAINTENANCE SUBMITTAL FORM

This form must be filled out in its entirety if the recommendation is to be considered.

Employee Name: M. Dean Giles	Department: Planning and Development
Email: dgiles@spokanecity.org	Date: 9/15/15
CODE SECTION NEEDING REVISION (LIST SPECIFIC CODE SECTIONS)	
SMC 17F.070.190	
RECOMMENDED CHANGES TO CODE SECTION (BE DETAILED - PROPOSED LANGUAGE, DELETIONS, ETC.)	
<p>Repeal in entirety.</p> <p>Title 17F Construction Standards</p> <p>Chapter 17F.070 Existing Building and Conservation Code</p> <p>Section 17F.070.190 Number of Exits</p> <p>A. Every dwelling unit must have access to at least two exits located as provided in IBC Section 1026. A fire escape may be used as one required exit.</p> <p>B. Every sleeping room below the fourth floor must have a secondary exit.</p> <p>Date Passed: Monday, June 7, 2010</p> <p>Effective Date: Thursday, July 1, 2010</p> <p>ORD C34600 Section 10</p>	
EXPLANATION FOR WHY CHANGE IS RECOMMENDED	
<p>This subsection is under the general classification of Section 17F.070 Existing Building and Conservation Code. The purpose of this section is to address concerns with existing buildings. Subsection 190 appropriately supplemented the model and State codes when originally written (1979), but is no longer appropriate given the changes and refinements to the model and State codes. Justification for repeal may be classified under three general headings:</p> <ol style="list-style-type: none">1. Subsection 190 is in conflict with the general purpose and goals of Section 17F.070.2. Any remodeling work is already governed by the current codes.3. The SMC section is an artifact from earlier codes and may be deleted without compromising safety. <p>Please see the attached document for more detailed explanations.</p>	
FOR MORE INFORMATION CONTACT	
<p>Tami Palmquist, Associate Planner Planning and Development tpalmquist@spokanecity.org 625-6157</p>	

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendations
Proposed Amendments to Abandoned Property Registration Program
Spokane Municipal Code Section 17F.070.520**

A Recommendation from the City Plan Commission to the City Council to approve proposed amendments to the Unified Development Code. The proposal amends provisions and requirements of the Abandoned Property Registration Program by making changes to Spokane Municipal Code (SMC) Chapters 08.02.0675 Annual Abandoned Property Registration Fee and 17F.070.520 Abandoned Property Registration Program

Findings of Fact:

- A.** The Plan Commission has been asked to consider and make recommendations to the City Council on proposed amendments to chapter 17F.070.520 of the Spokane Municipal Code relating to the Abandoned Property Registration Program.
- B.** Staff worked with City Member Amber Waldref to develop and present a draft proposal to the Plan Commission. Plan Commission workshops were held on this topic to review interim drafts on August 12, 2015 and October 14, 2015.
- C.** Presentations and opportunities for feedback were made to several neighborhood councils, the community assembly and industry groups such as the Spokane Mortgage Lending Association.
- D.** The purpose of the proposed amendments is to strengthen the existing abandoned property registration program, that was created by City Council in 2014 to ensure that it keeps pace with nationally-evolving best practices as non-resident lenders and mortgagees may have little, if any, interest in preventing properties which are in a stage of mortgage default or the foreclosure process from becoming a focal point for crime, graffiti, deterioration, or from becoming a factor in the reduced property values of the adjacent properties.
- E.** These amendments to the abandoned property registration continue to emphasize the importance of neighborhoods to the character, integrity, functionality, vibrancy, and resilience of our City and its people;
- F.** The proposal is consistent with and implements the City of Spokane's Comprehensive Plan.
- G.** Staff made presentations regarding the proposal to the sub-committees of the City Council: PCED March 25, 2015 and CHE on August 10, 2015.
- H.** On October 19, 2015 staff notified Washington State Department of Commerce to review proposed amendments through the Growth Management Services Division. On October 21, 2015, the Washington State Department of Commerce

acknowledged receipt of notice and notified appropriate state agencies before adoption of proposed changes to the Spokane Municipal Code.

- I. A SEPA categorical exemption was issued on May 26, 2015 under WAC 197-11-800(19)(a)(b)(c) with City of Spokane Office of Neighborhood Services and Code Enforcement the lead agency.
- J. Appropriate notice of the Plan Commission hearing was published in the Spokesman Review on October 28, 2015.
- K. The Community Assembly was briefed by staff on May 1, 2015 and Council Member Waldref on July 10, 2015 and September 11, 2015.
- L. The City Plan Commission held a public hearing on November 11, 2015 to obtain public comments on the proposed amendments.

Conclusions:

- A. The Plan Commission has reviewed all public testimony received during the public hearings.
- B. The Plan Commission has found that the proposed amendments meet the approval criteria for text amendments to the Unified Development Code:

SMC 17G.025.010 (F) Approval Criteria:

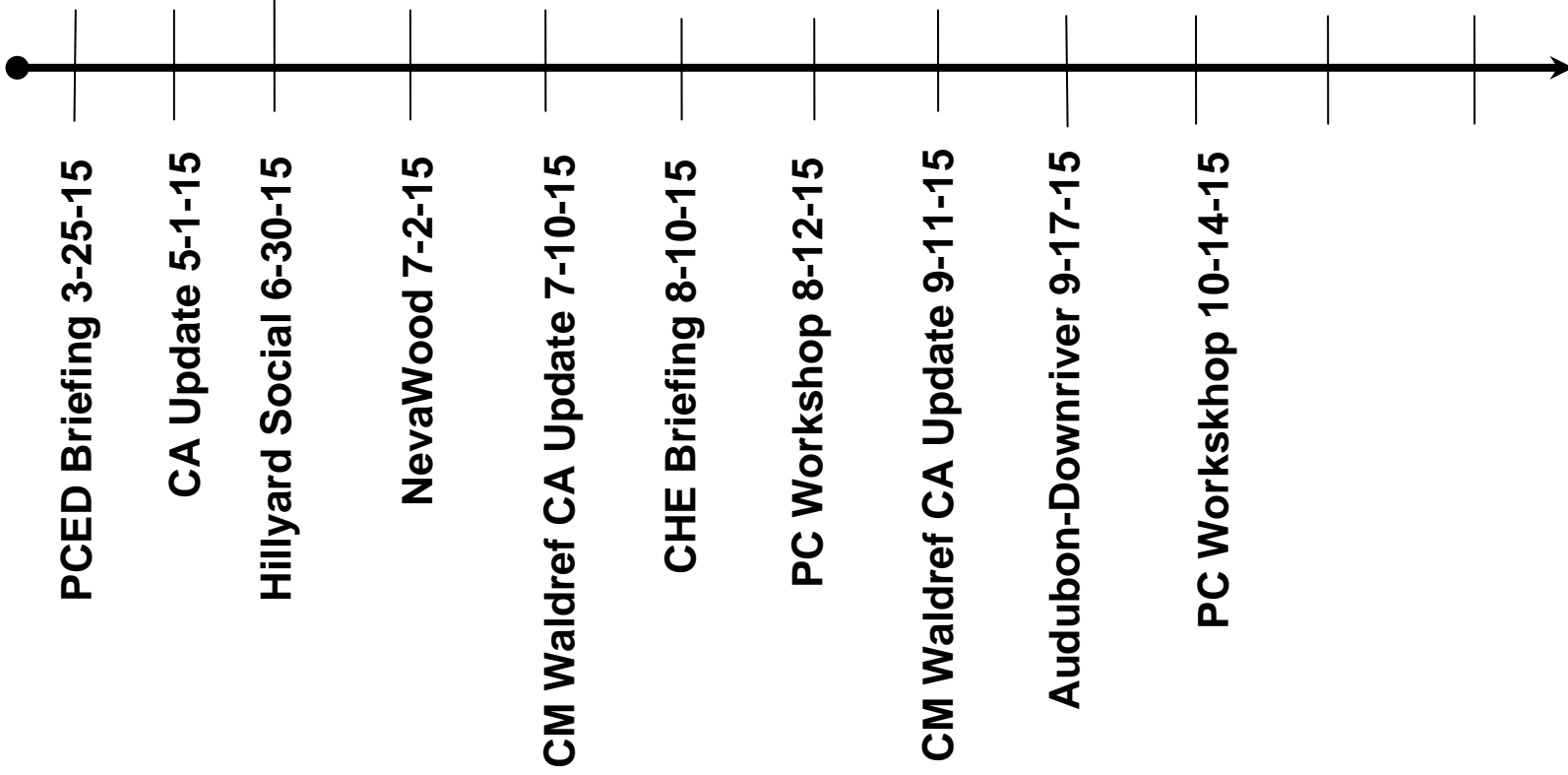
- 1. The proposed amendments are consistent with the applicable provisions of the comprehensive plan; and
 - 2. The proposed amendments bear a substantial relation to public health, safety, welfare, and protection of the environment.
- C. The proposed amendments have been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's Comprehensive Plan.

Recommendations:

By a vote of ____ to ____, the Plan Commission recommends to the City Council the approval of the proposed amendments to the Unified Development Code.

**Dennis Dellwo, President
Spokane Plan Commission
November 11, 2015**

Foreclosure Property Registry
Proposed Amendments
Public Participation March – September 2015



ORDINANCE NO. C-_____.

An ordinance relating to amendments to the abandoned property registration program in the city of Spokane; amending sections 08.02.0675 and 17F.07.520 of the Spokane Municipal Code.

Comment [BM1]: Title changed

WHEREAS, residential properties in various stages of the foreclosure process exist in several neighborhoods throughout the City of Spokane; and

WHEREAS, many of these properties are not adequately maintained by the owner or by the lender or loan servicer who is responsible for the property; and

WHEREAS, the City of Spokane's Comprehensive Plan emphasizes the importance of neighborhoods to the character, integrity, functionality, vibrancy, and resilience of our City and its people; and

WHEREAS, non-resident lenders and mortgagees may have little, if any, interest in preventing properties which are in a stage of mortgage default or the foreclosure process from becoming a focal point for crime, graffiti, deterioration, or from becoming a factor in the reduced property values of the adjacent properties; and

WHEREAS, to address this issue, the City Council in 2014 created an abandoned property registration program; and

WHEREAS, nationwide, cities are addressing the same issue, and in doing so, best practices have evolved; and

WHEREAS, The City Council now finds it necessary to the general welfare of the residents of the City to amend and strengthen the existing abandoned property registration program, to ensure that it keeps pace with nationally-evolving best practices.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That section 17F.070.520 of the Spokane Municipal Code is amended to read as follows:

Section 17F.070.520 ((Abandoned Property)) Foreclosure Registration Program

Comment [BM2]: Title change throughout.

A. Purpose

Comment [BM3]: Stronger statement of purpose of registry.

It is the purpose and intent of this section to establish ((an)) a ((abandoned)) Foreclosure ((property)) Property registration program in order to protect the community from ((becoming blighted as a result of abandoned properties that are not properly secured and maintained)) the deterioration, crime, and decline in value in Spokane's neighborhoods caused by properties in various stages of the foreclosure process, and

to identify, regulate, limit, and reduce the number of those properties within the City of Spokane. ((This section requires)) It is the policy and intent of the City to establish a requirement that the lender or other responsible ((parties)) party(ies) of properties that ((have been abandoned)) are in the foreclosure process to register those properties with the City as set forth in this section in order to protect the neighborhoods from the negative impacts of absentee ownership and lack of adequate maintenance and security for properties in the foreclosure process.

B. Definitions

As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise:

1. "Abatement Order" means an appealable order, supported by specific factual findings, issued by the Office of Neighborhood Services and Code Enforcement which directs the Owner of a Foreclosure Property to take certain specific steps, within a specific period of time, to ensure that the relevant property is in compliance with this section.
2. ((("Abandoned Property" means a property that is vacant and (1) is under a current notice of default and/or notice of trustee's sale; (2) is the subject of a pending tax assessor's lien sale; (3) has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; (4) has been transferred under a deed in lieu of foreclosure/sale or (5) is subject to a contract forfeiture. Property acquired by Spokane County at a tax foreclosure sale under chapter 84.64 RCW is not to be included within the definition of "Abandoned Property";))
3. "Enforcement Officer" means the Director of the Office of Neighborhood Services and Code Enforcement or its designee.
4. "Evidence of ((Vacancy)) Foreclosure Status" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is ((vacant and not occupied by authorized persons)) a Foreclosure Property. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or debris; statements by neighbors, passersby, delivery agents, or government employees that the property is ((vacant)) in foreclosure; the presence of boards over doors, windows or other openings in violation of applicable building code; and for residential properties, the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation.
5. "Foreclosure" means the legal processes described in Title 61, Revised Code of Washington, in which a mortgagee or other lien holder terminates a property owner's equitable right of redemption to obtain

Comment [BM4]: Clarifies enforcement officer.

Comment [BM5]: Vacancy no longer an element of registrability.

- legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. For purposes of this section, the foreclosure process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title or other means, is sold to a non-related, bona fide purchaser in an arms'-length transaction to satisfy the debt or lien.
6. "Foreclosure Property" means a property that is (1) under a current notice of default and/or notice of trustee's sale; (2) the subject of a pending tax assessor's lien sale; (3) the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; (4) a property title to which has been transferred under a deed in lieu of foreclosure/sale, or (5) subject to a contract forfeiture. Property acquired by Spokane County at a tax foreclosure sale under chapter 84.64 RCW is not "Foreclosure Property" within the meaning of this section. For purposes of this section, a property remains a Foreclosure Property until it is sold at an arms'-length transaction to a non-related bona fide purchaser or until the foreclosure action has been dismissed and any default has been cured.
 7. "Lender" means any person who makes, extends, ((or)) holds, or services a real estate loan agreement and includes, but is not limited to, mortgagees; beneficiaries under deeds of trust; underwriters under deeds of trust; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor or trustee and any other lien holder on the property. The term also includes any mortgagee, beneficiary or trustee that accepts a deed in lieu of foreclosure.
 8. "Local Agent" means an individual property manager, property management company, or similar person or entity, located in Spokane County and responsible for, having the authority to make decisions and required expenditures concerning, the maintenance and security of a Foreclosure Property and the abatement of nuisance conditions at the property.
 9. "Owner" means any individual or group of natural ((person)) persons, partnership, association, corporation or other entity having legal or beneficial title in real property including any borrower.
 10. "Property" means any unimproved or improved, residential or commercial real property, or portion thereof, situated in the City, and includes the buildings or structures located on the property regardless of condition.
 11. "Responsible ((party)) Party" means any person, partnership, association, corporation, or fiduciary having legal or equitable title to or any interest in any real property, including but not limited to an Owner, borrower, and Lender as defined in this section.

Comment [BM6]: More specific definition of registrable properties.

Comment [BM7]: Includes loan servicers.

Comment [BM8]: Local responsible person added.

C. Establishment of a Registry

Comment [BM9]: Establishes registry.

The Office of Neighborhood Services and Code Enforcement shall establish and maintain a Foreclosure Property Registry to implement the terms of this section.

D. Registration of ~~((Abandoned))~~ Foreclosure Properties.

1. Any Lender which holds or services a mortgage on real property located in the City of Spokane shall inspect the property upon mortgage default.
2. The Enforcement Officer can also initiate the registration process.
3. ~~((The))~~ Any ~~((lenders))~~ Lender or other ~~((responsible parties))~~ Responsible Party(ies) of ~~((real property which has been abandoned))~~ a Foreclosure Property as defined in this section shall register that property with the City of Spokane ~~((Department of Building Services))~~ Office of Neighborhood Services and Code Enforcement within ~~((thirty (30)))~~ ten (10) ~~((day))~~ days of the property becoming ~~((abandoned))~~ a Foreclosure Property within the meaning of this section and initial inspection or of receiving notice from the City of the requirements of this section, and every 12 months thereafter until the property is no longer a Foreclosure Property within the meaning of this section. A separate registration is required for each property.
4. The content of the registration shall include:
 - a. Proof of ownership, or financial interest, such as a lien or loan,
 - b. The name, address, phone number, and email address for ~~((and contact information of))~~ the ~~((owner))~~ Owner, ~~((lender))~~ Lender, ~~((or))~~ ~~((responsible party))~~ and Responsible Party ~~((or the))~~ and twenty-four hour contact phone number of the Local ~~((agent))~~ Agent of the respective entity; and
 - c. ~~((The name and contact information for the local property manager responsible for maintaining the property; and))~~
 - d. Documentation which demonstrates the property is ~~((vacant;))~~ foreclosed, pending foreclosure, or subject to foreclosure, trustee's sale, tax assessor's lien sale or other legal proceedings.
5. The Lender, Owner, or Responsible Party shall notify the Enforcement Officer within ten (10) days of the date of any change in the information contained in the registration.
6. Mortgagees who have existing Foreclosure Properties on the effective date of this ordinance have 30 calendar days from the effective date to register the property with City of Spokane Office of Neighborhood Services and Code Enforcement. A separate registration is required for each property.
7. All property registrations are valid for one year from the date of entry of registration as recorded by Office of Neighborhood Services and Code Enforcement. Subsequent registrations are due every twelve (12) months thereafter for renewal and must certify required registration data is current and correct.

Comment [BM10]: Inspection required upon mortgage default.

Comment [BM11]: City can also start registration process.

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Comment [BM12]: Clarifies that properties stay on the registry until they meet requirements for coming off.

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E. Minimum Property Maintenance Requirements.

While a Foreclosure Property is registered, ~~((The lender))~~ the Lender or ~~((responsible party))~~ Responsible Party shall be required to:

1. maintain and keep Foreclosure ~~((properties))~~ Property free of conditions including, but not limited to:
 - a. weeds, dry brush, dead vegetation, trash, junk, debris, building materials and junk vehicles,
 - b. accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), and discarded personal items including, but not limited to, furniture, clothing, or large and small appliances, and
 - c. graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches and/or coordinates with the color of the exterior of the structure,
2. secure ponds, pools and hot tubs and ensure that they do not become a public nuisance,
3. secure the Foreclosure ~~((property))~~ Property to prevent access by unauthorized persons, including, but not limited to, the following: the closure and locking of windows, doors (walk-through, sliding and garage), gates, and any other opening of such size that it may allow a child or any other person to access the interior of the property and or structure(s). Securing also includes boarding as applicable. Preferred ~~((Material used))~~ material for boarding shall be painted with an exterior grade paint that matches and/or coordinates with the color of the exterior of the structure, or is of a material that mimics glazed windows and intact doors.
4. Post the property with no trespassing signs and current emergency contact information for the local agent.
5. take any other action necessary to prevent giving the appearance that the property is abandoned, and
6. monitor the Foreclosure ~~((property))~~ Property monthly or more frequently as necessary to prevent the creation of a nuisance.

Comment [BM13]: Public posting of the property required.

F. ~~((City))~~Monitoring of Foreclosure Property.

1. Upon registration, the City will provide regular monitoring of ~~((the))~~ Foreclosure ~~((property))~~ Properties including, but not limited to, periodic site visitation, which will not exceed the City's rights of access as well as notification to ~~((lender))~~ Lender or ~~((responsible party))~~ Responsible Party if the property begins to exhibit characteristics established in RCW 35.80.010. The City's monitoring of ~~((the))~~ Foreclosure ~~((property))~~ Properties does not relieve the ~~((lender))~~ Lender or other ~~((responsible party))~~ Responsible Party from monitoring and maintaining the property ~~((under subsection D))~~ as required by this section.

2. At least monthly while a Foreclosure Property is registered, the Lender or Responsible Party shall inspect the Foreclosure Property.

Comment [BM14]: Monthly inspection of property required.

G. Waiver for City to Abatement – Trespass of Unauthorized Individuals.

1. As part of the Foreclosure ((property)) Property registration, the Owner((lender)), Lender, Local Agent,((or responsible party)), Responsible Party, or other person having the legal authority to do so ((may)) shall waive any objection to the City to enter onto the property for purposes of abating ((a)) any condition that would constitute an unfit or substandard building as established in RCW 35.80.010, nuisance condition under SMC 10.08.010 Litter, SMC 10.08.030 Nuisance, SMC 10.10 Graffiti, 10.16 Junk Vehicle, and to issue a trespass order against any unauthorized individual from the Foreclosure Property.
2. The City shall notify the ((owner)) Owner, ((lender)) Lender, ((or responsible party)), Responsible Party, or Local Agent ((five)) ten (10) days prior to the City taking abatement action in order to allow the ((owner)) Owner, ((lender)) Lender, ((or responsible party)), Responsible Party, or Local Agent to abate the condition first unless such abatement constitutes an emergency ((and)), in which case, the City may abate the emergency ((must be abated)) immediately.
3. The cost of the abatement of any of the illustrative conditions contained in paragraph E above shall be charged against the Foreclosure ((property)) Property pursuant to SMC 08.02.067 and shall be lienable pursuant to SMC 17F.070.500 and other applicable sections of the municipal code pursuant to state law.

Comment [BM15]: Better list of unlawful conditions and ensures abatement costs can become a lien on the property.

~~((The lender or responsible party shall provide written authorization to the police department to issue a trespass order against any unauthorized individual from the property.))~~

H. Local ((Property Manager/))Agent

The ((lender)) Lender or ((responsible party)) Responsible Party shall provide the City with the name, address, telephone number, email address and 24-hour contact information ((and contact information)) of ((the)) a Local ((local property manager or agent)) Agent who has the authority to act to respond to complaints regarding the Foreclosure ((property)) Property and to remedy any nuisance, substandard or unfit conditions found on the property.

I. Annual ((Abandoned)) Foreclosure Property Registration Fee.

The ((lender)) Lender or ((responsible party)) Responsible Party shall pay the annual non-refundable((abandoned)) Foreclosure ((property)) Property registration fee as set forth in SMC ((8.02.069))08.02.0675.

J. ((Building Official's Substandard or Unfit Building Declaration

If an abandoned property that has been properly registered with the Director of Building Services pursuant to this section is subsequently determined to be a substandard or unfit building by the Building Official pursuant to SMC 17F.070.400-.450, the abandoned property registration fee will not be imposed if the property is subject to the other fees set forth in SMC 8.02.067. If the property is removed from the Building Official's review agenda and the property is not occupied, the abandoned property registration shall be imposed.))

J. Policies and Procedures

The ((City)) Office of Neighborhood Services and Code Enforcement shall ((may)) develop ((policies)) procedures to implement ((the procedure set forth above,)) this section which are consistent with and do not conflict with ((the provisions of)) this section, the Spokane Municipal Code, or ((the Revised Code of)) Washington law.

K. Violation

2. Any person, firm or entity who fails to register ((an abandoned property)) a Foreclosure Property pursuant to the requirements of this section shall be subject to a class 1 civil infraction. Each day in which a Foreclosure Property which is subject to this section is not registered shall constitute a separate violation.
3. Failure to maintain ((the)) a Foreclosure Property ((property)) as required by this section is ((result in the issuance of)) a criminal misdemeanor violation under SMC 10.08.030 for maintaining a nuisance property in addition to applicable penalties for nuisance conditions in the municipal code or state law.
4. Failure to provide notification of changes in ownership of a Foreclosure Property under this section is a class 1 civil infraction.

L. Removal of properties from the registry

1. A property may only be removed from the Foreclosure Property registry upon the Lender's, Owner's, or Responsible Party's written certification that (1) the mortgage or lien on the property has been satisfied or legally discharged, (2) the property is no longer in mortgage default, or (3) the Foreclosure Property has been sold to a non-related party in a bona-fide, arms' length transaction.
2. A Lender's statement that it no longer desires to pursue foreclosure, has filed a dismissal of lis pendens and/or summary of final judgment and/or certificate of title or otherwise, such as deed in lieu of foreclosure shall not be the basis for removal of a Foreclosure Property from the registry under this section.
3. For purposes of this section, a transfer to another entity which is under common ownership with the Lender, as determined in the sole discretion of the Office of Neighborhood Services and Code Enforcement, is not an arms' length transaction.

Comment [BM16]: Specific removal conditions.

M. Transfer of Ownership

1. If the mortgage on a registered Foreclosure Property is transferred, the transferee shall be subject to the requirements of this section and shall, within five (5) days of the transfer of the mortgage, register the property as a new registration in accordance with this section. Any previously unpaid registration fees are the responsibility of the transferee and are due and payable upon the new registration.
2. If the mortgagee sells a Foreclosure Property in an arms'-length transaction to a non-related person or entity, the transferee is subject to the terms of this section and shall register the property as a new registration under this section within five (5) days of the sale. Any previously unpaid registration fees shall be the responsibility of the new owner.

Section 2. That section 08.02.0675 of the Spokane Municipal Code is amended to read as follows:

Section 08.02.0675 Annual Foreclosure ((Abandoned)) Property Registration Fee

There shall be ((an)) a non-refundable annual fee for ((an abandoned property)) registration of a Foreclosure Property registration under SMC 17F.070.520 in the amount of ((two hundred dollars (\$200.00))) three hundred fifty dollars (\$350.00).

Comment [BM17]: Enhanced fee.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

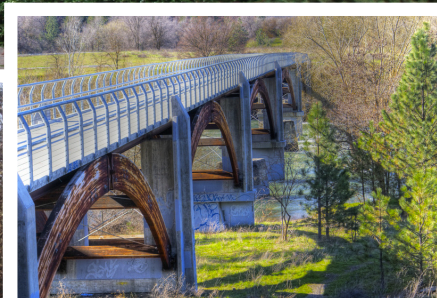
Assistant City Attorney

Mayor

Date

Effective Date

DRAFT



Peaceful Valley neighborhood action plan

September 2015



ACKNOWLEDGEMENTS

The Peaceful Valley Neighborhood Plan is the result of the collective efforts of the City of Spokane and neighborhood residents. A special thanks to everyone in the neighborhood who contributed their time and effort to the development of this plan.

Mayor

David Condon

Spokane City Council

Ben Stuckart, Council President

Mike Allen

Jon Snyder

Mike Fagan

Karen Stratton

Candace Mumm

Amber Waldref

Spokane Plan Commission

Dennis Dellwo, President

Evan Verduin, Vice-President

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Peaceful Valley Neighborhood Planning Team

Bill Forman, Peaceful Valley Neighborhood Council Chair

Barbara Morrissey, Peaceful Valley Neighborhood Council Vice-Chair

Jan Loux, Peaceful Valley Neighborhood Council Secretary

Susan Burns, Community Assembly

City of Spokane, Planning Department

Jo Anne Wright

Boris Borisov



**Peaceful Valley
Neighborhood Council**

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I. INTRODUCTION

In 2014, the City of Spokane partnered with neighborhood leaders to develop a plan for Spokane's Peaceful Valley Neighborhood. The plan is a long-range, 20-year vision and conceptual document. It implements the goals and policies of the City's Comprehensive Plan through an emphasis on improving connectivity and streetscape, public safety, environment and sustainability, livability and local services.

The Peaceful Valley Neighborhood planning process is part of a larger planning effort being led by the City in partnership with neighborhood leaders, stakeholders, and members of the public. When approved, the plan will guide the neighborhood through the vision, goals, and actions envisioned by interested and engaged residents. Ideas presented in this plan will require further analysis and capital projects will require funding for implementation.

Planning Process and Neighborhood Involvement

The planning process for preparing the neighborhood plan was composed of three phases:

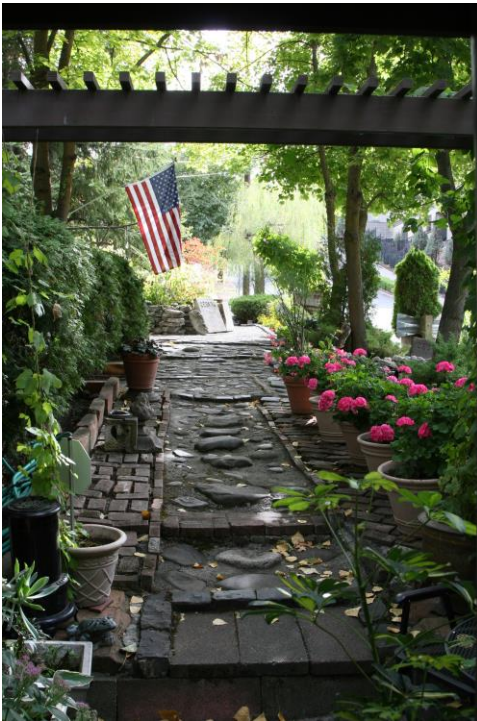


- *Context and Visioning:* The initial phase focused on opportunities, challenges, and desires, including future vision and goals. During this phase, the City held the first neighborhood workshop to discuss existing and desired conditions within the neighborhood.
- *Plan Development:* During the second phase, the planning team worked with neighborhood representatives to refine the vision, goals, and projects. The project priorities and strategies that will be needed to implement the desired vision of the neighborhood were developed during a second neighborhood workshop hosted by the City.
- *Plan Approval:* The third phase consists of the development of a draft plan and a detailed implementation strategy, a neighborhood open house, public hearings to review the plan, and its review and approval by City Council.

Plan Overview

This plan summarizes the current state of Peaceful Valley and outlines the neighborhood's ambitions for the future as voiced by interested and engaged residents. Section II provides an overview of the neighborhood and its assets and priorities. The Planning Framework (Section III) describes the envisioned future of the neighborhood through a series of goals and objectives. Section IV presents the priority projects to implement the vision and goals and consists of the following two elements:

- **Projects Matrix** Identifies top priority and longer-term projects, as well as their relation to plan goals and partnerships.
- **Neighborhood Design and Project Priorities Map** Shows the conceptual location of priority projects.



Residential path created by Peaceful Valley neighbor



Welcoming sign created by residents of the neighborhood

II. NEIGHBORHOOD PROFILE

Planning Area and History

Located on the south bank of the Spokane River, immediately west of Downtown Spokane, Peaceful Valley is unique in form and character. Peaceful Valley residents describe their neighborhood as eclectic, colorful, and bohemian – *A Hidden Village*. The neighborhood is bounded by a bluff to the south and the Spokane River to the north and defined by natural amenities, historic structures, and an individualistic spirit.

The Peaceful Valley Neighborhood has land designated for Conservation Open Space to its western extent and along its frontage on the Spokane River. Residential uses include both low-density and higher-density. The eastern edge of the neighborhood is part of Downtown Spokane.

Prior to settlement of Peaceful Valley in the late 1800s, this land was a gathering place where three bands of the Spokane Tribe celebrated the annual salmon run. In the late 1800s, Spokane's Mayor, Charles F. Clough, began selling 25 by 100-foot plots, resulting in the development pattern that is seen today.

Throughout the second half of the 20th century, investment and redevelopment in adjacent areas, including the Central Business District, had a marginal impact on investment in Peaceful Valley. However, the construction of the Maple Street Bridge in the 1950s greatly affected the character of the neighborhood, bisecting it and resulting in the removal of numerous homes. The bridge right-of-way was partially developed into a public park, with the remainder still vacant.

The current boundaries of Peaceful Valley are the Spokane River to the north, the bluff adjacent to Riverside Avenue to the south, Monroe Street to the east, and the confluence of Latah Creek and the Spokane River to the west.

Assets

The Peaceful Valley Neighborhood has identified the following major assets:

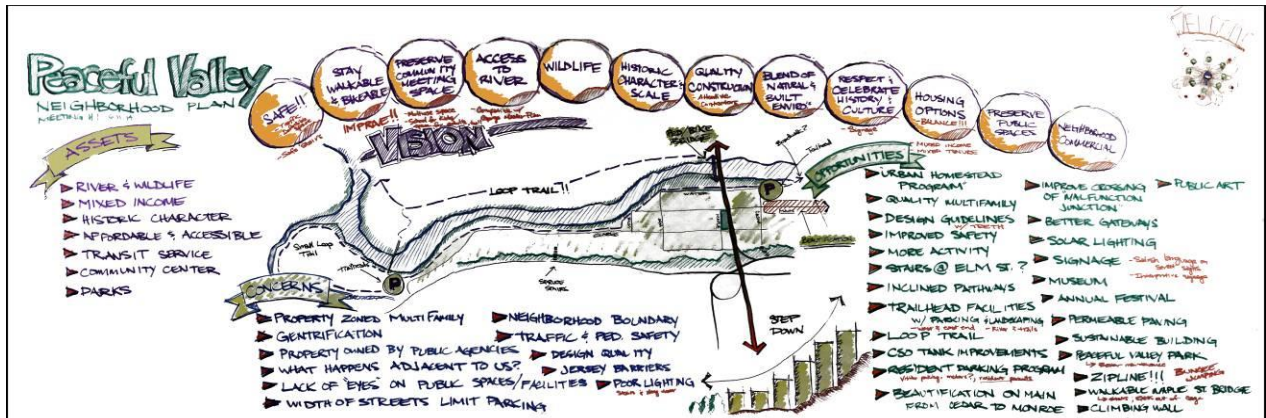
- The Spokane River, with its natural environment, wildlife, parks, and recreational opportunities.
- The unique and distinctive neighborhood character, which makes Peaceful Valley livable, affordable, and accessible.



Residential Character

Peaceful Valley Neighborhood Action Plan

- An affordable and accessible mix of housing styles, some historic in character.
- Transit service that provides affordable and convenient access to other destinations in Spokane.



Wall graphic meeting notes from June 11, 2014 Neighborhood Workshop

Priorities

Key neighborhood priorities are:

- **Public Safety**
 - Improve traffic and pedestrian safety along Clarke and Main avenues.
 - Improve crime awareness and prevention by putting more “eyes on the street.”
 - Create welcoming places to increase neighbor interaction and build trust.
- **Environmental Protection** Support green building design and construction and reduce negative impacts to the river, natural areas, and wildlife habitat.
- **Access to Parks and Recreation** Improve and maintain parks and trails including better maintenance of Glover Field and a perimeter trail for People’s Park. Provide diverse recreational facilities, including a trail that connects to Huntington Park on the east end and to the Sandifur Bridge on the west end. Trail amenities should include trailheads with parking, landscaping, signage, and restrooms.

- **Parking Management** Improve parking management strategies to address visitor parking and the parking needs of local residents.
- **Housing Quality and Historic Preservation** Preserve the historic character of the neighborhood.



Peaceful Valley House



Residents discuss planning options at the September, 2014 neighborhood planning workshop.



View of Spokane River from Peaceful Valley

III. PLANNING FRAMEWORK

This section describes the vision, goals, and objectives of the Peaceful Valley neighborhood.

Vision

The following statement defines how the neighborhood envisions the character and future pattern of physical and social development for Peaceful Valley.

Peaceful Valley is an historic and colorful neighborhood, nestled along the river and forest, just steps from Downtown. Residents and visitors enjoy a high quality of life in a safe, serene, and walkable setting. The built environment has a human scale, and new development is both compatible and complementary with our diverse and historic roots. Our neighborhood is sustainable, informed, and connected, close to commercial services, with nearby access to parks, natural areas, and recreation.

Goals and Objectives

The goals and objectives articulate the direction that is necessary if future neighborhood projects and programs are to fulfill its vision. The goals are divided into six major categories: Connectivity, Streetscape, Safety, Environment and Sustainability, Livability, and Local Services.

Connectivity

C-1: Active Transportation Improve facilities for cyclists, pedestrians, and transit users.

C-1.1: Ensure that Peaceful Valley is a walkable neighborhood by developing a connectivity plan that addresses pedestrian walkways and maintains the existing stairs to Browne's Addition.

C-2: Access to Destinations Work with the City to explore ways to improve access and multimodal connectivity to desirable destinations in and near Peaceful Valley, including Downtown, residential areas, offices, commercial areas, parks, and schools.

C-2.1: Work with the Spokane Transit Authority to maintain and improve affordable transit access.

C-2.2: Improve public access to the river with trailheads, a small boat put-in, and a trail connecting People's Park to Huntington Park.

Streetscape

ST-1: Streetscape Improvements Improve the streetscapes on Main and Clarke avenues.

ST-1.1: Work with the City to explore the feasibility of improving aesthetic and traffic calming measures on Main and Clarke avenues.

ST-1.2: Improve lighting and landscaping where feasible in streets, parks, and other public spaces.

ST 1.3 Create a gateway to the neighborhood on Main Avenue.

ST-2: Parking Management Improve the balance of parking for residents and visitors.

ST-2.1: Design and implement parking management strategies to protect neighborhood parking and accommodate visitor parking, particularly for visitors using the river.

Safety

S-1: Crime Prevention Identify design strategies, physical improvements, and programs to make the Peaceful Valley Neighborhood safer.

S-1.1: Encourage foot traffic in public places by adding paths, lighting, landscaping, improved community gardens, improved playgrounds, and activity spaces to encourage community-building activities, while discouraging criminal behavior.

S-2: Traffic Safety Work with the City to improve street safety.

S-2.1: Improve pedestrian and bicycle safety by adding street crossings, street bulb-outs, signs, or other design treatments at appropriate locations.

Environment and Sustainability

ES-1: Natural Resources and Wildlife Conservation Maintain and improve Peaceful Valley's natural assets such as the river, wildlife habitat, and parks, while increasing recreational opportunities.

ES-2: Significant Views and Vistas Identify and advocate for the protection of significant river views, vistas, and viewpoints.



View of Monroe Street Bridge

ES-2.1: Work with the City to maintain view corridors from the interior of the neighborhood to the riverfront to extend the positive influence of the riverfront into the neighborhood.

Livability

L-1: Unique Neighborhood Strive to improve Peaceful Valley’s visual identity and maintain its historic character and cultural and natural assets.

L-1.1: Strengthen the identity of Peaceful Valley with wayfinding, interpretive features, public art, and other amenities that reinforce the unique identity of the neighborhood.

L-1.2: Seek ways to protect and showcase historic housing.

L-2: Neighborhood Participation and Communication: Ensure participation by a broad range of residents in shaping the future of the neighborhood.

L-2.1 Improve an ongoing communication mechanism to inform all neighbors about various City processes and planned improvements.

L-2.2 Identify a location for a public gathering space that welcomes people to neighborhood events.

Local Services

LS-1: Community Center Explore the potential for sustainable funding for the continuing use of the existing community center.

LS-1.1: Work with the City and community partners to test the feasibility and likelihood of locating or co-locating one or more community and/or recreational facilities in Peaceful Valley.

LS 1.2 Ensure that the community center continues to be available as a neighborhood gathering place.

IV. PRIORITY PROJECTS

The neighborhood identified the following projects that will help drive progress towards the envisioned future. As part of a long-term plan, these projects will take time to complete and some will require significant effort to secure resources that are not yet available. Others will require ongoing discussion with a variety of partners. The project types identified below address broad project categories.

Priority Projects Overview

Streetscape, Traffic Calming, and Parking

Streetscape improvements include gateways on the west and east entrances of the neighborhood, signs, street trees, landscaping, as well as columnar basalt or another iconic elements. Traffic calming measures – street narrowing, curb extensions, signage, and marked crossings – should also be considered to slow through traffic, especially along Clarke and Main avenues.



*Concept of a redesigned
Clarke Avenue,
People's Park entrance,
and trailhead*

*(Source: City of
Spokane)*

Planned River Trail

The neighborhood is currently working with the City on the design of a river trail along the Spokane River. This work includes both shared street/sidewalk and off-street pathway improvements. This planned trail would eventually link People's Park to Huntington Park. Trail design elements should include wayfinding signs, a loop trail, as well as potential restrooms at People's Park and Glover Field.

Through planning of the river trail, the neighborhood expressed an interest in a non-motorized boat launch and staging area at Glover Field. The facilities should be designed to minimize impacts to surrounding neighbors, especially when planning for visitor parking and traffic.

Community Center

The neighborhood is currently working with the City of Spokane Parks Department to find a tenant with sustainable funding for the existing community center. The neighborhood desires continued use of the building as a neighborhood gathering place.

Neighborhood Housing Quality and Historic Preservation

The neighborhood is interested in quality and historically compatible housing, as well as in measures to preserve existing homes. Peaceful Valley is the site of a National Historic District.



Peaceful Valley Housing Stock



Residents identify goals and priorities during the neighborhood planning process – June 11, 2014

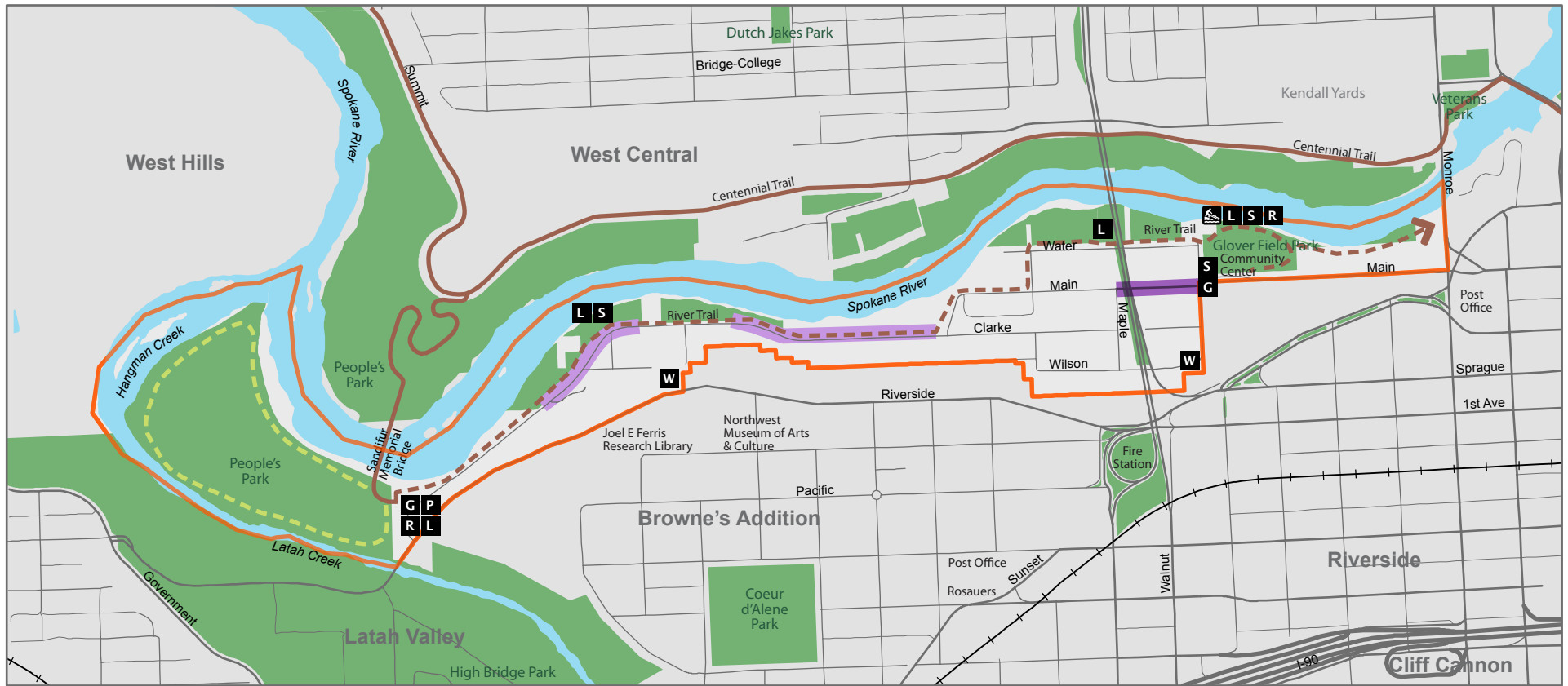
Projects Matrix

Peaceful Valley has several high-priority projects to be addressed over the next 20-year planning horizon. This matrix describes each project's purpose, related planning goals, potential partners, and notes possible funding opportunities and treatment details. The projects will require additional planning, discussion among the community and with City staff, and resources for implementation.

High Priority Projects	Potential Partners	Additional Information
Streetscapes, Traffic Calming, Parking		
1. Improve the streetscapes on Main and Clarke avenues.	City	Streetscape improvements include signs, street trees, and landscaping, as well as columnar basalt or another iconic elements. Pedestrian and bicycle improvements include sidewalks, street crossings, and security lighting.
2. Explore traffic calming improvements to address safety concerns and vehicle speed.	City , Spokane Transit Authority	Measures include street narrowing, curb extensions, signage, and marked crossings, particularly on Clarke and Main avenues.
3. Create gateways to improve entryways to Peaceful Valley.	City, local artists	The eastern Peaceful Valley gateway improvement could be phased to include a short-term solution that improves existing Jersey barriers and a long-term solution that includes new gateways. The short-term solution would allow local artists to paint the Jersey barriers and/or install sculptural elements on them. A permanent gateway for both the eastern and western neighborhood points of arrival could include landscape and hardscape improvements as well as signs. Work with the City to identify funding sources.
4. Pursue a neighborhood parking plan to identify parking management strategies.	City	A parking plan is particularly important for the shoreline area of the neighborhood to address the parking needs of river visitors and recreational users. Coordinate with the City to identify strategies for parking management.
5. Work with Spokane Transit Authority (STA) to provide bus stop amenities at priority locations.	STA, City	Coordinate with STA to identify options and opportunities for future transit improvements, such as shelters with benches.

Peaceful Valley Neighborhood Action Plan

Planned River Trail		
1. Continue partnering with the City on trail planning and design to establish a complete riverfront trail throughout Peaceful Valley that eventually connects to Huntington Park.	City	Coordination with property owners will be required for trail location details and easements. Compliance with the City's Shoreline Master Program and applicable regulations will be required.
2. Through the river trail planning process, create a non-motorized boat launch and staging area to improve public access to the river.	City, WA Dept. o Fish and Wildlife, WA Dept. of Ecology	Formalizing a non-motorized boat launch and staging area will require coordination and permitting approval from the state departments of Ecology and Fish and Wildlife
Community Center		
1. Continue to work with the City Parks Department to find a tenant for the existing community center.	City Parks Dept.	The neighborhood is seeking a tenant with sustainable funding for the existing community center and desires that the center continue to be used as a neighborhood gathering place.
Neighborhood Housing Quality, Historic Preservation		
1. Find opportunities to protect the historic character of the neighborhood.	City	The neighborhood will work toward finding opportunities to preserve and protect the historic character of the neighborhood, which contains a National Historic District. Seek funding for historic signage.



PEACEFUL VALLEY NEIGHBORHOOD ACTION PLAN NEIGHBORHOOD DESIGN & POTENTIAL PROJECT PRIORITIES

- Planned River Trail ———
- Gravel Surface with Historical Markings ———
- R** Restrooms
- S** Signage/wayfinding
- Boat Launch/Staging Area
- Non-motorized Launch

- Streetscapes, Traffic Calming and Parking
- Traffic calming
- G** Neighborhood Gateway
- L** Decorative Street Lighting
- P** Parking
- W** Walkways/Stairs

- Neighborhood Boundary
- Railroad
- Freeway
- Arterial Road
- Local Street
- Centennial Trail
- Parks + Open Space
- Building

Source: City of Spokane GIS + Google Maps

0 500 1,000 2,000 feet



V. NEXT STEPS

The Peaceful Valley Neighborhood Plan reflects the eclectic nature of the neighborhood as a “Hidden Village” near Downtown Spokane. The plan celebrates the neighborhood’s past while planning improvements for the future and outlines objectives and projects to be addressed over the next 20 years.

The plan is intended to serve as a guide to secure funds for project development, but will not result in immediate project funding or implementation. Projects presented in this plan will require further analysis and capital projects will require funding for implementation.

Interested and engaged residents should use this plan to pursue projects over time, while ensuring continued involvement with other neighbors and stakeholders. It is critical that neighbors leverage this plan towards the following next steps.

- **Partnerships** Identify project partners and agree on roles and critical paths to move projects forward.
- **Project Development** Each project is unique, and champions within the neighborhood are needed to engage stakeholders and seek and obtain policy support and funding for design and implementation/construction.
- **Funding** Use this plan to help initiate and follow up on all efforts to identify potential project funding sources and leverage project funding. Consider grants, public/private partnerships, fundraising, and volunteer organizing as needed.

VI. FUNDED PROJECTS NEEDING COMPLETION

The Peaceful Valley Neighborhood has been allotted funding for projects to improve neighborhood parks. These Parks Department projects include:

- Improvements to River Walk Park, including historical markers, landscaping, and lighting. The funds for these improvements come from Community Development Block Grant (CDBG) dollars.
- Improvements to playground equipment in Peaceful Valley Park, funded by CDBG dollars and the Parks Department.
- Resurfacing of the athletic court in Peaceful Valley Park, funded by the Parks Department.

Memo

City of Spokane
Planning and
Development

To: City Plan Commission Members
From: Tami Palmquist, Associate Planner
Date: **11/5/2015**
Re: UDC Maintenance Project

Please see the attached document which contains the items that are included in the Unified Development Code Maintenance Project for 2015.

Please let me know if you have any questions. Thank you.

625-6157 or tpalmquist@spokanecity.org

Unified Development Code Maintenance Project

Introduction:

The attached document represents the list of recommended amendments to the Spokane Municipal Code.

To help understand the types of changes that are recommended, the amendments are generally categorized under three types.

The three types are:

Minor: These include changes such as corrections to cross references or moving code sections directly from chapter 11.19 to Title 17 without changing their substance.

Clarification: These include changes such as fixing conflicting provisions within the code, or fixing code provisions that were either oversights or mistakes when the code was adopted.

Substantive: These include changes such as adjusting permitted uses, adjusting a development standard, or improving the practical application of the code.

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TOPICS, COMMENTARIES, PROPOSED AMENDMENTS

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 07 Finance Chapter 07.02 Bonds in Favor of City			
SMC 07.02.070	Clarification	Update functions that have been reassigned from the director of engineering services/building services to the development services center manager.	
<p>Chapter 07.02 Bonds in Favor of City</p> <p>Section 07.02.070 Street Obstruction</p> <p>An applicant for a street obstruction permit, as provided in SMC 17G.010.210(D) must furnish a bond, which may be combined with another bond and cover all activities on an annual basis, approved by the director of engineering services <u>development services center manager</u>, in the minimum amount of ten thousand dollars, conditioned that the permittee shall:</p> <p>A. indemnify and hold harmless the City against all claims, costs, and losses arising from the obstruction of the public way;</p> <p>B. conduct all activities in strict compliance with the requirements of law and the permit; restore all public property and facilities to their original condition and guarantee the restoration for a period of two years; and comply with requirements of SMC 12.02.720.</p>			
CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
SMC 08.02.0220 – Sidewalk Cafes			
SMC 08.02.0220 – Sidewalk Cafes	Clarification	The above changes to the Sidewalk Café codes are being recommended to encourage compliance, promote sidewalk cafés to local businesses, reduce processing time for new applicants, and provide correct references and code clarification.	

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Section 08.02.0220 – Sidewalk Cafes

- A. An annual fee of ~~two hundred fifty~~ one hundred dollars shall be paid for operation of a sidewalk café as long as the original approved site plan is implemented. Modifications of the sidewalk café which extend beyond the original approved plan shall require a new review and a review fee of two hundred fifty dollars.
- B. The application fee for a new sidewalk café is fifty dollars (\$50).
- ~~B-C.~~ The review fee for a new sidewalk café is three hundred dollars.

**Sidewalk Café renewals are less involved than new applications. We recommend reducing the annual fee to encourage greater compliance while increasing the new application review fee.*

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 08.02.038 Shorelines Management

Section 08.02.038 Shorelines Management	Clarification	There is currently not a fee for Shoreline Exemptions, and we have been charging the pre-submittal fee of \$555	
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Section 08.02.038 Shorelines Management

- A. The application fees for new projects are as follows:

PROJECT VALUATION	FEE
\$2,500 - \$10,000	\$1,020
\$10,001 - \$50,000	\$1,420
\$50,001 - \$250,000	\$2,700
\$250,001 - \$1,000,000	\$5,400
Over \$1,000,000	\$6,750 plus 0.1% of project value

For Variance Add	\$2,160
For Conditional Use Add	\$1,860

B. The fee for presubmittal review is five hundred fifty-five dollars.

C. The fee for a shoreline exemption is five hundred fifty-five dollars.

~~€~~ D. The fee for a permit amendment is eighty percent of the fee under this schedule.

~~Ⓓ~~ E. The fee should accompany the formal application for a permit or amendment.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Title 08 Taxation and Revenue
Chapter 08.02 Fees and Charges
Article VI. Land Use and Occupancy

Section 08.02.065 Streets and Airspace

Clarification

Remove Fee

Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.065 Streets and Airspace

A. The fees in connection with skywalks are:

1. Seven thousand one hundred sixty dollars for the application to the hearing examiner.
2. Three hundred thirty-five dollars for annual inspection; and
3. Two thousand two hundred ninety dollars for renewal if the renewal is sought within twenty years from date of issuance of the permit.

For the use of public airspace other than pedestrian skywalk, the fee will be as provided in the agreement.

B. ~~The landowner must pay a twenty five dollar fee plus the actual recording costs for the covenant to remove encroaching improvements in unused street right of way, as provided in SMC 17G.010.160~~

C. The fee for a street address assignment as provided in SMC 17D.050.030 is ten dollars. The fee for a street address change is twenty-five dollars.

D. The street obstruction permit fees are as follows. All fees are minimum charges for time periods stated or portions of said time periods:

1. when the public way is obstructed by a dumpster or a temporary storage unit the fee is one hundred dollars per fifteen-day period.
2. for long-term obstruction (longer than twenty-one days) in the central business district or other congested area the fee is twenty cents per square foot of public right-of-way obstructed for each month period. The director of engineering services may adjust these boundaries in the interests of the public health, safety, and convenience, considering the need to promote traffic flows and convenience in administrative enforcement needs. ~~(See Central Business District Zone SMC 11.19.194)~~

3. for an obstruction not provided for in subsections (1) or (2) of this section, the fees are stated below:
 - a. When the public way is excavated for:
 - i. the first three working days: One hundred dollars;
 - ii. each additional three-working-day period: Forty dollars.
 - b. When no excavation for:
 - i. the first three days: Twenty-five dollars per day;
 - ii. each additional three-day period: Forty dollars.
 - c. Master annual permit fee set by the director of engineering services development services center manager based on a reasonable estimate of the expense to the City of providing permit services. Permit fees are payable at least quarterly. If a master annual permit fee is revoked, the party may apply for a refund of unused permit fees;
 4. a parking meter revenue loss fee of thirteen dollars per meter per day within the City central business district and six dollars fifty cents per meter per day for all other meters shall be paid for each meter affected by an obstruction of the public right-of-way;
 5. a charge of five hundred dollars is levied whenever a person:
 - a. does work without a required permit; or
 - b. exempt from the requirement for a permit fails to give notice as required by SMC 12.02.0740(B);
 6. a charge of two hundred fifty dollars is levied whenever a permittee does work beyond the scope of the permit;
 7. no fee is charged for street obstruction permits for activities done by or under contract for the City.
- E. The review fee for a traffic control plan is fifty dollars.
- F. The fee for a building moving permit is one hundred dollars.
- G. The annual permit fee for applicators of road oil or other dust palliatives to public ways and places of public travel or resort is one hundred dollars. A contractor must notify the department of engineering services in accordance with SMC 12.02.0740(B).
- H. Street vacation application fee is four hundred dollars.
- I. The fees for approach permits are:
 1. For a commercial driveway: Thirty dollars; and
 2. For a residential driveway: Twenty dollars.

Date Passed: Monday, June 29, 2009

Effective Date: Saturday, August 1, 2009

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 10.26 Building Moving and Relocation			

Section 10.26.010 Relocation Permit Required	Minor	Update the name of the department.	The name of the department was changed from “building services” to “development services center”.
<p>Chapter 10.26 Building Moving and Relocation Section 10.26.010 Relocation Permit Required</p> <p>A. A person needs a relocation permit issued by the building services department <u>development services center</u> to relocate or place a building or structure upon any property in the City.</p> <p>B. The applicant must be either the owner of the building or a state-registered contractor.</p> <p>C. The relocation permit is in addition to the building moving permit and the street obstruction permit as provided in SMC 17G.010.210(B) and (D) and chapter 12.02 SMC. While the moving and street obstruction permits are class III licenses under chapter 4.04 SMC, the relocation permit is a species of building permit.</p>			
Section 10.26.020 Condition of Building	Minor	Update out-of-date code references.	Update functions that have been reassigned from the director of building services to the building official.
<p>Section 10.26.020 Condition of Building</p> <p>A.The director of building services <u>building official</u> inspects the building to determine whether it complies with the current building code.</p> <p>B.If the building does not meet current code, the director <u>building official</u> either denies the relocation permit application or conditions the permit on rehabilitation, repair or alteration.</p> <p>C.All work of rehabilitation, repair or alteration required by a relocation permit is subject to the normal permit requirements of Title 11 <u>17</u> SMC.</p>			
Section 10.26.030 Compliance with Zoning	Minor	Update out-of-date code references.	Update functions that have been reassigned from the director of building services to the building official.
<p>Section 10.26.030 Compliance with Zoning</p> <p>A. The director of building services <u>building official</u> inspects the site to which the building is to be moved and determines whether the relocated building would comply with the zoning code and all other applicable</p>			

provisions of Title 14 SMC.

1. If some approval, such as special permit from the hearing examiner, is required, the ~~director~~ building official may make such approval a precondition to the issuance of the relocation permit.

**Section 10.26.040
Conditions of Permit**

Minor

Update functions.

Update functions that have been reassigned from the director of building services to the building official.

Section 10.26.040 Conditions of Permit

A. The ~~director of building services~~ building official imposes such conditions on the relocation permit as are reasonable and necessary to assure code compliance and promote the general welfare.

B. Such conditions may include that all work in connection with the required rehabilitation, repair or alteration be completed within a certain time and that the owner of the building post a bond to secure the completion of such work.

**Section 10.26.060
Default**

Minor

Update out-of-date code references.

Section 10.26.060 Default

- A. If a default in the conditions of the permit is not timely cured, the building official applies the bond to either complete the work required to satisfy the permit conditions or demolish and remove the building, taking into account the standards and criteria contained in ~~chapter 11.11 SMC~~ 17F.070 SMC.
- B. After paying the costs of the work of completion or demolition, the building official retains twenty-five percent of the costs by way of reimbursement of administrative expense. Any money remaining is returned to the person who paid on the bond.

**Section 10.26.070
Building Moving –
Additional Provisions**

Minor

Update the name of the department.

The department name was changed from “building services” to “development services center”. Add language to allow for reimbursement to the City for inspection costs.

Section 10.26.070 Building Moving – Additional Provisions

- A. Notwithstanding and in addition to the provisions of chapter 4.04 SMC, chapter 12.02 SMC and chapter 17G.010 SMC with respect to the permits for relocating a building, moving a building and obstructing a street, the moving of the building is subject to the further provisions of this section.
- B. The building official coordinates review and comment on the proposal among the City departments of police, development services center, engineering services, street, and among all utility companies

having lines or other facilities along the proposed route.

- C. Before the moving permit is issued the building official incorporates, by endorsement or attachment, a written description of the approved route and the time and date of the move. At least fifteen days before the move the applicant must sign the permit thereby agreeing to:
1. the route and time frame;
 2. notifying the police department, the street department and affected utilities at least twenty-four hours in advance of the move; and
 3. reimburse the affected departments and utility companies for the actual costs of **inspection**, moving lines or otherwise enabling the move.
- D. When the holder of a building moving permit gives notice as provided in this section, every owner of utility facilities is required to raise, remove and replace, bypass or take other reasonable action regarding such facilities to accommodate the moving of the building.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
SMC 10.28.070 – Liquor Use and Sale SMC 10.28.020 – License Class SMC10.28.080 – Insurance Required SMC 10.28.040 - Application SMC 10.28.050 – Notice to Abutting Property Owners			
SMC 10.28.070 – Liquor Use and Sale SMC 10.28.020 – License Class SMC10.28.080 – Insurance Required SMC 10.28.040 - Application SMC 10.28.050 – Notice to Abutting Property Owners	Clarification	The above changes to the Sidewalk Café codes are being recommended to encourage compliance, promote sidewalk cafes to local businesses, reduce processing time for new applicants, and provide correct references and code clarification.	

Section 10.28.020 – License Class

Sidewalk café licenses are Class III E licenses [and are subject to SMC Chapter 04.04.](#)

**Add reference to appropriate SMC regarding licenses to increase clarity.*

Section 10.28.040 – Application

- A. In addition to the information required by SMC 10.28.060 an application for a sidewalk café permit shall state:
1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
 2. Whether any liquor as defined in RCW 66.04.010(6) will be sold or consumed in the area to be

covered by the permit.

- B. At the time of application the city engineer shall set a time ~~and place~~ for an administrative hearing ~~at before~~ which the public may offer objections to the issuance of the license.

**Correct code to reflect the proper RCW. Public hearings for new sidewalk cafés are generally unattended by persons other than the applicant. Changing the public hearing to an administrative hearing will reduce processing time and cost to the City. Comments from the public can still be submitted for review during the administrative review time.*

Section 10.28.050 – Notice to Abutting Property Owners

- A. The applicant shall mail or serve a notice stating the:
1. Nature of the application;
 2. Sidewalk area sought to be used; and
 3. Date, time and place at which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file with the city engineer

Section 10.28.020 – License Class

Sidewalk café licenses are Class IIIE licenses and are subject to SMC Chapter 04.04.

**Add reference to appropriate SMC regarding licenses to increase clarity.*

Section 10.28.040 – Application

- C. In addition to the information required by SMC 10.28.060 an application for a sidewalk café permit shall state:
1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
 2. Whether any liquor as defined in RCW 66.04.010 ~~(6)~~ will be sold or consumed in the area to be covered by the permit.
- D. At the time of application the city engineer shall set a time ~~and place~~ for an administrative hearing ~~at before~~ which the public may offer objections to the issuance of the license.

**Correct code to reflect the proper RCW. Public hearings for new sidewalk cafés are generally unattended by persons other than the applicant. Changing the public hearing to an administrative hearing will reduce processing time and cost to the City. Comments from the public can still be submitted for review during the administrative review time.*

Section 10.28.050 – Notice to Abutting Property Owners

- B. The applicant shall mail or serve a notice stating the:
1. Nature of the application;
 2. Sidewalk area sought to be used; and
 3. Date, time and place at which the city engineer will consider such application

At least ten days prior thereto, upon the owners, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area sought to be used and that lie within the nearest intersections or depend upon such street segment for access, and shall file

with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent.

- C. The city engineer shall prepare ~~and post notices~~ notices containing the aforesaid information ~~upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection,~~ and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

**Current practice is to delegate the posting of notices to the applicant.*

Section 10.28.070 – Liquor Use and Sale

Liquor, as defined in RCW 66.04.010~~(16)~~, as now existing or hereafter amended, may be used and sold at a sidewalk café when authorized in both the use permit provided for herein and by permit of the Washington State liquor control board, and not otherwise.

**Correct reference to proper RCW.*

Section 10.28.080 – Insurance Required

An applicant for a permit for a sidewalk café shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in the amount specified by SMC ~~7.02.070~~ 12.02.0718 to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk café purposes, naming the City as an additional insured.

**Correct reference to proper SMC.*

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- D. The city engineer shall prepare ~~and post notices~~ notices containing the aforesaid information ~~upon any utility poles or other prominent place in the immediate vicinity and at the nearest intersection,~~ and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

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**Correct reference to proper SMC.*

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 12 Public Ways and Property Chapter 12.02 Obstruction, Encroachment of Public Ways			
SMC 12.02.060, 12.02.0706, 12.02.0707, 12.02.0708, 12.02.00716, 12.02.0718, 12.02.0720, 12.02.0724, 12.02.0730, 12.02.0740, 12.02.0745, 12.02.0750, 12.02.0755, 12.02.704	Clarification	These code changes are needed to: Update out-of-date code references. Update functions that have been reassigned from the director of engineering services/building services to the development services center manager Update the name of the department which was changed from “building services” to “development services center” Clarify the city’s policy for extensions on obstruction permits. Update bond and insurance requirements for obstruction permit contractors	
Title 12 Public Ways and Property Chapter 12.02 Obstruction, Encroachment of Public Ways Article IV. Obstruction of Public Right-of-way Section 12.02.060 Fences and Hedges – Incidental Encroachments Incidental encroachments upon the public right-of-way from private property not obstructing the use of the right-of-way may be permitted by <u>the director of building services development services center manager</u> as provided in SMC 17G.010.160. Such encroachments are revocable without compensation and create no vested rights. Section 12.02.0706 Permits Required A. Obstruction of the public way is forbidden except by permit as provided in SMC 17G.010.210(D) and this article. Special uses for sidewalks are specifically treated in SMC 12.02.0730, et seq. B. In case of an emergency situation endangering the public health or safety requiring immediate			

obstruction and/or work in a public way, such obstruction and/or work may be accomplished without a permit, providing the director is notified as soon as practicable of the emergency situation and the activity necessary to correct the adverse condition. In such cases, permits will be required and issued for such activity, as may have been necessary, after the fact.

- C. City employees obstructing public ways in the performance of their official duties must first coordinate with the ~~division of public works and utilities~~ development services center in a manner prescribed by the director.

Section 12.02.0707 Master Annual Permit for High Volume Users

- A. In lieu of an individual permit for users whose estimated annual permit need is in excess of seven hundred permits per year under SMC 12.02.0706, an annual master permit may be issued as provided in this section and SMC 17G.010.210(D). Except as otherwise provided, all conditions of an individual permit apply to a master permit. A master annual permit is individually approved by the ~~director of engineering services~~ development services center manager.
- B. If the ~~director of engineering services~~ development services center manager deems in his sole discretion that the public convenience is not served by a master permit, an application may be denied or a master permit revoked. Denial or revocation of a master permit does not affect eligibility for an individual permit under SMC 12.02.0706.

Section 12.02.0708 Conditions of Permission

Permits to obstruct public ways are issued on the condition that:

- A. Permittees must repair, replace, and fully restore all portions of the public way affected by their activities.
- B. Activity permitted hereunder may be suspended, terminated, or conditioned upon such terms as the director may require in the exercise of his responsibilities for the protection of the public safety and convenience of other public uses.
- C. The original permit granted to a permittee functioning as a prime contractor shall cover the permittee's work and work to be done by all the permittee's subcontractors. If the work is not completed within the time constraints of the original permit, the permittee must obtain ~~a new permit~~ specifically an extension of the original permit for the work yet to be accomplished.
- D. All repairs, replacement, and restoration of a disturbed public way must be completed within the time specified on the permit. ~~One extension of the permit up to a maximum of three working days, without charge, may be authorized, for reasonable cause, at the discretion of the director. Thereafter, a new permit will be required.~~

Section 12.02.0710 Director May Restore Public Way

- A. Where repair or restoration of a public way remains uncompleted, is unsatisfactory, or where deemed necessary, in the discretion of the director for the protection of the public health and safety and the convenience of the public, the director may do all work needed to repair and restore the public way to its original and proper condition. Issuance of the street obstruction permit is notice to

the permittee of this section.

- B. Such repair and restoration is at the expense and liability of the permittee and/or of any surety required as a condition of the permit or continued enjoyment of permit privileges.

Section 12.02.0712 Temporary Repairs

- A. If, in the judgment of the director, it is not appropriate to patch or otherwise restore the public way, in part or in whole, in a permanent manner, because of soil conditions, weather, or other causes, the director may direct that the permittee lay a temporary patch of suitable material designated by the director until such time as a permanent repair is appropriate.
- B. Temporary repair measures ordered by the director must be promptly commenced, in no event longer than twenty-four hours after the notice of an order is given, or earlier, if the director deems it required by imminent circumstances. Such repairs must be promptly completed.
- C. In default of prompt accomplishment of temporary repairs in the manner directed, the City may proceed at once to accomplish the same at the permittee's expense and liability.

Section 12.02.0714 Notice of Completion – Penalty for Delay

Upon completion of the permitted activities, the permittee shall give notice to the director within one working day. Time of receipt of this notification shall be used to determine compliance with the time limits of the permit.

Section 12.02.0716 Long Term Permits – Temporary Passageway

- A. Where a permit allows the obstruction, disturbance, or other such use of a public street, highway, or alley (including the sidewalk, if any) for an extended period of time and affecting a substantial portion of the public ways, as determined by the ~~director of engineering services~~ development service center manager, said permit privileges will be established by the director in coordination with the street director. Each such request for an obstruction permit will be considered on its own merit and the limits established with due consideration for the needs of the permittee and for the interests of the public.
- B. Permits issued under this section are conditioned upon the permittee's continued safe maintenance of a temporary passageway for pedestrian use along the public way.
- C. Said temporary passageway shall be a minimum of four feet wide and shall extend from available permanent sidewalks, walkways, or specified pedestrian routes in the areas immediately adjacent to the permit area.
- D. Said temporary passageway shall be constructed of two-inch plank or other approved material laid lengthwise upon good and sufficient supports laid not more than three feet apart.
- E. The location of joining the temporary passageway to the regular sidewalk or pedestrian route must be even. The entire passageway must have a sturdy barrier or railing at least four feet high or other safe design approved by the ~~director of building services~~ building official.

- F. Where the temporary passageway abuts property with construction of structures higher than twenty feet, the passageway must be completely covered at a height of at least ten feet with two-inch plank or other approved material resting upon strong supporting joists well fastened and braced to strong posts on both sides.
- G. Chapter ~~44 of the Uniform~~ 33 of the International Building Code as adopted by the City controls over this section.

Section 12.02.0718 Insurance

- A. Permit applicants must furnish ~~public general~~ liability insurance ~~with combined bodily injury and property damage limits in the amount of five hundred thousand dollars~~ that meets the insurance requirements in a particular year to insure the applicant's operations to the extent they impinge upon or affect the public way and to protect the City. This shall not apply to public or private utilities certifying in writing that they are self-insured and pledging to fully defend and protect the City against any and all claims arising from or by reason of any negligent act or omission by the utility, in a like manner as an insurer.
- B. At the time of application, the applicant must furnish proof of such insurance, naming the City as an additional insured. The director shall require that such insurance be continuously maintained for a period of two years from project completion, with thirty days' notice of cancellation or material change given to the director.
- C. The director may allow insurance coverage to be provided on an annual basis for master permit holders. The director may reduce or increase the amount of insurance coverage for smaller or larger jobs as the public interest requires.

Section 12.02.0720 Performance Bond Requirements

Street obstruction bonds are specified in SMC 7.02.070 except:

- A. ~~Where permitted activities involve cutting into or under any public way or removal of any portion of the same, a performance bond in the sum of ten thousand dollars is required prior to issuance of the permit. Said~~ The performance bond shall provide surety for the performance of any and all necessary maintenance and repairs as may be required by the director at least two years after authorized activities are complete, or for such longer time as the director may determine to be reasonably necessary considering the degree and extent of permitted activities. In addition, the director may adjust the bond for larger or smaller jobs as the director may deem necessary and sufficient to protect the public interest in recurring repair and maintenance costs.
- B. ~~The bond sum is five thousand dollars for permitted activities not involving cutting into or under any public way or removal of any portion of the same.~~
- C. The director may allow the posting of an annual bond in the amount of ten thousand dollars in lieu of other bonds required in this section. In addition, the director may adjust the bond for larger or smaller jobs as the director may deem necessary and sufficient to protect the public interest in recurring repair and maintenance costs or for other appropriate reasons.
- D. This shall not apply to private or public utilities certifying in writing that they are self-insured and pledging to be liable in similar manner and like amount for their acts and the acts of their agents.

- E. This section shall not apply to owners and/or occupants of residential premises performing yard maintenance and minor tree trimming work in the public way abutting their real property, so long as the public way is not an arterial or in the central business district.

Section 12.02.0722 Indemnification

Every permit shall provide that the permittee agrees to fully defend, indemnify, and hold harmless the City against all claims, losses, or liabilities arising out of, or in connection with, intentional or negligent acts, errors, or omissions of the permittee, its agents, employees and/or business invitees in the course of enjoyment of permit privileges granted under this article.

Section 12.02.0723 Excavations

In cases where a trench excavation in the public way will exceed a depth of four feet, the permittee and/or person causing the same shall maintain adequate safety systems for the trench excavation that meet the requirements of the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

Section 12.02.0724 Barriers and Traffic Control

- A. In case any public way is dug up, excavated, undermined, disturbed, or obstructed, or any obstruction placed thereon, the permittee and/or person causing the same shall erect and maintain around the site a good and sufficient barrier, and shall also maintain lighted amber lights during every night from sunset to daylight, at each end and safely around such obstruction.
- B. In cases where a permit allows for the encroachment upon or the closure of a traffic lane, the permittee will provide traffic-control measures as may be established by the engineering services director the development services center manager and/or the director of the street department.

Section 12.02.0726 Denial – Revocation of Permits

The director may decline to issue a permit or revoke a permit issued to any person who is or has been delinquent in the payment of any fees or charges fixed under the authority of this article or who refuses or neglects to comply with any of the provisions of this article. At the discretion of the director, permittees disqualified from applying hereunder will be ineligible to apply for any permits.

Section 12.02.0730 Permits – Sidewalk Special Use

- A. Upon approved plans and specifications ~~approved by the city council~~, the director may issue a permit for the placing in or upon the sidewalks of the City, plantings, ornamentals, or other beautification as the council may approve, or racks, stalls, or brackets for the parking, storage, or securing of bicycles or similar vehicles. Sidewalk cafes are permitted as provided in chapter 10.28 SMC. Signs are permitted as provided in chapter 17C.240 SMC.
- B. Before a sidewalk special use permit shall be issued, the person proposing to make such installation shall furnish proof of liability insurance coverage for such sidewalk use and the proposed installation, wherein the City is a named insured, for liability limits of not less than one hundred thousand dollars for any one personal injury, three hundred thousand dollars for all personal injury claims in any one accident and twenty-five thousand dollars for property damage.

- C. The director may reduce or increase the amounts of required insurance coverage as the public interest requires, depending on the size and nature of the permitted activity.

Section 12.02.0735 Regulations

- A. The director promulgates and interprets regulations to implement this article.
- B. Regulations to enforce or implement this chapter are approved by the director and published in the *Official Gazette*. They shall have the force of law thirty days after publication.

Section 12.02.0737 Obstruction of the Public Right of Way

- A. Owners and occupants of property within the City shall not obstruct the public right of way, hinder the normal flow of pedestrian or street traffic or render the public right of way unsafe. The creation of an obstruction is considered a nuisance pursuant to SMC 12.02.0208.
- B. The City may cause the removal or destruction of such obstruction of the public way by notice of violation and, as appropriate in each case:
 - 1. issuance of a class 1 civil infraction for the violation; or
 - 2. direct action by City forces or contract, the cost of which will be billed to the owner of the property or as a utility service to the property. Fees for abatement are contained in SMC 8.02.068.

Article IV. Obstruction of Public Right-of-way

Section 12.02.0740 Fees – Notice of Commencing Work

- A. Fees are specified in SMC 8.02.065.
- B. The permittee shall give the ~~engineering services department~~ development services center twenty-four hours' notice of the permittee's intention to begin such work. Penalty for not notifying, in advance, to begin work will be considered the same as working without a permit.

Section 12.02.0755 Bus Benches/Transit Shelter Located in the Public Right-of-way

- A. Bus benches, transit shelters and other similar facilities utilized for the benefit of patrons of public transportation may be placed in the public right-of-way pursuant to the approval of the City and under the direction of the ~~director of engineering services~~ development services center manager.
- B. Bus bench signs at designated public transportation stops located in the public right-of-way shall be permitted, provided, however, that such signs shall have any necessary permits and comply with all applicable regulations set forth in the Spokane Municipal Code, interlocal agreements with a public transportation authority, and/or other rules or requirements.

Section 12.02.704 Definitions

- A. “Public way” means any publicly dedicated or used highway, street, alley, or sidewalk.
- B. “Permittee” means any person to whom an obstruction permit is issued. Permits are not transferable and have no property value.
- C. “Office of primary responsibility” means the ~~director of engineering services~~ development services center manager, hereafter referred to as the director, who is the City official designated to administer this article. The director functions directly or through authorized agents, in coordination with other appropriate City agencies. The director is authorized to grant exceptions to, or impose conditions on, requirements herein, in the exercise of sound discretion, considering the requirements of permittees and the purpose of this article.
- D. “Obstruction of a public way” includes, but is not limited to, obstructions that may hinder the normal flow of pedestrian or street traffic or render the public way unsafe for current and necessary use such as:
1. trees, bushes, weeds or grass; and
 2. accumulations of trash and debris including but not limited to litter, glass, and scrap materials.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 17A.010 General Administration			
17A.010.070 Delegation of Administration	Minor	Duplicate sections of code	Refers to the responsibility of administration for each chapter of the SMC.

Section 17G.060.020 Administration

- A. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below:
1. The director of building services or his designee is responsible for chapter 17E.050 SMC, Division F; chapter 17G.010 SMC, Division I; and the development codes.
 2. The director of engineering services or his designee is responsible for chapter 17D.020 SMC, chapter 17D.070 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Division H and the development codes.
 3. The director of planning services or his designee is responsible for SMC Division B, Division C, and chapter 11.15 SMC, chapter 11.17 SMC, chapter 11.19 SMC, chapter 17D.010 SMC, chapter 17D.060 SMC, chapter 17D.080 SMC, chapter 17D.090 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.060 SMC, chapter 17G.070 SMC and chapter 17G.080 SMC.
- B. The procedures for requesting interpretations of the land use codes and development codes shall be

made by the department and may be contained under the specific codes.

Section 17A.010.070 Delegation of Administration

Except to the extent that state law requires municipal code enforcement personnel to be specifically qualified, every function, authority and responsibility vested by this title in a particular officer is delegable.

- A. Responsibility for the administration, application, and interpretation of these procedures pursuant to this title is as is set forth below.
1. The director of building services or his/her designee administers chapter 17E.050 SMC, Title 17F SMC, chapter 17G.010 SMC, Title 17I SMC, and the development codes.
 2. The director of engineering services or his/her designee administers chapter 17D.020 SMC, chapter 17D.080 SMC, chapter 17E.010 SMC, chapter 17E.050 SMC, chapter 17G.080 SMC, Title 17H SMC, and the development codes.
 3. The director of planning services or his/her designee administers Title 17B SMC, Title 17C SMC, and chapter 17D.010 SMC, chapter 17D.080 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, chapter 17E.050 SMC, chapter 17E.060 SMC, chapter 17E.070 SMC, chapter 17G.020 SMC, chapter 17G.030 SMC, chapter 17G.040 SMC, chapter 17G.060 SMC, chapter 17G.070 SMC, and chapter 17G.080 SMC.
 4. The historic preservation officer or his/her designee administers chapter 17D.040 SMC and chapter 17E.050 SMC.

The director of wastewater management administers chapter 17D.060 SMC and chapter 17D.090 SMC.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Chapter 17A.020 Definitions

Section 17A.020.030 “C” Definitions	Clarification	Adds an upper limit to the definition of Clear View Triangle for overhanging vegetation such as trees within a clear view triangle. Adds Clear View Triangle to Definitions to provide a consistent application of the SMC.	
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Section 17A.020.030 “C” Definitions

- A. Candidate Species.
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.
- B. Carport.
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.
- C. Cellular Telecommunications Facility.
They consist of the equipment and structures involved in receiving telecommunication or radio

signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

D. Central Business District.

The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.

E. Certificate of Appropriateness.

Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.

F. Certificate of Capacity.

A document issued by the planning services department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

G. Certified Erosion and Sediment Control Lead (CESCL).

An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:

1. site conditions and construction activities that could impact the quality of stormwater, and
2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.

The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.

H. Change of Use.

For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).

I. Channel Migration Zone (CMZ).

A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.

J. Channelization.

The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

K. City.

The City of Spokane, Washington.

L. Clear Street Width.

The width of a street from curb to curb minus the width of on-street parking lanes.

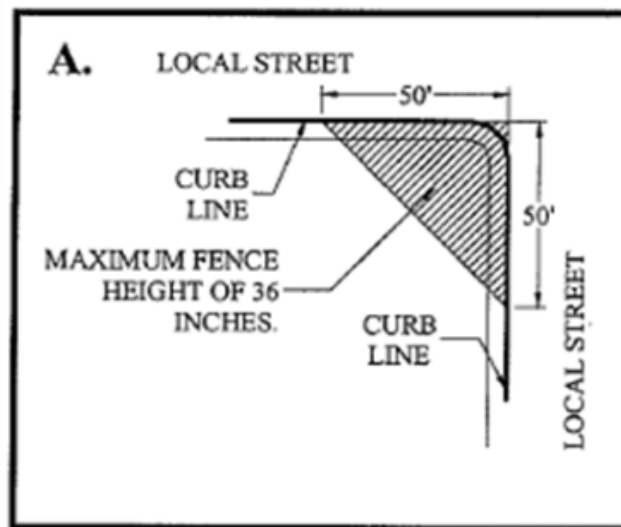
M. Clear Pedestrian Zone

Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.

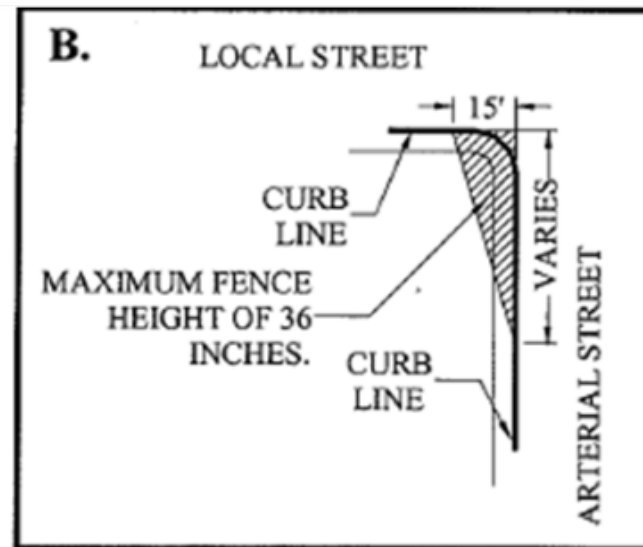
N. Clear View Triangle

A clear view maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets.

1. A right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or

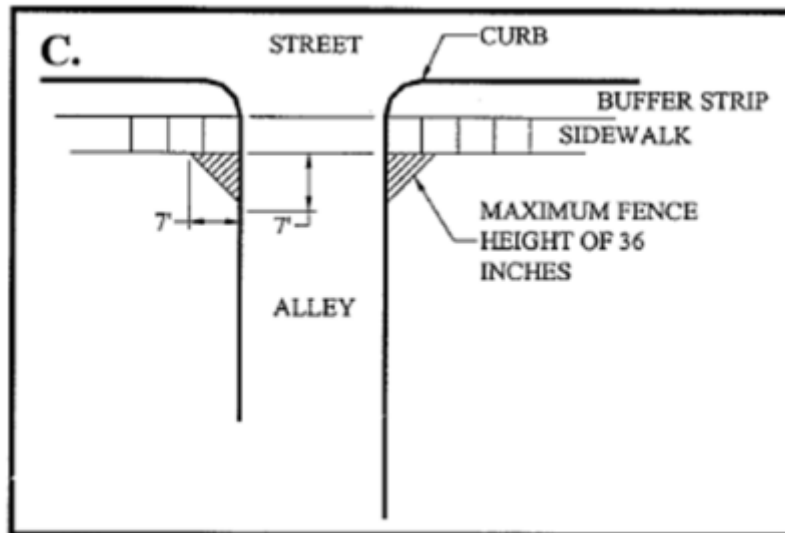


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



A right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:

- a. the inside line of the sidewalk; or
- b. if there is no sidewalk, a line seven feet inside the curb line.



O. Clear Zone.

An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.

P. Clearing.

The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

Q. Cliffs.

1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
2. A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

R. Closed Record Appeal Hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.

S. Collector Arterial.

A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.
2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

T. Co-location.

Is the locating of wireless communications equipment from more than one provider on one structure at one site.

U. Colony.

A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.

V. Commercial Driveway.

Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

W. Commercial Vehicle.

Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

X. Commission – Historic Landmarks.

The City/County historic landmarks commission.

Y. Community Banner.

A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.

Z. Community Meeting.

An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.

1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
2. A community meeting does not constitute an open record hearing.
3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.

AA. Compensatory Mitigation.

Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. Restoration.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
2. Re-establishment.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
3. Rehabilitation.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
4. Creation (Establishment).
The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

5. Enhancement.

The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

6. Protection/Maintenance (Preservation).

Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

AB. Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

AC. Conceptual Landscape Plan.

A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of chapter 17C.200 SMC.

7. The type of landscaping, L1, L2, or L3, is required to be labeled.
8. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.

AD. Concurrency Certificate.

A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to chapter 17D.010 SMC, Concurrency Certification.

AE. Concurrency Facilities.

Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:

1. transportation,
2. public water,
3. fire protection,
4. police protection,
5. parks and recreation,
6. libraries,
7. solid waste disposal and recycling,
8. schools, and
9. public wastewater (sewer and stormwater).

AF. Concurrency Test.

The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in SMC 17D.010.020.

AG. Conditional Use Permit.

A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.

AH. Condominium.

Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

AI. Confidential Shelter.

Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.

AJ. Congregate Residence.

A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.

AK. Conservancy Environments.

Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.

AL. Container.

Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.

AM. Context Areas

Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.

AN. Conveyance.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.

AO. Conveyance System.

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.

AP. Copy.

Letters, characters, illustrations, logos, graphics, symbols, writing, or any combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises.

AQ. Cottage Housing.

1. A grouping of individual structures where each structure contains one dwelling unit.
2. The land underneath the structures is not divided into separate lots.
3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.

AR. Council.

The city council of the City of Spokane.

AS. County.

Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.

AT. Covenants, Conditions, and Restrictions (CC&Rs).

A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.

AU. Creep.

Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.

AV. Critical Amount.

The quantity component of the definition of critical material.

AW. Critical Areas.

Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under chapter 17E.010 SMC, chapter 17E.020 SMC, chapter 17E.030 SMC, chapter 17E.040 SMC, and chapter 17E.070.SMC.

AX. Critical Facility.

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:

1. schools;
2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

AY. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
 - a. domestic and industrial water supply,
 - b. agricultural irrigation,
 - c. stock water, and
 - d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

AZ. Critical Material Activity.

A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.

A list of critical materials activities is contained in the Critical Materials Handbook.

BA. Critical Materials Handbook.

1. The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities, contains:
 - a. a critical materials list,
 - b. a critical materials activities list, and
 - c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

BB. Critical Review.

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

BC. Critical Review Action.

1. An action by a municipal official or body upon an application as follows:
 - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies (SMC 17G.010.140 and SMC 17G.010.150).
 - b. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).
 - c. Application for a certificate of occupancy (SMC 17G.010.170).
 - d. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).

- e. Application for rezoning (SMC 17G.060.070(A)).
 - f. Application for conditional permit (SMC 17G.060.070(A)).
 - g. Application for a business license (SMC 8.01.120).
 - h. Application for a permit under the Fire Code (SMC 17F.080.060).
 - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
 - j. Application for connection to the City sewer or water system.
 - k. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).
 - l. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314, and SMC 13.03.0324).
 - m. Application involving a project identified in SMC 17E.010.120.
 - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - o. Application for an underground storage tank permit (SMC 17E.010.210); and
 - p. Application for permit to install or retrofit aboveground storage tank(s) (SMC 17E.010.060(A) and SMC 17E.010.400(D)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

BD. Critical Review Applicant.

A person or entity seeking a critical review action.

BE. Critical Review Officer – Authority.

- 1. The building official or other official designated by the director of public works and utilities.
- 2. For matters relating to the fire code, the critical review officer is the fire official.
- 3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Chapter 17C			
Section 17C.110.230 Fences (Residential) 17C.110.230 G Fences, Visibility at Intersections (Residential) 17C.120.310 E (Commercial)	Clarification	Adds an upper limit to the definition of Clear View Triangle for overhanging vegetation such as trees within a clear view triangle.	

17C.122.135 E. (Centers and Corridors)		Adds Clear View Triangle to Definitions to provide a consistent application of the SMC.	
17C.124.310 E (Downtown)			
17C.130.310 E (Industrial)			
17C.200.040 A2 Site Planting Standards, Street Frontages			
17C.200.050 F Street Tree Requirements, Clear View Zone			

Section 17C.110.230 Fences (Residential)

A. Purpose.

The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

B. Types of Fences.

The standards apply to walls, fences, trellises, arbors, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location.

1. Front Lot Line.

Fences up to forty-two inches high are allowed in required front lot line setbacks.

2. Sides and Rear Lot Line.

Fences up to six feet high are allowed in required sides or rear lot line setbacks. Except in an instance where a rear lot line joins the front lot line of another lot, the fence must be either:

a. forty-two inches high or less, or

b. right isosceles triangle having sides of seven feet measured along the right-of-way line of a side yard and the front property line.

3. Other.

The height for fences that are not in required building setbacks is the same as the height limits of the zone for detached accessory structures in Table 17C.110-3.

4. Alleys.

Fences shall not obstruct the clear width required in SMC 17H.010.130(G).

D. Reference to Other Standards.

Building permits are required by the building services department for all fences including the

replacement of existing fences. A permit is not required to repair an existing fence.

E. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, Constantine, or razor wire in the RSF, RTF, RMF, or RHD zones. In the RA zone, up to three strands of barbed wire are allowed for agricultural, farming or animal uses.
2. No person may construct or maintain a fence or barrier charged with electricity in the RSF, RTF, RMF, or RHD zones. In the RA zone, the use is permitted for the containment of livestock only.
3. A fence, wall, or other structure shall not be placed within the public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. Fence Setbacks.
 - a. Arterial Street.
No fence may be closer than twelve feet to the curb of an arterial street.
 - b. Local Access Street.
No fence may be closer than the back of the sidewalk on a local access street. If there is no sidewalk, the fence shall be setback seven feet behind the face of the curb of a local access street.

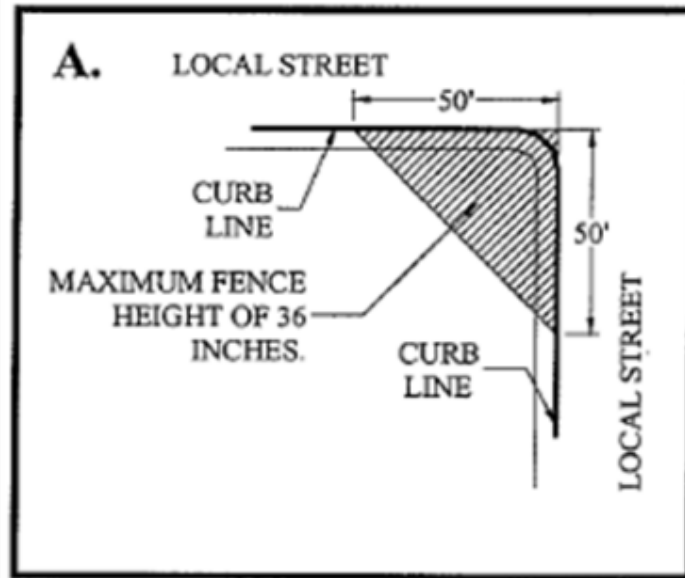
F. Enclosures for Pools, Hot Tubs, or Ponds.

1. A person maintaining a swimming pool, hot tub, pond or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate, may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Visibility at Intersections.

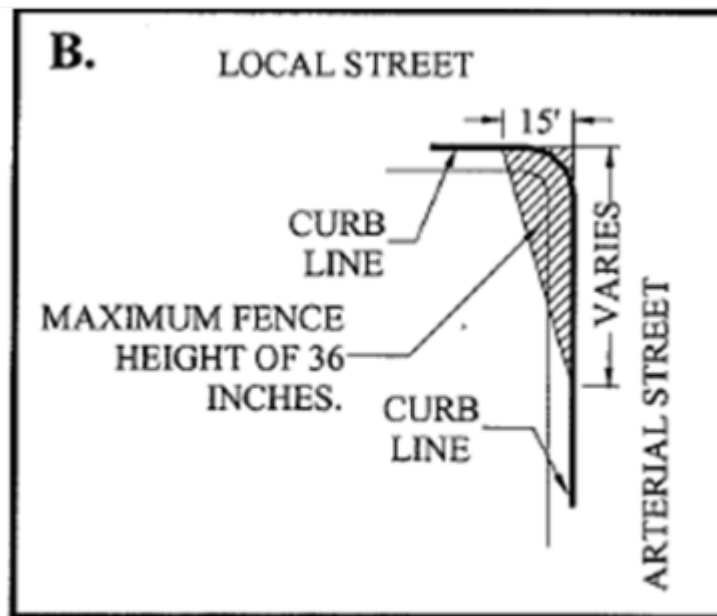
A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

- ~~1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level exceeding a height of thirty-six inches above the curb. may be inside the:~~
- ~~2. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~



3. ~~right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty two feet; or~~

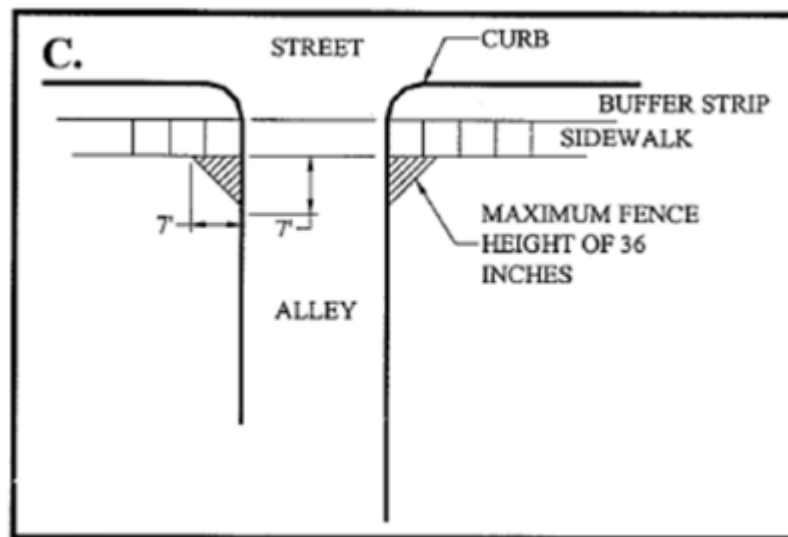
~~3.~~



~~4.~~

5. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~
6. ~~the inside line of the sidewalk; or~~
7. ~~if there is no sidewalk, a line seven feet inside the curb line.~~

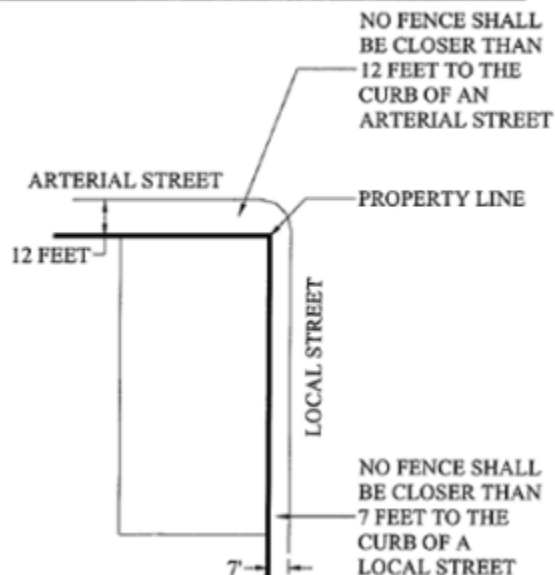
~~8.~~



9.

1.

Curb to Fence Dimensions



Section 17C.120.310 Fences (Commercial)

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.120.230.

a. Measured from Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured from a Side Lot Line.

Fences up to six feet high are allowed in a required setback that is measured from a side lot line.

2. Side and Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not in Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

4. Sight-obscuring Fences and Walls.

Sight-obscuring fences, walls and other structures over three and one-half feet high, and within fifteen feet of a street lot line are subject to SMC 17C.120.570, Treating Blank Walls – Building Design.

D. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that in a CB or GC zone up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.

2. No person may maintain a fence or barrier charged with electricity.

3. A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.

4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

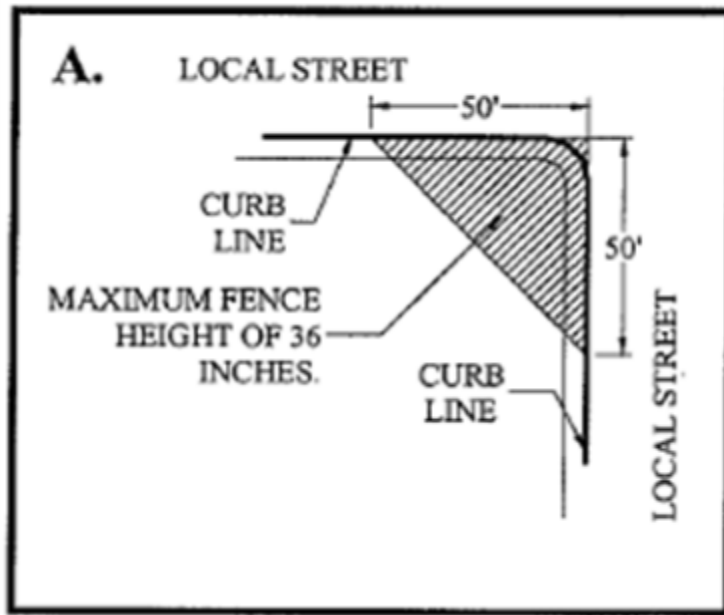
A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~no~~all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level ~~exceeding a height of thirty-six inches~~ above the curb.

2. ~~may be inside the:~~

3. ~~a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~

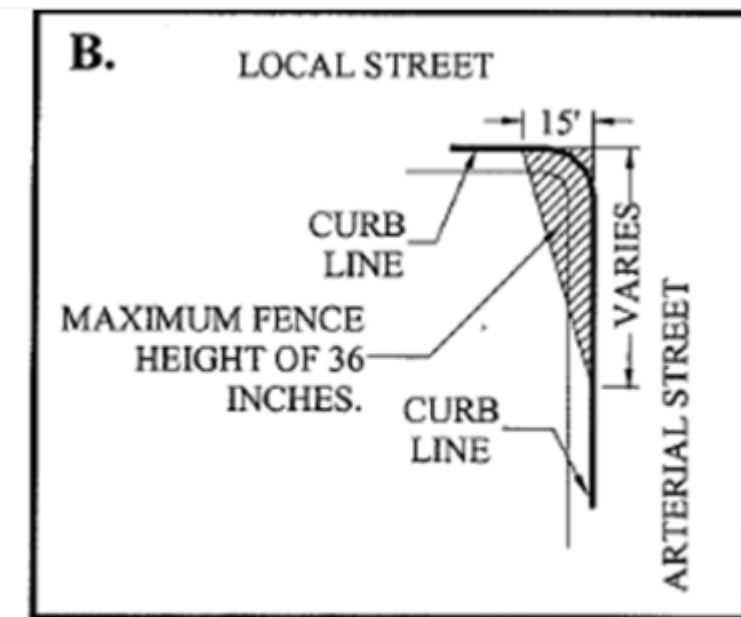
4.



5.

6. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty five miles per hour, the triangle has a side along such arterial of one hundred twenty two feet; or

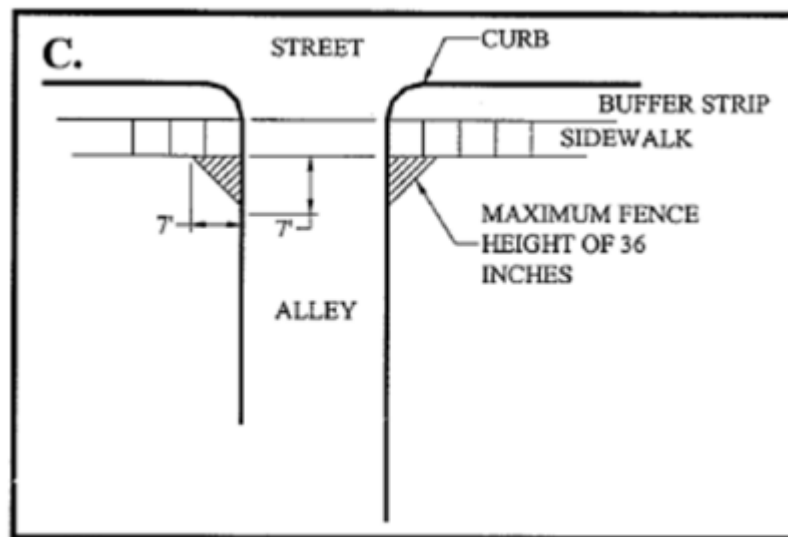
7.



8.

9. right isosceles triangle having sides of seven feet measured along the right of way line of an alley and;
10. the inside line of the sidewalk; or
11. if there is no sidewalk, a line seven feet inside the curb line.

12.



13.

Section 17C.122.135 Fences (Centers and Corridors)

A. Purpose.

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Type of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

a. Measured From Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured From a Side Lot Line.

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

c. Fences shall not reduce the required setback width of SMC 17C.130.210.

2. Side or Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not In Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits

of the zone.

4. Sight-obscuring Fences and Walls.

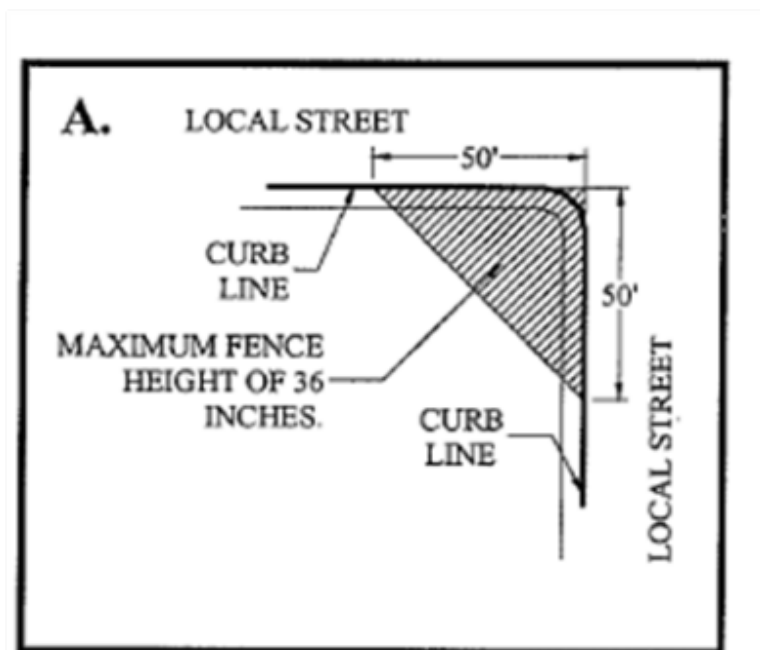
Any required or nonrequired sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.

D. Prohibited Fences.

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections.

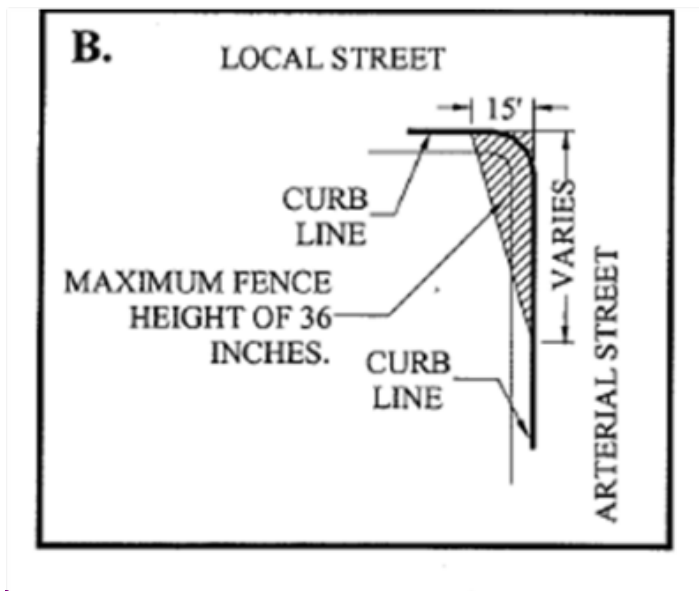
A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.



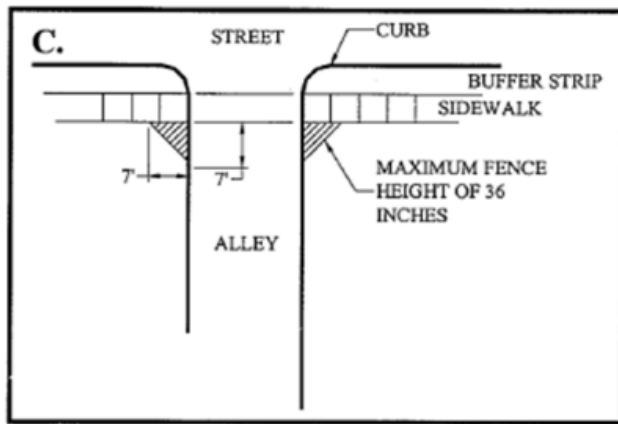
1. Subject to the authority of the traffic engineer to make adjustments and special requirements in

particular cases, ~~no~~all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level exceeding a height of thirty-six inches above the curb.~~may be inside the:~~

- a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~
- b. ~~right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or~~



- c. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~
 - i. ~~the inside line of the sidewalk; or~~
 - ii. ~~if there is no sidewalk, a line seven feet inside the curb line.~~



Section 17C.124.310 Fences (Downtown)

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design.

1. Fencing along streets, alleys, and pedestrian connections. No fence over three and one-half feet in height is allowed within the right-of-way or the required sidewalk width of SMC 17C.124.230.
 - a. Measured from the lot line or required sidewalk width, fencing up to six feet high is allowed within the first two feet behind the lot line or required sidewalk width. Greater than two feet back from the street lot line and the required sidewalk width; fencing is subject to the building heights for the zone.
 - b. Within two feet of a pedestrian connection through the interior of a site or block, fences are limited to three and one-half feet in height.
2. Fencing shall be behind any required parking lot or site perimeter landscaping.
3. Fencing Material and Color.

Colors shall complement the primary color of the development and shall not be so extreme in contrast or intensity that the color competes with the building for attention. Proposed fencing materials and colors that differ from these standards are subject to an administrative design review process.

 - a. Fence color within the public right-of-way or visible from streets shall be a dark material, preferable black or dark matte finish earth tones. Dark earth tone colored fence materials are preferred. (P)
 - b. Fencing shall be of a durable material. (P)
 - c. Fence materials within the public right-of-way or within eight feet of a street lot line

may be wrought iron or similar in appearance, aluminum, metal, or other durable material that meets the objective. (P)

- d. Walls visible from streets shall be masonry, stone, or brick construction. Masonry walls shall have a stucco finish or a textured manufactured finish such as “split face” or “fluted” block. (P)
- e. Chain link fencing is not allowed that is visible from and/or adjacent to a public street. Chain link fencing must be painted or vinyl coated and all part must be a uniform dark matte color such as black or other dark color.

4. Sight-obscuring Fences and Walls.

Sight-obscuring fences, walls, and other structures over three and one-half feet high and visible from a street are subject to SMC 17C.124.570, Treating Blank Walls – Building Design.

D. Prohibited Fences.

- 1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire. 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. The fence must be placed upon private property.
- 2. No person may maintain a fence or barrier charged with electricity.
- 3. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160.
- 4. No permanent fence may reduce the required sidewalk width.

E. Visibility at Intersections.

A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

- 1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~no~~all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level~~exceeding a height of thirty inches~~ above the curb ~~may be inside the:~~
 - ~~a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~
 - ~~b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty five miles per hour, the triangle has a side along such arterial of one hundred twenty two feet; or~~
 - ~~c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:~~
 - ~~i. the inside line of the sidewalk; or~~
 - ~~ii. if there is no sidewalk, a line seven feet inside the curb line.~~

A. Purpose

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Type of Fences

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location, Height, and Design

1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.130.230.

a. Measured from Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

b. Measured from a Side Lot Line.

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

c. Fences shall not reduce the required setback width of SMC 17C.130.210.

2. Side or Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

3. Not in Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

4. Sight-obscuring Fences and Walls.

Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening).

D. Prohibited Fences

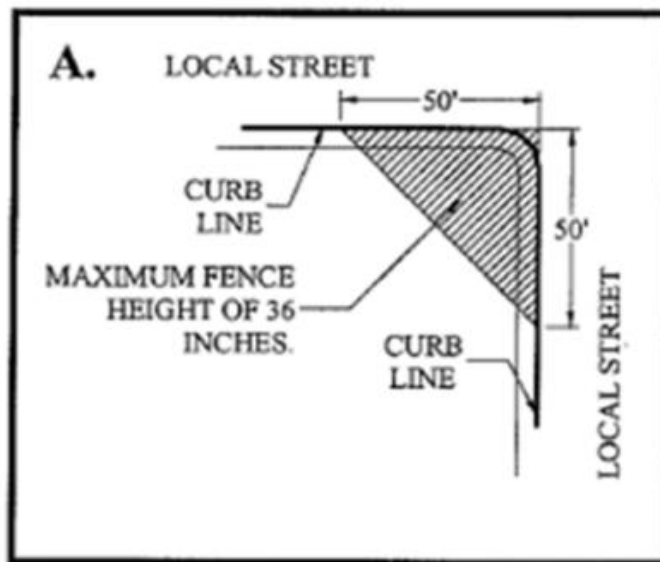
1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
2. No person may maintain a fence or barrier charged with electricity.
3. A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
4. No fence may be closer than twelve feet to the curb.

E. Visibility at Intersections

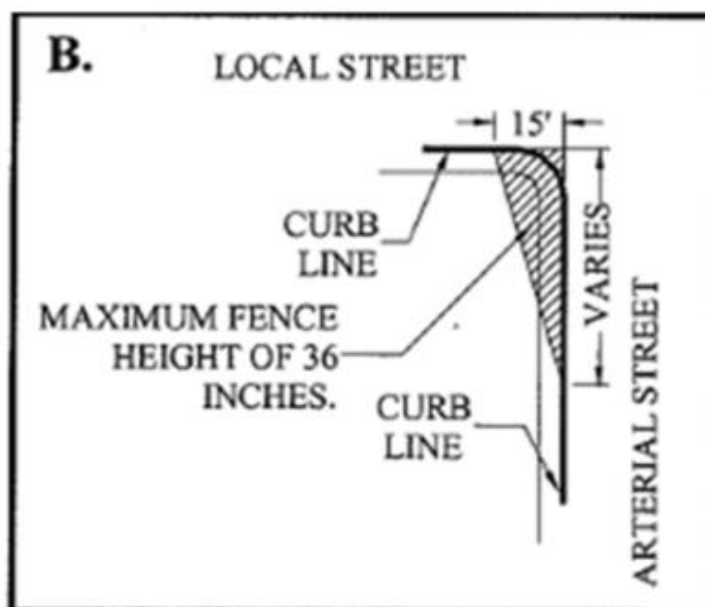
A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot

so as to obstruct the view of travelers upon the streets.

1. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, ~~no~~all fences, vegetation, and other features within the Clear View Triangle defined in SMC 17A.020.030 shall be maintained to keep a vertical clear view zone between three and eight feet from ground level~~exceeding a height of thirty-six inches~~ above the curb, ~~may be inside the:~~
 - a. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~



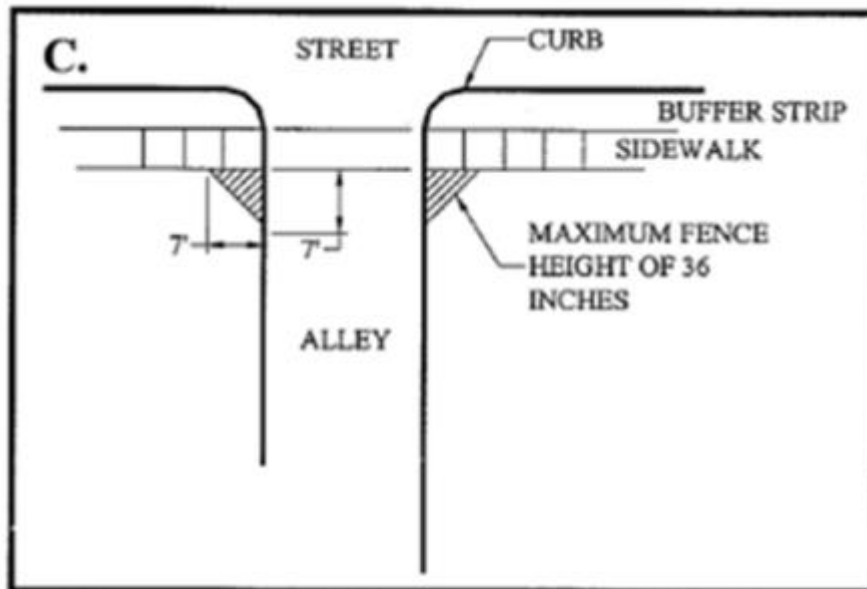
- b. ~~right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty two feet; or~~



- c. ~~right isosceles triangle having sides of seven feet measured along the right-of-way line~~

of an alley and:

- i. the inside line of the sidewalk; or
- ii. if there is no sidewalk, a line seven feet inside the curb line.



Section 17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

A. Street Frontages.

1. The type of plantings as specified below shall be provided inside the property lines:
 - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
 - b. along all downtown, CC1, CC2, CC4, and FBC zoned properties except where buildings are built with no setback from the property line, or along a Type 1 Street of the FBC: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050, Street Tree Requirements. Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or
 - d. outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in SMC 17C.200.050. Remaining setback areas shall be planted in L3.
 - e. in industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.
 - f. along all RA, RSF, RTF, RMF, and RHD zones, except for single-family residences and duplexes: six feet of L3 open area landscaping, including street trees as prescribed in

SMC 17C.200.050. For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of SMC 17C.120.310 for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.

2. ~~Except for attached and detached single-family residences and duplexes, p~~Plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches within the clear view triangle at street intersections on corner lots and at driveway entries to public streets. The clear view triangle is defined in ~~SMC 17A.020.030 SMC 17C.120.310~~. The director of engineering services may further limit the height of plantings, landscaping structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.



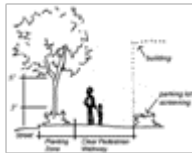
Section 17C.200.050 Street Tree Requirements

A. Purpose.

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

B. Street Tree Implementation.

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



3. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner.
4. If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should be of a similar form, character and planting pattern.
5. For a full list of approved trees in the city of Spokane, see the urban forestry program's approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.

C. Planting Zones.

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

TABLE 17C.200.050-1

Tree Planting Dimensional Standards [1]		
ZONE	CONTINUOUS PLANTING STRIP (minimum width as measured from back of curb)	INDIVIDUAL PLANTING AREA (width as measured from back of curb)
Downtown	Individual Planting Areas (tree vaults) required [1]	4 ft. minimum 6 ft. maximum [2]
CC	5 ft.	4 ft. minimum 6 ft. maximum [2]
FBC	Individual Planting Areas (tree vaults) required [1]	5 ft [2]
Commercial	5 ft.	4 ft. minimum 6 ft. maximum [2]
Industrial	6 ft.	Continuous Planting Strip required [3]
RA, RSF, RTF	6 ft.	Continuous Planting Strip required [3]
RMF, RHD	6 ft.	Continuous Planting Strip required [3]
School/Church Loading Zone	Not Applicable	4 ft. minimum 6 ft. maximum [2, 4]

Notes:

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

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

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

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

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

2. Continuous Planting Strips.

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



3. Individual Planting Areas.

- When an individual planting area is not symmetrical, the longer dimension shall run

along the curb.

- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.

Tree Grates



Street Trees with plantings up to 3 ft.



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

Tree Grate with Tree Guard



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



D. Size Requirements for New Street Trees.

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

E. Spacing Requirements for Street Tree Spacing.

The objective is to create a continuous tree canopy over the sidewalk.

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

F. Clear View Zone.

Landscaped areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in [SMC 17A.020.030-SMC 17C.120.310](#) shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level [above the curb](#).



CODE SECTION	TYPE OF AMENDMENT	SUMMARY	COMMENTARY
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17C.200.040(B) Table

17C.200.040(B) Table	Minor	Wrong footnote number	
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B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a five-foot wide planting strip, they together could provide one five-foot wide planting strip, so long as the required planting type, as indicated in the matrix, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

SUBJECT PROPERTY ZONE (vertical)	ADJACENT PROPERTY ZONE (horizontal)												
	R A	R SF	R T F	R M F	R H D	O, OR	NR, NMU	C B	G C	C C	LI, PI	H I	D T
RA	-	--	--	--	--	--	--	-	-	-	--	-	-

	-							-	-	-		-	-
RSF	-	--	--	--	--	--	--	-	-	-	--	-	-
RTF	-	--	--	--	--	--	--	-	-	-	--	-	-
RMF	L 2	L2	L2	L3	L2	L2	L2	L 1	L 1	L 1	--	-	L 1
RHD	L 2	L2	L2	L2	L3	L2	L2	L 2	L 2	L 2	--	-	L 2
O, OR	L 2	L2	L2	L2	L2	L3	L2	L 2	L 2	-	--	-	L 2
NR, NMU	L 2	L1	L2	L2	L2	L2	L3	L 3	L 2	-	--	-	L 3
CB	L 1	L1	L1	L1	L2	L2	L3	L 3	L 3	-	--	-	L 3
GC	L 1	L1	L1	L1	L2	L2	L2	L 3	L 3	-	--	-	L 3
CC, FBC	L 1	L1	L1	L1	L2	--	--	-	-	-	--	-	-
LI, PI [31]	L 1	L1	L1	L1	L1	L1	L2	-	-	-	--	-	-
HI [31]	L 1	L1	L1	L1	L1	L1	L1	-	-	-	--	-	-
DT	L 1	L1	L1	L1	L1	L2	L2	L 3	L 3	-	--	-	-

Notes:

[1] In the industrial zones, all uses in the commercial categories (see chapter 17C.190 SMC, Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17C.230.140 Development Standards

Section 17C.230.140 Development Standards	Minor	Missing references and a comma.	
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A. Parking Area Layout

1. Access to Parking Spaces.

All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or

exit without having to move another vehicle.

2. Parking Space and Aisle Dimensions.

- a. Parking spaces and aisles in RA, RSF, RSF-C, RTF, RMF, RHD, FBC CA4, O, OR, NR, NMU, CB, GC, and industrial zones must meet the minimum dimensions contained in Table 17C.230-3.
- b. Parking spaces and aisles in Downtown, CC, and FBC CA1, CA2, CA3 zones must meet the minimum dimensions contained in Table 17C.230-4. In all zones, on dead end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Title 17D City-wide Standards
Chapter 17D.075 Transportation Impact Fees

Section 17D.075.020 Definitions		The 9 th Edition is the latest version of the Trip Generation Manual.	
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Title 17D City-wide Standards

Chapter 17D.075 Transportation Impact Fees

Section 17D.075.020 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

- A. "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.
- B. "Act" means the Growth Management Act, as codified in chapter 36.70A RCW, as now in existence or as hereafter amended.
- C. "Applicant" means the owner of real property according to the records of the Spokane County, or the applicant's authorized agent.
- D. "Baseline study" means the 2008 transportation baseline study that has been developed by HDR Engineering and Planning, City Project No. 2005155.
- E. "Building permit" means the official document or certification that is issued by the building department and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, tenant improvement, demolition, moving or repair of a building or structure.
- F. "Capital facilities" means the facilities or improvements included in the capital facilities plan.

- G. “Capital facilities plan” means the capital facilities plan element of the City’s comprehensive plan adopted pursuant to chapter 36.70A RCW, as amended from time to time.
- H. “Certificate of occupancy” means the term as defined in the International Building Code. In the case of a change in use or occupancy of an existing building or structure which may not require a building permit, the term shall specifically include certificate of occupancy and for residential development the final inspection, as those permits are defined or required by this code.
- I. “City” means the City of Spokane.
- J. “City council” means the city council of the City of Spokane.
- K. “Comprehensive plan” means the City of Spokane comprehensive plan adopted pursuant to chapter 46.70A RCW, as amended from time to time.
- L. “Complete street” means a landscaped, tree-lined street corridor designed for multiple modes of transportation, consistent with SMC 17C.124.035. Complete streets balance the various needs of pedestrian and vehicular use. Some include bicycle and transit improvements as well. Pedestrian amenities on Complete streets may include street furniture, decorative lighting, wide sidewalks with curb extensions (bulb-outs) at street corners, decorative crosswalks, public art, outdoor restaurants, plazas, and improved sidewalk-building interfaces (e.g., awnings, street-oriented retail activity).
- M. “Concurrent” or “concurrency” means that the public facilities are in place at the time the impacts of development occur, or that the necessary financial commitments are in place, which shall include the impacts fees anticipated to be generated by the development, to complete the public facilities necessary to meet the specified standards of service defined in the comprehensive plan within six years of the time the impacts of development occur.
- N. “Department” means the department of engineering services.
- O. "Development activity" means any construction or expansion of a building, structure, or use, or any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.
- P. “Development approval” means any written authorization from the City that authorizes the commencement of development activity.
- Q. “Director” means the director of engineering services, or the director’s designee.
- R. “Dwelling unit” means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.
- S. “Encumbered” means to have reserved, set aside or otherwise earmarked the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.
- T. “Feepayer” is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a

land development activity that creates the demand for additional public facilities, and which requires the issuance of a building permit. “Feepayer” includes an applicant for an impact fee credit.

- U. “Gross floor area” is the total square footage of all floors in a structure as defined in chapter 17A.020 SMC.
- V. “Hearing examiner” means the person who exercises the authority of chapter 17G.050 SMC.
- W. “Impact fee” means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. “Impact fee” does not include a reasonable permit fee, an application fee, or the cost for reviewing independent fee calculations.
- X. “Impact fee account” or “account” means the account(s) established for each service area for the system improvements for which impact fees are collected. The accounts shall be established pursuant to this chapter, and shall comply with the requirements of RCW 82.02.070.
- Y. “Independent fee calculation” means the impact fee calculation and or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of schedule set forth in SMC 17D.075.180, or the calculations prepared by the Director where none of the fee categories or fee amounts in the schedules in this chapter accurately describe or capture the impacts of the new development on public facilities.
- Z. “Interest” means the interest rate earned by local jurisdictions in the State of Washington local government investment pool, if not otherwise defined.
- AB. “Interlocal agreement” or “agreement” means a transportation interlocal agreement, authorized in this chapter, by and between the City and other government agencies concerning the collection and expenditure of impact fees, or any other interlocal agreement entered by and between the City and another municipality, public agency or governmental body to implement the provisions of this chapter.
- AC. “ITE manual” means Institute of Transportation Engineers (ITE) Trip Generation Manual (~~7th Edition~~) (9th Edition), as amended from time to time.
- AD. “Owner” means the owner of real property according to the records of the Spokane County department of records and elections, provided that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.
- AE. “Pass-by trip rates” means those rate study pass-by rates set forth in SMC 17D.075.200.
- AF. “Proportionate share” means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.
- AG. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility

included in the City's capital facilities plan shall be considered a project improvement.

AH. "Public facilities" means publicly owned streets and roads, including related sidewalk and streetscape improvements required by the City's comprehensive plan and related development regulations.

AI. "Rate study" means the 2007 transportation impact fee rate study, dated October 26, 2007, as updated and amended from time to time.

AJ. "Residential" means housing, such as single-family dwellings, accessory dwelling units, apartments, condominiums, mobile homes, and/or manufactured homes, intended for occupancy by one or more persons and not offering other services.

AK. "Square footage" means the square footage of the gross floor area of the development as defined chapter 17A.020 SMC.

AL. "Service area" means one of the four geographic areas defined by the City in which a defined set of public facilities provide service to development within each of the identified areas. The City has identified the service areas, based on sound planning and engineering principles. These service areas are generally referred to as the downtown service area, the northwest service area, the northeast service area, and the south service area. Maps depicting the service areas are set forth in SMC 17D.075.190 and shall also be maintained by the director in the offices of the engineering services department and shall be available for public inspection during regular business hours.

AM. "System improvements" means public facilities included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

AN. "Trip length adjustment factor" means the trip length adjustment factors identified in SMC 17D.075.200.

Date Passed: Monday, January 24, 2011

Effective Date: Saturday, March 12, 2011

ORD C34673 Section 2

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
Title 17G Administration and Procedures			
17G.010.070 (B) Eligibility of Applicants- Permits Issued Pursuant to the Land Use Codes	Clarification	This proposal makes it easier for property owners to obtain permits and eliminates redundancies between the Spokane Municipal	

		Code (SMC) and the Revised Codes of Washington (RCW) that govern contractor registration requirements.	
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Title 17G Administration and Procedures

Chapter 17G.010 Building and Construction Permits

Section 17G.010.070 Eligibility of Applicants – Permits Issued Pursuant to the Land Use Codes

- A. The laws of various jurisdictions impose requirements upon the persons doing some of the work and conducting some of the activities regulated by this title. Many of the acts regulated by this title affect real property interests. For these reasons applicants for the various permits, licenses, certificates, and other approvals are required to furnish varying data concerning their authority to make the application and perform the acts applied for. The City does not, however, assume responsibility for the accuracy of an applicant's representations concerning entitlement to the approval applied for. The issuance of a permit, license, certificate, or other approval to a person not otherwise authorized does not operate to confer such authority.

B. Building Permits.

To be eligible to obtain any of the various categories of "building" permits, one must be:

1. A contractor with a City of Spokane business license and an active contractor's license from the State of Washington Department of Labor and Industries that is appropriate for the work to be performed; or
2. The property owner as identified by the Spokane County Assessor records on condition that;
 - a. the owner is able to claim exemption from the State of Washington contractor registration requirements; and
 - b. all work is being performed by the owner and others as allowed by law, or by persons duly licensed or certified where required for the nature of the work.
 - c. Exception: Mechanical and boiler permits for any work involving gas piping, equipment, or appliances that are natural gas, liquid propane gas, or oil fueled can only be issued to appropriately licensed contractors unless the property owner is currently licensed by the City of Spokane to install such piping, equipment, or appliances.

~~1. To be eligible for a building permit, a person must be either:~~

- ~~a. a contractor currently holding a valid license or certificate of registration in the appropriate category; or~~
- ~~b. able to claim under any exemption from the contractor registration act, other than that for occupants and owners of residential property, and be otherwise qualified; or~~
- ~~c. the resident owner of a single-family residence.~~

~~2. Exception.~~

~~Additionally, an electrical permit may be issued to the owner of a commercial or industrial building for:~~

- ~~a. the alteration, change, or extension of electrical wiring, apparatus, or fixtures in existing buildings; or~~

~~b. wiring of apparatus, special equipment, or fixtures;~~

~~on condition that all work, if not done by an electrical contractor, be done by a licensed electrician who is regularly employed full time in the maintenance of the electrical system of the premises.~~

Exception:

~~The owner of an existing residential building, of combustible type construction, not exceeding twelve dwelling units nor three stories in height, may for the purpose of occupancy by the owner or a tenant or lessee of the owner, but not for the purpose of sale when the property has been owner-occupied less than twelve months, obtain a permit to repair or remodel the building (including such work as framing, roofing, and sheetrock) and its electrical and plumbing systems, but not any work requiring a mechanical permit, on condition that all work be done by the owner-permittee and others as allowed by law, or persons duly licensed or certificated where required by law for the nature of the work.~~

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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**Title 17G Administration and Procedures
Chapter 17G.010 Building and Construction Permits**

SMC 17G.010.160	Minor	<p>These code changes are needed to:</p> <p>Update building code references from UBC to IBC.</p> <p>Update functions that have been reassigned from the director of engineering services to the development services center manager</p> <p>Update the name of the department which was changed from “building services” to “development services center”.</p>	
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Title 17G Administration and Procedures

Chapter 17G.010 Building and Construction Permits

Section 17G.010.160 Application for Approval of Encroachment

- A. When a structure or part thereof or appendage thereto, such as footings, balconies, marquees, awnings and architectural projections, is to project into, above, or below the right of way of any public way, the applicant shall conspicuously show the encroachment on the plans and specifications of the building permit application so as to demonstrate compliance with the requirements of chapter 32-~~UBC~~ IBC.
- B.
- C. Any person who proposes to install any opening in a public sidewalk, such as an elevator or other structure with a door which opens vertically to the sidewalk, must make written application to the ~~engineering services~~

director City Engineer. The applicant shall furnish complete details of the construction and installation, including specifications for the door, hatch or other covering, and drawings showing the precise location of the opening with reference to the curblin, building line and existing utility lines and facilities.

D.

- E. A property owner proposing to use such portion of the right-of-way of a public street or alley as is not used or needed presently or in the foreseeable future for public travel, for the purposes of constructing, installing or planting fences, hedges or similar improvements, shall make application to the ~~department of building services~~ Development Services Center in the form of an acknowledged agreement whereby the property owner covenants to remove the encroachment and restore the property to its former condition upon thirty days' notice by the City. ~~The department of building services seeks the approval or disapproval of the application by the director of engineering services.~~ Any department reviewing the application may require the applicant to furnish a plot plan, plans and specifications, or other data required to properly evaluate the proposal.

Date Passed: Monday, November 26, 2007

Effective Date: Wednesday, January 2, 2008

ORD C34135 Section 20

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17G.025.010 Text Amendments to the Unified Development Code

Section 17G.025.010 Text Amendments to the Unified Development Code	Clarification	Clarification of intent	
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A. Notice of Public Hearing.

Amendments to ~~this Title 17 code~~ require a public hearing before the plan commission.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17G.060.240 Expiration of Permits

Section 17G.060.240 Expiration of Permits	Minor	There is no longer an (N) in 17G.080.020.	
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Section 17G.060.240 Expiration of Permits

- A. Table 17G.060-3 indicates the expiration provisions for land use permits within the City of Spokane.
- B. The term for a permit shall commence on the date of the hearing examiner or director's decision provided, that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- C. A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired.

- D. In accordance with WAC 173-27-090, the director may authorize a single extension before the end of the time limit for up to one year if a request for extension has been filed before the expiration date and notice of the proposed extension is given to the parties of record and to the department of ecology. The extension must be based on reasonable factors. Extensions of time for plats, short plats and binding site plan are subject to the extension provisions of SMC 17G.080.020(M) ~~and (N)~~.

CODE SECTION	TYPE OF CODE AMENDMENT	SUMMARY	COMMENTARY
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Section 17G.080.040 Short Subdivisions

Section 17G.080.040 Short Subdivisions	Minor	We don't use silverslicks anymore.	
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F. Final Short Plat Review Procedure

1. The subdivider shall submit to the director for review the following:
 - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
 - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to chapter 8.02 SMC.
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
 - a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - i. A cover letter addressing the corrections, additions or modifications required.
 - ii. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - iii. The required number of copies of the corrected final short plat map.
3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of ~~silverslick~~ mylar and bond copies of the recorded short plat with the director.

BRIEFING PAPER
City of Spokane
Abandoned Property Registry Ordinance Amendments

Councilmember Amber Waldref
October 20, 2015

On October 20, 2014, the City Council passed an ordinance which established an abandoned property registry under Spokane Municipal Code (SMC) 17F.070.520. The goal of this registry is to proactively engage mortgage lenders in taking responsibility for the conditions of abandoned foreclosed properties and to combat negative community impacts such as transients, illegal dumping, graffiti and safety. Since enactment, best practices for dealing with properties in the foreclosure process have evolved across the country, causing the City to review its ordinance and suggest the following substantive revisions:

- Change focus from “abandoned properties” to “Foreclosure Properties” – properties in various stages of the foreclosure process which show signs of abandonment or lack of maintenance. Rather than wait for a foreclosed property to become abandoned, the registry process would now be required of the lender when the notice of foreclosure is issued. This change allows for earlier intervention to prevent deterioration of property.
- Clarifies how properties can be removed from the registry – by satisfaction of the mortgage, property no longer in mortgage default, or property sold in an arms’ length transaction with a non-related party.
- Clarifies that Code Enforcement is the enforcement officer for actions involving Foreclosure Properties.
- Provides that the bank or other responsible party must waive objections to the City entering the property for purposes of abating nuisances or dangerous conditions.
- Creates requirement for the designation of a local agent within Spokane County for the property with a 24-hour contact number.
- Provides that either the bank or Code Enforcement can begin the process of listing the property on the registry.

- Clarifies that registration status follows the property, and remains until such time as the property is no longer in foreclosure, or mortgage default; transferee of the property must continue to abide by the registration program requirements.
- Requires the bank to notify the City of changes in ownership or occupancy status within 10 days.
- Provides that within 10 days of mortgage default, the property must be listed on the registry.
- Requires the bank to inspect the property monthly while it is on the registry.
- Adds Owner, Lender, and Local Agent to the list of those responsible for taking actions, receiving notices, etc.
- Removes the registry's interaction with the Building Official's substandard building process to remove confusion and duplication of effort.
- Clarifies that banks cannot get properties off the registry by simply transferring title to the property to a subsidiary of the bank.
- Raises the registry fee from \$200 to \$350 to cover costs of both administration and on-going monitoring.

Questions? Please contact Councilmember Amber Waldref at awaldref@spokanecity.org or 625-6275 or Heather Trautman, Director of Office of Neighborhoods and Code Enforcement at htrautman@spokanecity.org at 625-6854.