



Spokane Plan Commission Agenda

March 22, 2017

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 March 8, 2017 meeting minutes	
	2) City Council Report	Lori Kinnear
	3) Community Assembly Liaison Reports	Greg Francis
	3) President Report	Dennis Dellwo
	4) Transportation Subcommittee Report	John Dietzman
	5) Secretary Report	Lisa Key

Workshops:

2:15 - 3:00	1) 17G Code (comprehensive plan amendment process revisions)	Tirrell Black
3:00 - 3:30	2) Step Back Requirements Adjacent to Riverfront Park	CP Stuckart

Hearings:

4:00 - 4:30	1) Building and Fire Code Amendments	Michael Miller
4:30 - 5:00	2) Comprehensive Plan Deliberations	Jo Anne Wright

Adjournment:

Next Plan Commission meeting will be on April 12, 2017 at 2:00 pm

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 Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or jjackson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Spokane Plan Commission

March 8, 2017

Meeting Minutes: Meeting called to order at 2:01 pm

Attendance:

- Board Members Present: Dennis Dellwo, Todd Beyreuther, John Dietzman, Jacob Brooks, Christopher Batten, Christy Jeffers, Patricia Kienholz, Michael Baker, Greg Francis; Community Assembly Liaison, Lori Kinnear; Council Liaison
- Board Not Members Present: FJ Dullanty
- Staff Members Present: Lisa Key, Amanda Winchell, Jacqui Halvorson, James Richman, Jo Anne Wright, Boris Borisov, Dave Kokot, Andrew Worlock, Tirrell Black

Public Comment:

- None

Briefing Session:

February 22, 2017 meeting minutes approved unanimously

1. City Council Liaison Report-Lori Kinnear
 - A resolution was brought forward last week regarding snow removal in the right of way in Downtown and throughout the neighborhoods.
 - A drone ordinance is being drafted up to protect the area of the airport.
 - Council is receiving Public comments regarding the Comprehensive Plan.
 - Council has been receiving concerns from the Public regarding the plan the City has brought forward on the North Monroe Corridor project. The Staff and the Mayor have been working on addressing the concerns that have been received.
2. Community Assembly Liaison Report- Greg Francis
 - None
3. Transportation Subcommittee Report - John Dietzman
 - None
4. Secretary Report-Lisa Key
 - The Plan Commission Transportation Subcommittee meeting was rescheduled for March 14, 2017.
 - The next Joint Plan Commission/City Council Study Session on Thursday, March 16, 2017 at 3:30pm.
 - Comprehensive Plan Amendment hearing deliberation process was discussed.
 - Formal deliberation for the Comprehensive Plan Amendments will be held during the next Plan Commission meeting held on Wednesday, March 22, 2017
5. Commission President Report-Dennis Dellwo
 - None

Workshops:

1. **Existing Neighborhood Commercial Structures in Residential Zones-Nathan Gwinn**
 - Presentation and overview given
 - Questions asked and answered
 - Discussion ensued
2. **Infill Project Update-Nathan Gwinn**
 - Presentation and overview given
 - Questions asked and answered
 - Discussion ensued
3. **Parklet Ordinance Workshop-Tami Palmquist**
 - Presentation and overview given

- Questions asked and answered
- Discussion ensued

Hearings:

1. Comprehensive Plan Update- Jo Anne Wright

- Presentation and overview given
- Questions asked and answered
- Discussion ensued

Public Comment:

Paul Kropp commented on the Land Use chapter and the Capital Facilities chapter missing maps of the Urban Growth Areas (UGA). Continued commenting that Chapter 4 is missing the “put the pedestrians first” concept.

Nathan Smith commented on Land Use Policy chapter 1.16-Mobile Home Parks. Stating that the Plan Commission recommended this policy be denied in 2015 and was later approved by City Council. He is requesting that the language be adjusted to be more incentivized and less “prescriptive”.

Stanley Schwartz commented on incentivizing Land Use chapter 1.16-Mobile Home Parks. Also commented on CFU 3.6-Limitation of Services outside Urban Growth Area. Requesting to modify CFU 3.65 to include phrasing that provides the City with the authority to approve extensions of the sewer lines outside the UGA on a case by case basis.

Wayne Venters commented on the CFU 3.65, requesting the language presented by Stanley Schwartz be accepted.

2. Wetlands Ordinance Amendments- Jo Anne Wright

- Presentation and overview given
- Questions asked and answered
- Discussion ensued

Public Comment:

Tracy Prouty requested the City protects the designated wetland behind the Hampton in that boarder’s I-90.

Motion

Todd Beyreuther made a motion to recommend to the City Council the approval of the proposed amendments to the unified development code. The proposal amends the Wetlands Protection Code by making changes to Spokane Municipal Code (SMC) Chapter 17E.07-Wetlands Protection. Motion seconded by John Dietzman.

Commission continued discussion.

President Dellwo read the following conclusion:

With regard as to whether the proposed amendments meet the approval criteria for text amendments to SMC 17E. 070-Wetlands Protection, the Plan Commission makes the following findings:

The proposed Amendments do bear substantial relation to the public safety, health, welfare and protection to the environment.

By a vote of 8 to 0, the Plan Commission recommends to the City Council the approval of the proposed amendments to the Unified Development Code

Meeting Adjourned at 5:24 P.M.

Next Plan Commission meeting is scheduled for **March 22, 2017**

DRAFT

BRIEFING PAPER
City of Spokane
Plan Commission Workshop
March 22, 2017

Subject

The proposal is to update the way that annual amendment proposals to the Comprehensive Plan and the Unified Development Code are reviewed. This proposal would add a threshold determination or a “docketing” step; SMC Chapters 17G.020 and 17G.025 govern this procedure.

Background

Currently, requests to amend the City’s Comprehensive Plan and Unified Development Code, after initial staff and agency review, go directly to the Plan Commission and then to City Council for legislative consideration. In order to better handle the work load for staff, Plan Commission and the City Council, this proposed amendment will add a process of threshold review prior to full review. It is anticipated that this step will also benefit applicants who may also spend considerable time and resources on proposed amendments. This early review would establish a Comprehensive Plan Annual Amendment Work Program to be referred to as “the docket” for ease of use. Once this is established, full review would begin. This proposal does not make substantial changes to the full review process now followed.

Amendments to the Comprehensive Plan can be Land Use Plan Map amendments or text amendments. Annual Amendment proposals may be initiated by anyone.

Key Concepts in this code update:

- This proposal would incorporate any non-city amendments proposed to the Unified Development Code (Title 17) into the docket procedure that will be used primarily for proposed amendments to the comprehensive plan.
- At the January 25, 2015 workshop, staff discussed the prospect of having the City Council complete the early Threshold Review/Docket and then forwarding that to the Plan Commission. There was lengthy discussion. With additional staff discussion with CM Mumm and CM Beggs, the proposal now is to hold a joint meeting of Plan Commission and City Council to occur yearly to discuss the docket. The docket would then be set by City Council by Resolution at a City Council meeting early in the year. Following that, full review, as typically occurs now, would begin and the applicant would be required to pay the full fee.
- A \$500 fee currently designated as “pre-application fee” would be re-purposed as the “docket consideration fee”. If an application moves on to full review, the amendment base fee of \$5,000 would be required (SMC 8.02.692).
- This topic, in concept also generated questions at the last workshop. Staff would like feedback on these **draft criteria** for “threshold review” and setting the Annual Comprehensive Plan Amendment Work Program:

- A. *The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and*
- B. *The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and*
- C. *The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and*
- D. *The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, “significantly changed conditions” requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and*
- E. *When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and*
- F. *The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and*
- G. *The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year’s threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; provided, property that was added to an original proposal through geographic expansion by the City is not subject to the one-year limitation in this circumstance; or*
- H. *State law required, or a decision of a court or administrative agency has directed such a change.*

Project Timeline

January 25, 2017 – Concept workshop with Plan Commission

March 22, 2017 – Workshop with Plan Commission

April – Workshop with Draft Review or create PC Subcommittee to assist with review

May -Public Open House if Plan Commission feels draft is ready

May – additional Plan Commission Review?

Spring/Early Summer 2017 – Plan Commission Public Hearing

Summer 2017 – City Council Public Hearing

Additional information: Completed [2015/2016 Annual Amendments](#) and the current process. [Annual amendments for 2017 are suspended](#) while the city adopts the periodic update to the Comprehensive Plan.

City of Spokane
City Council

TO: Council President Ben Stuckart

FROM: Brian McClatchey, Policy Advisor

DATE: January 3, 2017

RE: Legislative history of SMC 17C.124.220(E) (requirement for “wedding cake” building envelope adjacent to Riverfront Park)

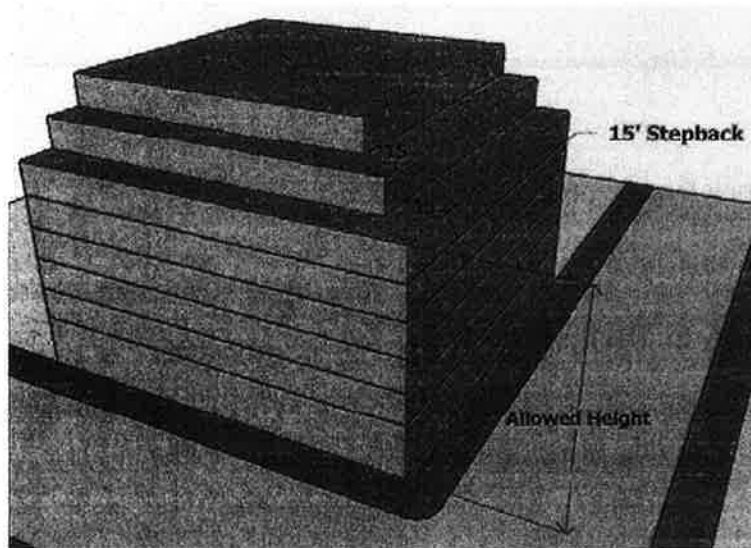
Issue:

You have asked me to provide the legislative history and background information on SMC 17C.124.220(E). This section provides that, in a small area directly across Spokane Falls Boulevard from Riverfront Park, buildings may be constructed with additional stories over 100 feet in height if each additional floor is stepped back (to the south and away from the Park) by 15 feet – the so-called “wedding cake” arrangement.

Discussion:

The specific text follows:

- E. Additional Height Within Specific Height Designation Areas.
Additional stories for structures where the maximum height is specified with a dash after the zoning map symbol (i.e. DTG-70).
 - 1. One additional story is allowed for every fifteen feet of upper story structure stepback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified.



2. In the DTC-100 zone [i.e., downtown core, maximum of 100 feet in height] one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure stepback from Spokane Falls Boulevard.

SMC 17C.124.220(E).

This section was codified as part of the downtown plan update in 2009 (specifically ordinance C-34522 (Dec. 14, 2009)). That ordinance was one of a number of ordinances which put the development regulations in place to implement the downtown plan.

In the lead-up to Council enactment of C-34522, the Plan Commission held workshops and hearings, and one document which was presented to them was the attached “building height and massing study” (Aug. 12, 2008).

The main conclusion, with respect to this code section, was the policy preference to maintain an open, light-filled, sunny edge of Riverfront Park. Having sunlight on one side of every street allows for a better public realm, because it allows for openness as well as the sense of enclosure that the shade provides.

The study included some shadow studies as well, showing that a building could be up to 75 feet high and not cast a shadow (in September) on the other side of a 100 foot right of way at any point during the day. As well, a building could be 55 feet high and not cast a shadow (again, in September) on the other side of an 80 foot right of way.

Spokane Falls Boulevard is approximately 100 feet wide. So, in order to avoid casting a shadow on the sidewalk on the north edge of Spokane Falls Boulevard in late summer/early fall (i.e., the end of the most active portion of the use of the Park), the buildings on the opposite side of the street should only be 75 feet high. However, out of

concern that this would both be too great a hindrance on development and would also not fit with the existing building scale, that number was raised to 100 feet. This means that a 100 foot high building directly across from Riverfront Park will cast shadows over the sidewalk but not quite (for example) to the Carrousel.

Based on the height and massing study, the decision was made to allow even greater height, if additional floors are stepped back from the Park by 15 feet per additional floor. Note that those floors would only have to be stepped back along Spokane Falls, and not (in the case of a hypothetical building at the corner of Spokane Falls and Washington) on the Washington Street side.

Council held final reading for ordinance C-34522 on Monday, December 14, 2009. Several individuals signed in to testify on the ordinance, and those testifying in favor included representatives from DSP (5 individuals, including Andrew Rowles), the Design Review Board, and the Plan Commission. In fact, the only issue with this ordinance appeared to be the provision which would require that new standalone commercial parking lots within the downtown core be contained within parking structures. Council Member French (Apple seconded) moved to strike that provision, which failed by a vote of 4-3 (Council President Shogan and Members Corker, Rush, and Snyder voted 'no' on the motion to amend). On that basis, the ordinance passed by a vote of 4-3 (French, McLaughlin and Apple voting 'no').

As stated previously, these regulations passed in late 2009 by the Council were intended to implement the downtown plan. Page 81 of that document (chapter 4 – also attached) notes

Access to Views and Sunlight

Significant existing views of historic landmarks from public rights-of-way can be preserved through sensitive site and building design, building orientation, stepbacks, and/or building height limits on blocks adjacent to landmark and contributing buildings. The Spokane community expressed a strong desire to maintain maximum exposure to sunlight in significant public open spaces, such as Riverfront Park, by promoting buildings designed to reduce shadows.

Downtown Spokane Plan, Chapter 4 – Strategic Framework (emphasis added).

There are six “urban form” (or “built form”) objectives to the Downtown Spokane Plan: urban density, active streetscapes, preservation/restoration/reuse, complementary infill, access to views and sunlight, and green infrastructure. The intentions of these built form objectives, “developed during the public planning process, are to preserve and enhance Downtown Spokane’s distinctive environment and history; to foster a sense of identity in Downtown; and to create an exciting, pedestrian-friendly environment.” Downtown Spokane Plan, at 80.



January 26, 2017

Spokane City Council
Attn: Ben Stuckart, Council President
808 W. Spokane Falls Boulevard
Spokane, WA 99201

RE: Spokane Falls Boulevard Height Restrictions

Dear Mr. Stuckart,

Goodale and Barbieri Company has provided professional real estate services in the Pacific Northwest for nearly 80 years. Our extensive experience has positioned us to provide expert advice in commercial and residential real estate development.

We are deeply concerned that current height restrictions along Spokane Falls Boulevard are hindering development and creating unintended consequences for residential housing and commercial development.

Zoning within the City of Spokane is intentionally written and interpreted to prevent uncontrollable outward growth. Since there are restrictions on how far outward development can reach, it is common sense that we are able to build upward in the Downtown Core where that type of building is commonplace.

Building height restrictions cause underinvestment in land improvement. The intensity of land use on Spokane Falls Boulevard for newly zoned and constructed buildings is lower than that of existing downtown buildings. Consequently, lower valued land uses in highly valued Downtown Cores result in a loss of property tax bases. Further, there are numerous examples in the United States where building height restrictions lead to expanded growth outward and have overextended municipalities resulting in problems with governance, proper allocation of resources, and dilapidated improvements.

High densities boost ridership of mass transit. As large developments are encouraged farther and farther away from the City Core, motorization is encouraged. Alternatively, mass transit is discouraged. With the type of investment our community has made into the Spokane Transit Authority, it behooves us to ensure that our zoning codes reflect that commitment as well.

A downtown high-rise including uses such as office, retail or residential with complementary parking would facilitate employment opportunities, enhance retail demand and support entertainment venues, to name a few.

More importantly it can help give the City of Spokane a sense of place. It can often enhance the city's pride in its community. When traveling to Seattle, Portland and San Francisco, it is clear the city's economic impact for high-rise buildings is imperative for future growth. The height restriction has already led to a loss of a sizeable development along Spokane Falls Boulevard.

Considering the scarcity of land available in Downtown Spokane and the information above, we request the Spokane Falls Boulevard Height Restrictions be removed to promote growth and developability of Downtown Spokane.

Respectfully,

A handwritten signature in dark ink, appearing to read "David Peterson". The signature is fluid and cursive, with a large, stylized "D" and "P".

David Peterson
EVP and COO
Goodale & Barbieri Company

Dp/crm

Cc: Andrew Rolwes

January 30, 2017

To: Honorable Ben Stuckart, Council President, Spokane City Council

CC: Mr. Mark Richard, Downtown Spokane Partnership

Mr. David Peterson, Goodale & Barbieri

Subject: Spokane Falls Blvd Height Restriction

Dear Council President Stuckart,

On behalf of the Downtown Spokane Partnership, we request your consideration of the removal of existing height restrictions along Spokane Falls Blvd. Per SMC 17C.124.220, Downtown Height and Massing:

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

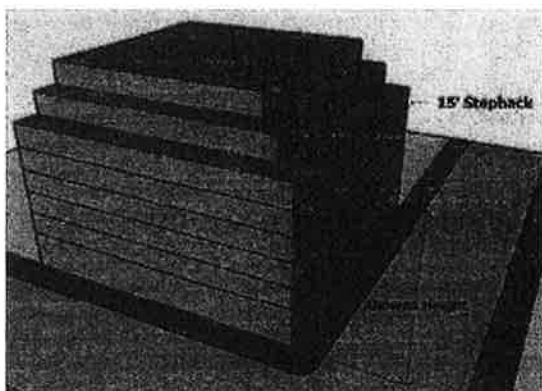


Figure 1: Stepback illustration

"2. In the DTC-100 zone one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure stepback from Spokane Falls Boulevard."

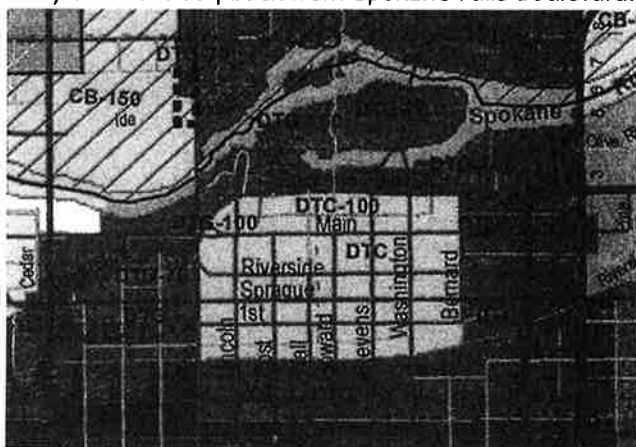


Figure 2: Current downtown zoning map

In our discussions with property owners and brokers along Spokane Falls Blvd, we learned that the height restriction and stepback requirement has already had the effect of precluding at least one development of the surface parking lots adjoining Stevens along Spokane Falls Blvd (see letter from Mr. David Peterson dated January 26, 2017, attached) . It also affects the Wheatland Bank Building, which is configured to add additional stories to the current four story building. With the Riverfront Park redevelopment effort now underway, these parcels will become that much more attractive to the mixed use development that the Downtown Plan foresees as a critical opportunity for these sites. However, the continued application of the height restriction unnecessarily precludes the height and density available at these parcels, and reduces their market value.

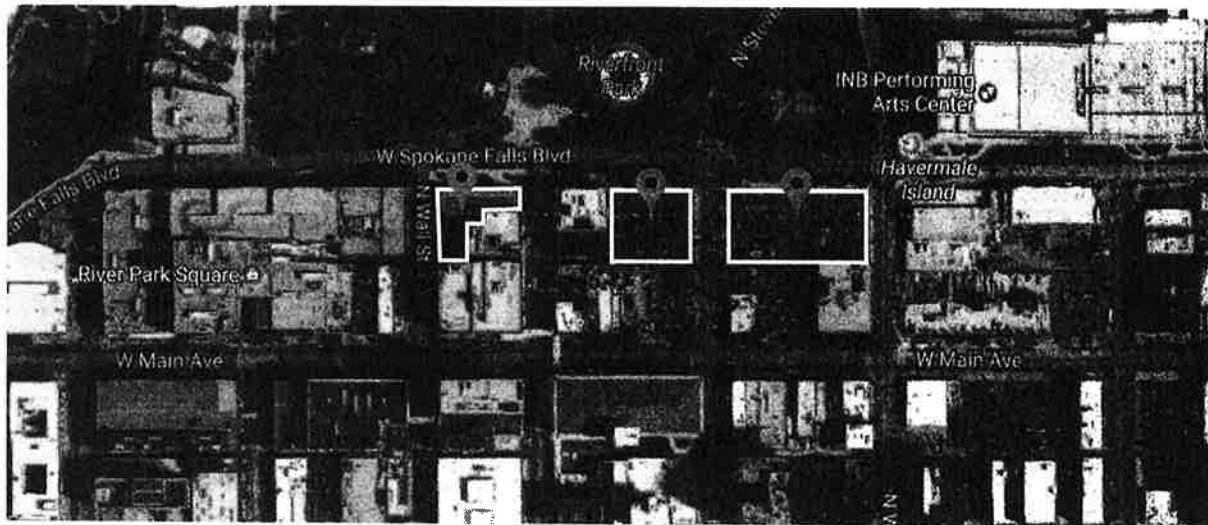


Figure 3: Parcels affected by the Spokane Falls Blvd height restriction and stepback requirement

We are conducting some additional research currently to determine shadowing impacts from 10+ story buildings along Spokane Falls Blvd and will provide that data as soon as it is ready.

The developable parcels on Spokane Falls Blvd are a crucial resource to downtown. Every effort to increase their market value (which completion of the Park will do in a major way) will serve the interests of downtown by fostering the next phase of compact, walkable, urban development, and the City by adding depth to its tax base. We believe that removing a factor which tends to hold back this potential is a relatively easy lift which we are very happy to support. Thank you for your consideration, and please contact me if you have any questions or concerns regarding this proposal.

Sincerely,

A handwritten signature in black ink that reads "Andrew Rolwes". The signature is fluid and cursive, with a long horizontal line extending to the right.

Andrew Rolwes
Downtown Spokane Partnership
Public Policy and Parking Manager
arolwes@downtownspokane.net
509-456-0580



January 26, 2017

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High densities boost ridership of mass transit. As large developments are encouraged farther and farther away from the City Core, motorization is encouraged. Alternatively, mass transit is discouraged. With the type of investment our community has made into the Spokane Transit Authority, it behooves us to ensure that our zoning codes reflect that commitment as well.

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Considering the scarcity of land available in Downtown Spokane and the information above, we request the Spokane Falls Boulevard Height Restrictions be removed to promote growth and developability of Downtown Spokane.

Respectfully,



David Peterson
EVP and COO
Goodale & Barbieri Company

Dp/crm

Cc: Andrew Rolwes

ORDINANCE NO. C-_____

An ordinance relating to the process for amending the unified development code; amending section 17G.025.010 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 17G.025.010 of the Spokane Municipal Code is amended to read as follows:

Section 17G.025.010 Text Amendments to the Unified Development Code

A. Initiation.

Text amendments to this code may be initiated by any of the following:

- A. Property owner(s) or their representatives;
- B. Any citizen, agency, neighborhood council, or other party; or
- C. A City department, the plan commission, or the city council.

B. Applications. Applications shall be made on forms provided by the City.

C. Application Submittal.

- A. After submittal of an applicant-initiated application, the application shall be subject to a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC.
- B. After submittal, the application shall be placed on the next available plan commission agenda.

D. Notice of Public Hearing.

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

A. Contents of Notice.

A notice of public hearing shall include the following:

- A. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- B. A statement of how the proposal would change the affected provision;
- C. The date, time, and place of the public hearing;
- D. A statement of the availability of the official file; and
- E. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

B. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then

responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

E. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

- A. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption;
- B. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
- C. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

F. Approval Criteria.

The City may approve amendments to this code if it finds that:

- A. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
- B. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

G. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. By a majority vote, the city council shall:

- A. Approve the application;
- B. Disapprove the application;
- C. Modify the application. If modification is substantial, the council must either conduct a public hearing on the modified proposal; or
- D. Refer the proposal back to the plan commission for further consideration.

H. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the

Washington ((State)) department of ((community, trade and economic development (CTED)))commerce ("commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to ((CTED))commerce.

I. Inapplicability to certain chapters.

This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the "construction standards"). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council's regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

City of Spokane Plan Commission

Findings of Fact, Conclusions, and Recommendations

Proposed Amendment to Chapter 17G.025

A recommendation from the City of Spokane Plan Commission to the Spokane City Council relating to the process for adopting statewide amendments to certain construction standards.

WHEREAS, the Washington State Legislature passed the Growth Management Act (“GMA”) in 1990, requiring among other things, a public participation plan as applied to the amendments to development regulations (RCW 36.70A.106); and

WHEREAS, the City of Spokane has adopted a Unified Development Code, Title 17A-17I of the Spokane Municipal Code (the “Unified Development Code”); and

WHEREAS, Chapter 17G.025 of the Unified Development Code establishes a process for amending the Unified Development Code, which process involves significant public notice and participation, including a Plan Commission workshop and hearing (“Development Code Amendment Process”); and

WHEREAS, as required by Chapter 19.27 RCW, the City has adopted by reference certain statewide construction codes, such as the International Building Code, the National Electrical Code, the International Fire Code, the International Mechanical Code, and the Uniform Plumbing Code, as are generally set forth and referenced in Title 17F of the Unified Development Code (“Construction Standards”); and

WHEREAS, because the Construction Standards are located in the City’s Unified Development Code, Chapter 17G.025 SMC currently subjects local amendments to the Construction Standards to the Development Code Amendment Process; and

WHEREAS, given the lack of local control over the Construction Standards, there is interest in simplifying the local process for adopting statewide amendments to the Construction Standards; and

WHEREAS, Council staff have researched the state law definition of “development regulations” and have, with the assistance of legal staff, come to understand that the statewide Construction Standards are not “development regulations” for purposes of the GMA. Staff at the Municipal Research and Service Center (“MRSC”) have confirmed this understanding; and

WHEREAS, consistent with the foregoing findings, Council staff is proposing to amend the Development Code Amendment Process to exempt local adoption of statewide amendments to the Construction Standards, as set forth in the draft Ordinance attached hereto as Exhibit 1, and is proposing that such amendments proceed according to the City Council’s regular legislative process, subject to any procedures required by Chapter 43.21C RCW; and

WHEREAS, the Spokane Plan Commission held substantive workshops to study the proposed amendment on February 22, 2017; and

WHEREAS, on February 16, 2017, the Washington State Department of Commerce (“Commerce”) and appropriate state agencies were given the 60-day notice before adoption of any proposed changes to the City of Spokane’s development regulations; and

WHEREAS, on March 6, 2017, Commerce granted expedited review status for this amendment; and

WHEREAS, notice of the Plan Commission Public Hearing for the proposed amendment of the City’s development regulations was published in the Spokesman-Review on March 8, 2017 and March 15, 2017; and

WHEREAS, the Plan Commission held a public hearing on the requested amendments on March 22, 2017 to recommend approval of the amendments; and

WHEREAS, as a result of the City’s efforts, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given that opportunity to comment; and

WHEREAS, the proposed amendment is consistent with applicable provisions of the City’s Comprehensive Plan, specifically, Comprehensive Plan Goal ED 7.6, which calls for “[p]eriodically evaluat[ing] and improv[ing] the City of Spokane’s development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals.”; and

WHEREAS, the proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

NOW, THEREFORE,

By a vote of _____ to _____, the City of Spokane Plan Commission does recommend that the City Council adopt the proposed amendments to the Development Code Amendment Process, which will exempt local adoption of statewide amendments to the Construction Standards from the Development Code Amendment Process that is otherwise applicable to amendments to the City’s Unified Development Code, all as set forth in the draft ordinance attached hereto as Exhibit 1.

Dennis Dellwo, President
City of Spokane Plan Commission
March _____, 2017

Exhibit 1

Draft Ordinance

March 17, 2017

Re: Information for March 22, 2017 Plan Commission Deliberation on Comprehensive Plan Update

Dear Plan Commission Members:

We are pleased to provide to you additional information for your consideration during Plan Commission deliberation on March 22. Enclosed in this packet are three items: (1) a new page to the comment response matrix we have presented previously, outlining the comments we received post March 7, 2017 and staff responses to those comments; (2) an errata sheet outlining any changes made to the document following our hearing with you March 8, 2017; and (3) a document presenting the actual text changes as they would appear in the formatted Comprehensive Plan. We will discuss these materials at your deliberation on March 22.

Thanks again for your continued support and for your attention and time with this process. Our team looks forward to seeing you again March 22.

Sincerely,

Comprehensive Plan, Neighborhoods, and Codes Team

2017 Comprehensive Plan Update

Errata Sheet

Chapter	Policy	Summary of Change	Complete
2	3.2	Implementation matrices change reflecting new policy language	Yes
2	3.3	Implementation matrices change reflecting new policy language	Yes
2	3.4	Implementation matrices change reflecting new policy language	Yes
2	7.2	Policy added to matrix	Yes
2	7.3	Policy added to matrix	Yes
2	7.4	Policy added to matrix	Yes
3	p. 3-20	On page 3-20 in the description for District Center in the second paragraph, it says "Neighborhood Ccenter" when it should be "Neighborhood Center"	Yes
3	p. 3-33	On page 3-33, the text "Policies" is in the LU 9 Annexation lines that separate the goal from the policies rather than below the line.	Yes
4	p. 4-12	On page 4-12, "Enhancing personal choice" is underlined and looks different from the other values. I'm not sure if there should be bullets under it or not or if it should be underlined.	
4	Map TR 3	On the Employment Density Change map (Map TR 3), Five Mile, Northtown and the move of West Hills Neighborhood Center aren't on the map	
5	p. 5-4	Reference to City's UGA changed to "adjacent UGA"	Yes
5	CFU 3.1	Reference to City's UGA changed to "adjacent UGA"	Yes
5	CFU 3.5	Reference to City's UGA changed to "adjacent UGA"	Yes
5	CFU 5.1	Reference to City's UGA changed to "adjacent UGA"	Yes
9	NE 1.9	Reference to City's UGA changed to "adjacent UGA"	Yes
11	N 8.7	Reference to City's UGA changed to "adjacent UGA"	Yes
2	CFU 3.1	All corresponding Implementation Matrices changed to reflect new policy language	Yes
2	CFU 3.5	All corresponding Implementation Matrices changed to reflect new policy language	Yes
2	CFU 5.1	All corresponding Implementation Matrices changed to reflect new policy language	Yes
2	NE 1.9	All corresponding Implementation Matrices changed to reflect new policy language	Yes
2	N 8.7	All corresponding Implementation Matrices changed to reflect new policy language	Yes
4	All	Identifiers have been added to action items for ease of referencing	

2017 Comprehensive Plan Update

Post March 7th Comments

Comment Date	Name	Affiliation	Chapter	Goal / Policy	Summary of Comment	Staff Discussion	Text Change Required?	Complete?
3/8/2017	David Freed	Property Owner	Chapter 3	LU 3.2	Opposed to his house being part of a center (Five Mile). They've lived there 52 years and don't wish to see their house change to anything else.	The designation of a "suggested center" in this location would not result in any person losing their home, nor would it result in a rezone or change in land use to a commercial zone/land use. Comment will be noted and forwarded to staff when a sub-area planning process concerning the NorthTown center is initiated.	No	-
3/8/2017	Ted Teske	Chair, Southgate Neighborhood Council	Chapter 4	Map TR 12	Requests City remove the "Ray Street Crossover" from the Draft Arterial Plan Map (TR 12) as it is not consistent with the neighborhood plan. Also requests the City conduct a more thorough analysis of traffic on the South Hill.	Ray Street Crossover is in the 2001 Comprehensive Plan. It continues to be one alternative for distributing traffic on the South Hill.	-	-

2017 Comprehensive Plan Update

Post March 7th Comments

Comment Date	Name	Affiliation	Chapter	Goal / Policy	Summary of Comment	Staff Discussion	Text Change Required?	Complete?
3/8/2017	Paul Kropp	County Resident	Chapter 3 Chapter 5		The term UGA, is discussed in the text pertaining to the City ,but is not reflected on any of the maps in Chapter 3 or Chapter 5. Why do the maps not show the UGA?	The Urban Growth Area is shown on the following maps, bounded by a pink line and included in the legend: LU 1, LU 2, TR 2 - TR 6, TR 8 - TR 12. This area conforms to the currently adopted UGA, sourced from the County of Spokane. However, upon review it appears that several areas marked "invalid" by the County were included. This will be fixed. Furthermore, per the commenter's prior comment, Goal N8 was amended to use the term "adjacent Urban Growth Area" instead of "city's Urban Growth Area." A few instances of this usage remain in the plan and will be likewise corrected.	Yes, maps in progress	Text changes complete in document, including implementation matrices.
3/8/2017	Paul Kropp	County Resident	Chapter 4		Felt the Plan Commission should not make a recommendation to the City Council regarding the entire transportation chapter. In part, because the new language does not delineate where changes have been made and the non-traditional format fails to convey the goals, priorities, and vision guiding the document. He also does not feel it is appropriate to describe the process as a revision to the original 2001 document as it no longer prioritizes the pedestrian and transit user over motorized vehicles, which he feels is "the centerpiece" of the original chapter 4.	The Transportation Policy Advisory Group and the PCTS reached general consensus on the vision, values, goals, and policies and actions. The Transportation Policy Advisory Group process is found under the Policy Advisory Group on the Link Spokane web page: https://my.spokanecity.org/projects/link-spokane/ . Forwarded to Plan Commission for review and consideration.	-	-

2017 Comprehensive Plan Update

Post March 7th Comments

Comment Date	Name	Affiliation	Chapter	Goal / Policy	Summary of Comment	Staff Discussion	Text Change Required?	Complete?
3/8/2017	Nathan Smith	Attorney for Shrine Park, Owners of San Souci West Mobile Home Park	Chapter 3	LU 1.16	Opposed to language in LU 1.16. Cited Plan Commission recommendation to deny new language when originally considered. Commenter provided amended lanugage for LU 1.16.	This comment has been forwarded to legal and the Plan Commission for review.	-	-
3/8/2017	Stanley Schwartz	Attorney	Chapter 3	LU 1.16	Supported comment by Nathan Smith.	Comment noted.	-	-
3/8/2017	Stanley Schwartz	Attorney for Wayne and Linda Venters	Chapter 5	CFU 3.6	Proposed amended language to policy discussion, pertaining to his clients inability to secure City sewer service on their parcel outside the City's service area. (Multiple letters submitted)	Staff recommends accepting proposed language.	Yes	
3/8/2017	Wayne Venters	County Resident	Chapter 5	CFU 3.6	Supported comments by Stanley Schwartz, provided background and statements on existing conditions, and asked that the Plan Commission consider recommending changes to the policy language.	Comment noted.	-	-
3/8/2017	Neighborhood Council	Peaceful Valley	Chapter 4	Map TR 12	Requested the arterial map for the City include an arterial on Main from Monroe to Maple, on Maple from Main to Clarke, and on Clarke from Maple to Riverside. Request was made to Bob Turner, City Engineer, during the neighborhood council meeting.	The neighborhood council has met with city officials and decided to pursue this in a future process		

2017 Comprehensive Plan Update

Post March 7th Comments

Comment Date	Name	Affiliation	Chapter	Goal / Policy	Summary of Comment	Staff Discussion	Text Change Required?	Complete?
3/9/2017	Greg Francis	Southgate Resident		N 8.5	In the discussion, it reads "In the past, solutions to one neighborhood's traffic, safety, air pollution, noise, and design problems often negatively impacted another neighborhood." It seems like the use of "often" is perhaps stronger than it should be. While I do agree that this occurs, perhaps it would be better to use a less strong word like "have" as it makes it clear that the issue does occur and should be considered but the issue isn't endemic to the neighborhood planning process.	Comment noted and forwarded to Plan Commission for review.	-	-
3/14/2017	Teri McGinnis	Resident	Chapter 3	LU 3.2	Opposed to their home of 25 years being converted to commercial use as part of any Center at NorthTown (comment via website).	The designation of a "suggested center" in this location would not result in any person losing their home, nor would it result in a rezone or change in land use to a commercial zone/land use. Comment will be noted and forwarded to staff when a sub-area planning process concerning the NorthTown center is initiated.	No	-
3/15/2017	Paul Kropp	County Resident	General		Questions the use and depiction of the Urban Growth Area" as it relates to the City's influence in that area. Suggests that staff modify text to clarify this relationship and to clearly show the boundary of the UGA.	See response to Mr. Kropp's verbal comments on March 8 above.	Yes	Yes

2017 Comprehensive Plan Update

Post March 7th Comments

Comment Date	Name	Affiliation	Chapter	Goal / Policy	Summary of Comment	Staff Discussion	Text Change Required?	Complete?
3/15/2017	Paul Kropp	County Resident	Chapter 4		Commenter recommends the Plan Commission make no findings related to the updated Chapter 4 due to the following reasons: (1) stated lack of early and continuous public participation; (2) omission of previous Policy TR 1.1 priorities; and (3) a "policy scheme" that is different from the rest of the document.	Comment noted and forwarded to Plan Commission for review.	-	-
3/15/2017	Nathan Smith	Attorney for Shrine Park Association and Cascade Enterprises LP	Chapter 3	LU 1.16	Policy lacks any analysis or development for support of the policy. Some support is given by policy H 1.9 but LU 1.16 should provide for incentives to accomplish the goal of encouraging affordable housing and a mix of housing types.	Comment noted and forwarded to Plan Commission for review.	-	-

SHAPING SPOKANE

TEXT CHANGES TO SHAPING SPOKANE SINCE MARCH 7, 2016

The following changes have been made to the text of Shaping Spokane according to comments received after 5:00 PM on March 7, 2016. The changes here are minor in nature. Major proposed changes will be presented to Plan Commission at their Deliberations on March 22, 2016.

Chapter 2 – Implementation

Section 2.3, Work Plan Matrices and Volume V, Appendix G

Consistent with policy changes to LU 3.2, LU 3.3, and LU 3.4, the text of those policies has been updated in the various Work Plan Matrices to match the most current policy language.

Section 2.3, Work Plan Matrices and Volume V, Appendix G

Policies LU 7.2, LU 7.3, and LU 7.3 were accidentally omitted from the various work plan matrices due to a clerical error. Those policies have been restored in the matrices.

Chapter 3 – Land Use

Page 3-20, Policy LU 3.2, District Center Subsection, Second Paragraph

A typo was included in the formatted version, which has been corrected as follows:

“As with a Neighborhood Center, new buildings are oriented to the street and parking lots are located behind or on the side of buildings whenever possible.”

Page 3-23, Goal LU 9, “Policies” Header

The word “policies” was incorrectly formatted and appeared part of the Goal text. The formatting has been corrected to show as follows:

LU 9 ANNEXATION

Goal: Support annexations that enhance effective and efficient government.

Policies

Chapter 5 – Capital Facilities and Utilities

Page 5-4, Capital Facilities Goals and Policies Subsection

The term “city’s urban growth area” was modified to read “adjacent urban growth area” in order to align with current practice wherein the UGA is not classified by which City to which it may relate.

Page 5-11, Policy CFU 3.1, Special Purpose Districts

The term “City of Spokane’s Urban Growth Area” was modified to read “adjacent Urban Growth Area” in order to align with current practice wherein the UGA is not classified by which City to which it may relate. A corresponding change was made to the policy as listed in the Implementation Matrices in Chapter 2 and Volume V, Appendix G.

Page 5-12, Policy CFU 3.5, Uniformity of Standards

The term “City of Spokane’s designated Urban Growth Area” was modified to read “adjacent Urban Growth Area” in order to align with current practice wherein the UGA is not classified by which City to which it may relate. A corresponding change was made to the policy as listed in the Implementation Matrices in Chapter 2 and Volume V, Appendix G.

Page 5-16, Policy CFU 5.1, On-Site Wastewater Disposal

The term “City of Spokane’s Urban Growth Area” was modified to read “adjacent Urban Growth Area” in order to align with current practice wherein the UGA is not classified by which City to which it may relate. A corresponding change was made to the policy as listed in the Implementation Matrices in Chapter 2 and Volume V, Appendix G.

Page 9-7, Policy NE 1.9, Sewer Requirement

The term “the city and its urban growth area” was modified to read “the city and the adjacent Urban Growth Area” in order to align with current practice wherein the UGA is not classified by which City to which it may relate. A corresponding change was made to the policy as listed in the Implementation Matrices in Chapter 2 and Volume V, Appendix G.

Page 11-14, Policy N 8.7, Agreement for Joint Planning

The term “the city’s unincorporated Urban Growth Area” was modified to read “the adjacent unincorporated Urban Growth Area” in order to align with current practice wherein the UGA is not classified by which City to which it may relate. A corresponding change was made to the policy as listed in the Implementation Matrices in Chapter 2 and Volume V, Appendix G.

Multiple Maps

The following maps will be updated to depict a corrected Urban Growth Area boundary, consistent with the County of Spokane’s GIS data minus any areas marked as “invalid,” those areas having been removed from the UGA at the last boundary update:

- Map LU 1 – Land Use Plan Map
- Map LU 2 – Airfield Influence Areas
- Map TR 2 – Housing Unit Density Change
- Map TR 3 – Employment Density Change
- Map TR 4 – Composite Needs Map: Pedestrian Priority Zones
- Map TR 5 – Proposed Bike Network Map
- Map TR 6 – STA: High Performance Transit Network
- Map TR 8 – Freight & Goods Tonnage Volume
- Map TR 9 – Heavy Haul Network

- Map TR 10 – Bridge Inventory Map
- Map TR 11 – State Owned Facilities
- Map TR 12 – Proposed Arterial Network Map