



Spokane Plan Commission Agenda

January 10, 2018

2:00 PM to 5:00 PM

Council Chambers

808 W. Spokane Falls Blvd., Spokane WA 99201

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:

	1) Approve December 13th 2017 meeting minutes	All
	2) Ratification of Findings, Conclusion & Recommendations	All
	• Sign Ordinance-related Code Amendments	
	• Infill Code Revisions	
2:00 -2:30	3) City Council Report	Lori Kinnear
	4) Community Assembly Liaison Report	Greg Francis
	5) President Report	Dennis Dellwo
	6) Transportation Sub- Committee Report	John Dietzman
	7) Secretary Report	Lisa Key
	8) Plan Commission Applicant Interviews	All

Workshops:

2:30-2:50	1) Infill Code Revision	Nathan Gwinn
2:50-3:40	2) Impact Fee Revision	Inga Note

Items of Interest:

3:40-3:50	1) Member Items of Interest/Requests for Future Agenda	All
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Hearings:

4:00-5:00	1) Historic Preservation Ordinance	Lori Kinnear/Megan Duvall
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Adjournment:

Next Plan Commission meeting will be on January 24, 2018 at 2:00 pm

Joint Plan Commission/City Council Study Session will be on January 25, 2018 at 3:30 pm

The password for City of Spokane Guest Wireless access has been changed: Password: **Username: COS Guest Password: qP439nKb**

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 msteinolfson@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

December 13, 2017

Meeting Minutes: Meeting called to order at 2:00 pm

Workshop Attendance:

- Commission Members Present: Michael Baker, Christopher Batten, Todd Beyreuther, Jacob Brooks, Dennis Dellwo, John Dietzman, Patricia Kienholz, Sylvia St.Clair, Community Assembly Liaison Greg Francis, City Council Liaison Lori Kinnear
- Commission Members Present for Hearing Only: Christy Jeffers
- Commission Members Absent: Carol Shook
- Staff Members Present: Lisa Key, Darcie Jernberg

Public Comment:

- None

Briefing Session:

1. The November 8, 2017 meeting minutes approved unanimously.
2. City Council Report- Lori Kinnear
 - December 11, 2017 the budget was passed allowing for more Police officers and two new City Planners.
 - City Council approved the strategic plan and a funding mechanism of one time money -52 million dollars that will go to fund capital projects within the Strategic Plan.
 - Farewell to Amber Waldref scheduled for Monday December 18th 5pm at Chase Gallery.
3. Community Assembly Liaison Report - Greg Francis
 - The Land use Committee will be meeting to go over objectives for next year and review the Comprehensive Plan Amendment Requests for 2018.
4. President Report- Dennis Dellwo
 - Dennis Dellwo asked for three volunteers for the City Council Ad- Hoc Committee to conduct a threshold review on the 2018 Comprehensive Plan Amendment requests.
 - The Council President will appoint three Council Membersto that Committee. Plan Commission will appoint three members for a total of six members.
 - Michael Baker, Patricia Kienholz, and Jacob Brooks volunteered from the Plan Commission to join the Ad- hoc Committee.
 - The Ad-hoc Committee meeting will beheld on January, 31st 2017 at 9:00 a.m.
 - Dennis Dellwo asked that the Plan Commission Members take into consideration the Growth Management Act as it applies to public health, safety, and welfare.
5. Transportation Sub-committee Report -John Dietzman
 - Met December 5th to discuss the Impact fee ordinance
 - A meeting is scheduled for January 2nd, 2017. Tentative agenda will include the following:
 - Street Standards
 - Six year Capital Transportation Plan
6. Secretary Report-
 - Lisa Key announced the Joint Plan Commission /City Council meeting was rescheduled for January 25th, 2017. There will be a study session for City Council on December 14th, 2017 regarding Infill Housing and the scope of the Downtown Plan Update.
 - University District Pedestrian Bridge Naming Process
 - No construction activity going on currently; construction will begin in spring, and is anticipated to be completed by fall of next year.
 - The City will undertake a public process to solicit names. The Communications Department is soliciting information through the month of January.
 - An adhoc committee will narrow down the potential list of names.

- The Plan Commission will hold a public hearing, and make a recommendation to the Mayor regarding a name.
 - The Mayor will send forward his preferred name to City Council for ratification.
 - Lisa Key requested one volunteer from the Plan Commission to join the Ad- Hoc Committee.
 - The Ad-hoc Committee will be made up of 9 members.
 - The Committee will meet in early February following the public collection of nominations.
 - Plan Commission briefing from the Committee will be February 28th, 2017, with a public hearing on March 14, 2018.
 - Patricia Kienholz volunteered to be part of the University Bridge Name Ad-hoc Committee.
- The Next Plan Commission meeting will be January 10, 2018.
 - Christy Jeffers will be leaving the Plan Commission. Applications are being accepted to fill her position.

Workshops:

Historic Preservation/Demolition Ordinance:

Lori Kinnear- Acknowledge Brian McClatchy, Jonathan Mallahan, Megan Duvall, Jacob Fraley, Andrew Worlock, Lynn Mandike, Homebuilders, DSP, and STA

- The Plan Commission hearing on the final version will be presented on January 10th 2018.
 - There's been a show of outreach and comments
- Regulations only apply to registered buildings that citizens have deemed worthy of protecting.
- New economic incentives and initiatives have been given to developers and property owners.
- The October workshop revealed:
 - Current law lacks clear and effective ways for communities to come together to form Historic Districts. Example: Browne's addition design standards not being met and community not being able to voice their concerns.
 - The lack of authority for the Historical Landmark Commission to save valuable historical buildings. Example: The Campbell House.
- Discussion ensued

Brian McClatchy-

- An ordinance enhancing protection for historic landmarks and districts, as well as providing increased incentives and new funding for historic preservation; repealing chapter 17D.040; enacting a new chapter 17D.100; amending sections 17G.010.210, 08.02.031, 08.02.065, and 08.10.230, and enacting a new section 07.08.151 of the Spokane Municipal Code.
- Three Specific Incentives:
 - Façade Improvement Grant Program
 - Sidewalk Improvement Grant Program that are adjacent to historic properties or contributing within historic districts
 - Pilot Utility Installation Program
- Discussion ensued

Johnathan Mallahan-

- Public interest using one time and ongoing funding for grants in order to make significant improvements to the façade of a building which improves public spaces.

- This grows a sense of place and neighborhood attachment. This isn't just about great economics it's about providing a sense of happiness in Community.
- Discussion ensued

Jake Fraley-

- Sidewalk Improvement Grant- Apply to the HPO and can received up to \$1000 for improving sidewalks immediately adjacent to the historic property or being within a historic district.
- To qualify for the grant the property must be listed on the historic registry and the rehabilitation project must invest 25% or pre-project assessed value.
- There will be a pilot project in 2018
- Discussion ensued

Megan Duvall-

- Discussed additional incentives that have made protecting historical properties possible
- Presented examples of historical properties that have used incentives
- Described standards for new construction
- Standards will be put fourth for nomination
- Discussion ensued

DTC-100 Zone Amendment Scope & Charter:

Kevin Freibott

- Status update/ bonus heights allowed
- The Current Code SMC.17C.124.220 allows heights to exceed 100ft provided each story is stepped back 15ft. from the face of the building.
- In October a working group process developed a series of recommendations to amend the height requirement. The final report was adopted by Council with a recommendation to move forward with the 50 foot tower separation and 18,000sq.ft towers.
- Following the Downtown Plan to reduce shadows and goal 2.2 protecting solar access in key areas- these two provisions lead to the current code standards.
- Current Schedule- Dedicated outreach process has begun, January- attending Community Assembly and Downtown Partnership, February-Draft Ordinance, March- Hearing
- Presentation and discussion ensure

Transportation Impact Fee

Inga Note-

- City staff met with the Mayor on 5/31/17 to discuss the need to convene a Transportation Impact Fee Advisory committee and the process for updating the transportation impact fee code. The committee members are shown below.
- Time frame for use of collected fees - When the impact fees were adopted in 2011 state law required expenditure of impact fees within 6 years. The language in the city code matches the 6 year limit. The state law has since changed to allow a 10 year timeframe to spend impact fee funds (RCW.82.02.070 (3) (a). The committee recommends updating the city code to match the state law.
- Discussion ensued

Hearings:

1) Sign Code Ordinance- related Code Amendments - Lisa Key

- Presentation and overview given
- Questions asked and answered
- No public testimony was heard.

A motion was made by Todd Beyruther to recommend to the City Council to APPROVE the proposed amendments to the Spokane Municipal Code, Chapters 17C.340 - Home Occupations, 17C.370 - Existing Neighborhood Commercial Structures in Residential Zones, and 17A.020 definitions. Seconded by Christy Jeffers

Christy Jeffers made a motion to amend section 8, regarding SMC Section 17A.020.060, "*F*" Definitions, paragraph A to restore the definition of *façade* which is currently proposed to be stricken and add the word *Also* after the word *see*, so that the last sentence reads: See also (SMC) Chapter 17C.240.015. Seconded by Michael Baker. The motion passed unanimously

By a vote of 9 to 0, the Plan Commission recommends to the City Council the approval of the proposed amendments to Spokane Municipal Code, Chapters 17C.340, 17C.370, and 17A.020.

2) Infill Code Revision Hearing: Cottage, Pocket, Transition Buffers, Parking - Nathan Gwinn

- Presentation and overview given
- Questions asked and answered
- Discussion ensued
- Public Comment Period

Todd Beyruther proposed to amend inclusion of a community building with 40% density 17C.100.350 Section D.3.A.2. Seconded by Christy Jeffers. Amendment passed by a vote of 7 to 2.

Comment:

- This motion is not opposed to adding community space or a building, but rather leaving it up to the builder and the community to decide the best use for the space.

The Plan Commission recommends to City Council that the amendments are consistent with applicable provisions within the City's Comprehensive Plan and the proposed amendments bear a substantial relationship to the public health, safety, welfare, and protection to the environment.

A motion was made by the Plan Commission to approve the recommendation of Spokane Municipal Code Chapters 17A.020, 17C.110, 17C.230, and 17G.080. Motion passed by a vote of 8 to 1.

Meeting Adjourned at 5:52 P.M.

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Amendments to Spokane Municipal Code,
Chapters 17C.340 - Home Occupations, 17C.370 - Existing Neighborhood
Commercial Structures in Residential Zones, and 17A.020 - Definitions**

A recommendation from the City Plan Commission to the City Council to APPROVE the proposed amendments to the Spokane Municipal Code, Chapters 17C.340 - Home Occupations, 17C.370 - Existing Neighborhood Commercial Structures in Residential Zones, and 17A.020 - Definitions.

Findings of Fact:

- A.** The City's Comprehensive Plan and existing sign code prohibit off-premises signage. However, SMC 17C.240.250 (B) provides an exception for existing off-premises signs that must be removed in order to accommodate a public works project. These signs may be relocated along the same roadway and in the geographical vicinity from where it was removed. On April 10, 2017, City Council passed Emergency Ordinance C35490, imposing an immediate moratorium on the relocation of off-premise signs into areas having a Center and Corridor zoning designation or sites located in an historic district. A hearing was held on May 22, 2017 regarding this moratorium, and the expiration was extended to November 22, 2017.
- B.** During the moratorium, Planning Department staff conducted workshops with the Plan Commission and City Council to discuss revisions to the City's sign regulations to (i) address the concerns that prompted the Council's adoption of the moratorium and (ii) to meet the guidelines set forth in the U.S. Supreme Court's opinion in *Reed v. Gilbert*, 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015) and other applicable law (the "Sign Code Update");
- C.** The Plan Commission held workshops on the proposed Sign Code Update on June 14, 2017, September 13, 2017, and September 27, 2017, and a public hearing on October 11, 2017
- D.** The changes proposed by the Sign Code Update necessitated changes to other sections of the Spokane Municipal Code for consistency and administrative purposes.
- E.** A website was created in early July to provide easy access to information and allow the public to comment directly through the website. This website was continually updated with presentations, materials, and other documents as they became available.
- F.** On November 10, 2017, staff provided a draft of the proposed changes to the Community Assembly Land Use Committee.
- G.** On October 25, and November 8, 2017, the Spokane City Plan Commission held workshops to study the proposed updates to the City's sign code.

- H. On October 18, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt proposed changes to chapter 17C.240 SMC. On October 19, 2017, the City received an acknowledgement letter from the Department of Commerce.
- I. On November 29 and December 6, 2017, the City caused Notice of the proposed ordinance and announcement of the Plan Commission's December 13, 2017 hearing to be published in the Spokesman Review.
- J. On November 15, 2017, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed amendments to SMC chapter 17C.240. The public comment period for the SEPA determination ended on December 13, 2017.
- K. The City has complied with RCW 36.70A.370 in processing these code updates.
- L. A public hearing was held before the Plan Commission on December 13, 2017.

Public Testimony:

- A. No public testimony was heard.

Plan Commission Deliberations:

- A. On the recommendation of staff, the Plan Commission recognized that the term "façade" had broader applicability in the development code than just within the sign code. As such, they recommended amending section 8 of the proposed ordinance regarding SMC Section 17A.020.060, "*F*" *Definitions*, paragraph A to restore the definition of *façade*, which was currently proposed to be stricken.

Conclusions:

With regard as to whether the proposed amendments to Chapters 17C.340, 17C.370, and 17A.020 SMC, as amended, meet the approval criteria detailed in SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission made the following findings:

- A. The proposed amendments ARE consistent with the applicable provisions of the City's Comprehensive Plan.
- B. The proposed amendments DO bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of 9 to 0 the Plan Commission recommended to the City Council the APPROVAL of the proposed amendments to Chapters 17C.340, 17C.370, and 17A.020 of the Spokane Municipal Code.

Dennis Dellwo, President

Spokane Plan Commission
January 10, 2018

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapters 17A.020,
17C.110, 17C.110T, 17C.230, and 17G.080

A recommendation from the City Plan Commission to the City Council to **APPROVE** proposed amendments to the Development Code. The proposal is related to cottage housing, pocket residential development, and compact lot standards, amending Spokane Municipal Code (SMC) 17A.020.010, 17A.020.030, 17A.020.040, 17A.020.130, 17A.020.190, 17C.110.030, 17C.110.115, 17C.110.200, 17C.110.350, 17C.110.360, 17C.230.130, 17G.080.065; adopting a new section 17C.110.209 to chapter 17C.110 SMC; and, repealing SMC 17C.110T.002.

Findings of Fact:

- A. The City of Spokane's Comprehensive Plan encourages development that is designed to create a positive perception of Spokane (Goal DP 3), and provides minimum and maximum residential densities (Land Use Chapter, Section 3.4), in addition to opportunities for a variety of housing types (Goal H1).
- B. City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 2.1, Public Realm Features, states: *Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.*
- C. City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 2.2, Performance Standards, states: *Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses.*
- D. City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 3.1, Coordinated and Efficient Land Use, states: *Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and by focusing growth in areas where adequate services and facilities exist or can be economically extended.*
- E. City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 3.2, Centers and Corridors, states: *Designate Centers and Corridors (neighborhood scale, community or district scale, and regional scale) on the Land Use Plan Map that encourage a mix of uses and activities around which growth is focused.*
- F. City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 3.6, Compact Residential Patterns, states: *Allow more compact and affordable housing in all neighborhoods, in accordance with design guidelines.*
- G. City of Spokane Comprehensive Plan, Land Use Chapter, Policy LU 7.1, Regulatory Structure, states: *Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit.*

- H. City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR 18, Parking, states: *Develop and administer vehicle parking policies that appropriately manage the demand for parking based upon the urban context desired.*
- I. City of Spokane Comprehensive Plan, Housing Chapter, Policy H 1.18, Distribution of Housing Options, states: *Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.*
- J. City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Policy DP 2.12, Infill Development states: *Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.*
- K. City of Spokane Comprehensive Plan, Parks and Recreation Chapter, Policy PRS 1.4, Property Owners and Developers, states: *Work cooperatively with property owners and developers to preserve open space areas within or between developments, especially those that provide visual or physical linkages to the open space network.*
- L. In 2012, the City adopted ORD C34912 which updated its zoning code to address infill development techniques and design standards, and codified Pocket Residential Development under SMC 17C.110.360. The new method allowed for development of residences that may not all front on a public street in most zoning districts, but not the Residential Single-Family (RSF) zone. Since its adoption, there has been limited use of the Pocket Residential Development method; the City received only one application for rezone of an RSF site to be able to develop under Pocket Residential Development.
- M. According to the Washington Commerce Department's 2015 Housing Needs Assessment, more than 24,000 of homeowner households at every income level assessed in the Spokane Urbanized Area paid more than 30 percent of their income on housing, a status defined as "cost-burdened." More than 28,000 renter households were also cost-burdened. Together these represented a third of the total number of households. Only 43 percent of households earning less than \$31,500 (50% of area median income) had access to affordable and available housing.
- N. According to American Community Survey 1-year estimates, rental vacancies in Spokane County were tied in 2015 and 2016 at the lowest level for at least twelve years, at 3.7 percent, falling from a high of 8 percent in 2011. The city of Spokane's rental vacancy rate also reached a twelve-year low at 3.1 percent in 2015, rising to 4.6 percent in 2016, which was down from a high of 9.7 percent in 2009 for that period.
- O. In 2016, a Plan Commission subcommittee ("committee") was formed to identify local issues and develop strategies to overcome obstacles to infill development that would enable and promote high-quality development on vacant land. During a public engagement process that solicited community input, the committee learned of interest in using the Pocket Residential Development method on other RSF-zoned sites.

- P.** The committee prepared a series of recommendations that included proposed regulatory changes, including amendments to unit lot subdivision (SMC 17G.080.065) to allow new development, update dimensional and other standards such as smaller lot sizes to support attached housing and more efficient use of land (SMC 17C.110.200), enabling internal subdivision of Cottage Housing development (SMC 17C.110.350), allowing cottage housing units to be larger and capable of attaching units, and to allow Pocket Residential development as an outright tool in the RSF zone or with a conditional use permit rather than through a zoning change to RSF-Compact. The Spokane City Council adopted Resolution 2016-94 on November 21, 2016, recognizing the committee's summary report and recommendation as a guide for future program development and potential regulatory implementation measures.
- Q.** On September 27, October 11, October 25, and November 8, 2017, the Spokane City Plan Commission held workshops to study the proposed amendments to SMC Title 17.
- R.** On October 13, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt proposed changes to SMC Title 17. On October 18, 2017, the City received an acknowledgement letter from the Department of Commerce.
- S.** A public open house was held November 2, 2017, at West Central Community Center, seeking public feedback on the proposal to amend chapters 17A.020, 17C.110, 17C.230, and 17G.060. The City provided notice of the open house meeting by advertising on its website and via email notice to neighborhood councils and interested parties.
- T.** On November 29, and December 6, 2017, the City caused Notice of the proposed amendments to SMC chapter 17C.370 and announcement of the Plan Commission's December 13, 2017 hearing to be published in the City's Official Gazette. The Notice and announcement was also published in the Spokesman Review on December 1 and December 6, 2017.
- U.** On November 29, 2017, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed amendments to SMC chapter 17C.370. The public comment period for the SEPA determination ended on December 13, 2017.
- V.** The City has complied with RCW 36.70A.370 in processing these code updates.
- W.** On December 13, 2017, the City Plan Commission held a public hearing on the proposed amendments; deliberations followed.
- X.** During deliberations, the Plan Commission considered the proposed text amendments using the criteria set forth in SMC 17G.025.010.

Public Comment:

- A.** Seventeen written comments were received and provided to the Plan Commission prior to the hearing December 13, 2017, regarding the proposed amendments: eight in favor, two neutral, and seven in opposition.

- B.** During the hearing on December 13, the Plan Commission heard testimony from 8 individuals: Of those, 5 were in favor; 2 were neutral; and, one was opposed to the proposed amendments.
- C.** No other testimony was heard.

Deliberations:

- A.** By a vote of 7 to 2, the Plan Commission recommended removing the requirement for a community building as a condition of receiving an additional density bonus for “tiny homes” under 500 square feet in a cottage housing development.
- B.** During deliberations, Plan Commissioners commented that staff had effectively engaged the public, received significant input, and were responsive to the concerns raised; that the proposed amendments made more efficient use of available lands, and encouraged development in closer proximity to services, effectively reducing sprawl; and that the proposed amendments create opportunities for development that achieve the higher densities envisioned in the Comprehensive Plan, thus reducing impacts on City service delivery.

Conclusions:

- A.** The Plan Commission concludes that, related to public health, safety, welfare, and protection of the environment, the proposal would address the following factors:
 - 1. The proposed amendments make more efficient use of available lands, and encourage development in closer proximity to services, effectively reducing sprawl.
 - 2. The proposed amendments create opportunities for development that achieve the higher densities envisioned in the Comprehensive Plan, thus reducing impacts on City service delivery.
 - 3. The proposed amendments create additional opportunities to compatibly increase affordable housing supply and respond to demands of citizens of every income level experiencing a shortage of housing, as indicated by comments received and the historic low vacancy rates.
- B.** With regard as to whether the proposed amendments to chapters 17A.020, 17C.110, 17C.110T, 17C.230, and 17G.080 SMC, as amended, meet the approval criteria of SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission makes the following findings:
 - 1. The proposed amendments ARE consistent with the applicable provisions of the City’s Comprehensive Plan.
 - 2. The proposed amendments DO bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of 8 to 1, the Plan Commission recommends to the City Council the APPROVAL of the proposed amendments to the Unified Development Code, with changes as deliberated.

**Dennis Dellwo, President
Spokane Plan Commission
January 10, 2018**

BRIEFING PAPER
City of Spokane
Infill Code Revision
Plan Commission Workshop
January 10, 2018

Subject

Infill code revisions for Plan Commission review will continue to implement the infill development steering committee's 2016 recommendations. The next ordinance in Plan Commission's review will be the amendments to dimensional standards and transitional requirements.

Background

The Plan Commission's infill development steering committee identified [recommendations](#) that address development issues for vacant lots near built-up areas.

Impact

The proposals will support implementation of the infill recommendations and strategic initiatives identified in the City's [Joint Strategic Plan](#). The changes are expected to:

- Improve compatibility between different land uses at zone boundary locations,
- Allow additional housing and commercial development in appropriate locations by addressing existing issues and obstacles,
- Create opportunities for housing affordable to all income levels, contribute to an economically vibrant downtown area and successful mixed-use centers, and
- Benefit existing residents and local businesses by supporting investments in neighborhood locations with improved housing and transportation options.

Action

Staff identified several subject areas for code revisions. These subjects may each be separate ordinances that are anticipated to be programmed according to the attached [strategic action plan](#).

Phase 1 Code Revisions (Continuing through Spring & Summer 2018)

- Cottage Housing, Pocket Residential, and Compact Lots (PC Review complete)
- Amendments to Dimensional and Transitional Requirements
- Floor Area Ratio (FAR) and Buildable Area for Hillside Development and Areas with Shallow Basalt (Density Calculation Methodology)

Phase 2 Code Revisions (Fall 2018-Fall 2019)

- Context Area 4 (CA-4) and Hamilton Street Form Based Code Cleanup
- Central City Line Overlay
- Residential Standards in Commercial Zones
- Manufactured Home Standards

STRATEGIC PLAN INITIATIVE

Infill Development Code Amendments

Action Plan

TIME LINE	MILESTONES
Q1 2018	<p>Compact Lot Standards, Pocket Residential, Cottage Housing & Alternative Residential Subdivision Code Amendments –City Council Review & Adoption¹</p> <p>Adoption of Access & Utility Standard Updates in support of Pocket Resident & Cottage Housing Developments</p> <p>Amendments to Dimensional Standards in the Multifamily Zone & Transitional Requirements – Draft Text Amendment</p> <p>Amendments to Dimensional Standards in the Multifamily Zone & Transitional Requirements – Begin Public Outreach & Engagement</p> <p>Floor Area Ratio (FAR) requirements and Buildable Area in Hillside Development and areas with Shallow Basalt– Research begins</p>
Q2 2018	<p>Amendments to Dimensional Standards in the Multifamily Zone & Transitional Requirements – SEPA, Agency Review & Public Comment</p> <p>Amendments to Dimensional Standards in the Multifamily Zone & Transitional Requirements – Plan Commission Review & Public Hearing</p> <p>Amendments to Dimensional Standards in the Multifamily Zone & Transitional Requirements – City Council Review & Adoption</p> <p>FAR requirements and Buildable Area– Draft Text Amendment</p> <p>FAR requirements and Buildable Area – Public Outreach & Engagement</p>
Q3 2018	<p>FAR requirements and Buildable Area – SEPA, Agency Review & Public Comment</p> <p>FAR requirements and Buildable Area – Plan Commission Review & Public Hearing</p> <p>FAR requirements and Buildable Area – City Council Review & Adoption</p> <p>Standards for CA-4 (and code cleanup related to form-based code) – Draft Text Amendments</p> <p>Standards for CA-4 -- Public Outreach & Engagement</p>

¹ This round of Infill Code amendments began in September of 2017.

Q4 2018	Standards for CA-4 – SEPA, Agency Review & Public Comment Standards for CA-4 – Plan Commission Review & Public Hearing Standards for CA-4 – City Council Review & Adoption CCL Overlay – Draft Standards for Transit Oriented Development CCL Overlay – Public Outreach & Engagement
Q1 2019	CCL Overlay – SEPA, Agency Review & Public Comment CCL Overlay – Plan Commission Review & Hearing CCL Overlay – City Council Review & Adoption
Q2 2019	Residential Standards in Commercial Zones (landscaping, dimensional standards, lot coverage, etc) – Draft Text Amendments Residential Standards in Commercial Zones – Public Outreach & Engagement Residential Standards in Commercial Zones – SEPA, Agency Review & Public Comment Manufactured Home Standards – Draft Text Amendment Manufactured Home Standards – Public Outreach & Engagement
Q3 2019	Residential Standards in Commercial Zones – Plan Commission Review & Public Hearing Residential Standards in Commercial Zones – City Council Review & Adoption Manufactures Home Standards – SEPA, Agency Review & Public Comment Manufactured Home Standards – Plan Commission Review & Public Hearing Manufactured Home Standards – City Council Review & Adoption
Q4 2019	Begin Drafting Form-Based Code as based upon Subarea Plan #1

BRIEFING PAPER

Plan Commission

January 10, 2018

Subject

Transportation Impact Fee update.

Background

City staff met with the Mayor on 5/31/17 to discuss the need to convene a Transportation Impact Fee Advisory committee and the process for updating the transportation impact fee code. The committee members are shown below.

Alan Springer / John Fisher	Inland Construction (developer)
Andrew Rolwes	Downtown Spokane Partnership
Arthur Whitten	Spokane Home Builders Association
Bill White	Traffic Engineer (development)
Craig Soehren	Kiemle & Hagood (real estate)
John Dietzman	Plan Commission / PCTS Chair
E.J. Iannelli	Citizen / neighborhood
Jim Bakke	Citizen / neighborhood
Joe Tortorelli	NE Public Development Authority
Kerry Brooks	Citizen / neighborhood
Sabrina Minshall	SRTC Director
Ben Stuckart	City Council President
Amber Waldref	City Council

We have since held five meetings with the committee and are ready to move their recommendations forward to the Plan Commission and City Council.

Committee Recommendations

West Plains District – The code will be updated to add a new district for transportation impact fee collection. The boundary will follow the city limits and will include all the area that was annexed since 2011. This district will have its own project list and base fee.

Credits in SMC 17D.075.070 – The update will include revisions to the credits that reduce developer's impact fee obligation. Examples include developing in Centers and Corridors zones, providing covered bicycle parking, providing certain transit stop improvements, and providing better bicycle and pedestrian connectivity through the site. Because these improvements will encourage multi-modal transportation to and from the site, they receive a small reduction in fees.

Land Use Tables – Each of the districts has a base fee per PM peak hour trip. The base fee is applied to a land use table to develop rates for specific land uses. The land use table is developed using data from the Institute of Transportation Engineers Trip Generation Manual. City staff has recommended several changes to the table that were agreed to by the committee. These are outlined below.

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Land Use	Issue	Proposed Change
Mini-Storage	Missing from table	Add
Veterinary Clinic	Missing from table	Add
Fast Casual Restaurant	New category (Panera, Chipotle)	Add
Video Store	Not needed	Delete
K-12 Schools	Based on # of students, which fluctuates	Rate now tied to Gross Sq Ft
College/University	Based on # of students, which fluctuates	Rate now tied to Assignable Sq Ft

The committee also discussed ways to reduce the fee for low-income development. Studies of low-income housing have shown that these units generate less vehicular trips on average than comparable market rate development. After much discussion the committee recommends adding “low-income multi-family” as a separate land use on the table. The table below shows the proposed residential categories.

Residential Land Use	Proposed Change
Single Family	No change
Apartments	Combined low and medium-rise apartments into one rate
Condo/Townhouse	Separated from apartments (owner vs. rental)
Low-income, Multi-Family	Add

Inflation Adjustment – The impact fee ordinance includes a provision to make annual rate adjustments for inflation. The city has not utilized this provision, but intends to do so annually starting in January 2019. The impact fee ordinance ties the adjustment to WSDOT’s Construction Cost Index, however WSDOT stopped updating this index in 2016. After evaluating several options the committee recommends using a similar index provided by FHWA. The National Highway Construction Cost Index (NHCCI) tracks the cost of concrete, asphalt, base rock, etc. and is updated several times a year. The committee recommends using a rolling 5-year average of the NHCCI as the basis for the annual inflation adjustment. Another option would be to take the most recent 5-year average and adopt that as a fixed rate until the next update.

Frequency to review fee schedule – SMC 17D.075.140 states that the fee schedules “shall be reviewed by the city council as it may deem necessary and appropriate every two years”. The city has not followed this schedule as the impact fee rates have remained unchanged since implementation in 2011. The consensus was that reviewing every two years is too frequent, and that allowing 4-6 years between reviews provides better predictability for developers and more time to evaluate needed changes in the program.

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Time frame for use of collected fees – When the impact fees were adopted in 2011 state law required expenditure of impact fees within 6 years. The language in the city code matches the 6 year limit. The state law has since changed to allow a 10 year timeframe to spend impact fee funds (RCW.82.02.070(3)(a)). The committee recommends updating the city code to match the state law.

Developer share in projects – The base fee for each district is calculated using the equation below.

$$\text{Base Fee per District (\$)} = \frac{\text{District Project Costs}}{\text{20 year PM peak trip growth}} * \text{Developer \%}$$

The current impact fees were calculated using the goal that 40% of the project cost would be developer funded. The committee recognized that the impact fees are an important source of matching funds for grant applications. They recommend increasing the developer share to 50%, which will result in higher fee collection and should allow for more projects to be completed within the 20 year planning horizon.

Impact Fee Exemption for Industrial/Manufacturing in PDAs – The committee discussed a proposal from Council President Stuckart to incentivize development in the Northeast and Airport Public Development Authorities. The intent is to pay the impact fee obligation of any industrial or manufacturing type development that occurs within these boundaries. The details of the funding source, amount, and duration of the program will be finalized in the next couple of months.

Improvement project list and resulting base fee (see attachment) – The Transportation Impact Fee Project List has gone through a significant update. The intent of these projects is to add maintain acceptable levels of service at intersections within the city. Staff evaluates traffic forecasts for 2040 and looks for locations where level-of-service is expected to deteriorate. As a result the projects are focused on adding capacity through intersection improvements, new roadway connections, and other similar projects. Staff has also updated the cost estimates for these projects. The cost estimates are used in the base fee calculation (shown above) to determine the fees for each district. The project list is relatively dynamic. City staff makes project additions or deletions to it with each update of the 6-year plan. It will likely go through further refinement before adoption by City Council in 2018.

Attachment List

Proposed Land Use Table
Draft Project List
Draft base fee calculation

ORDINANCE NO. C??????

An ordinance relating to transportation impact fees and amending SMC 17D.075.020 Definitions, 17D.075.040 Assessment of Impact Fees, 17D.075.070 Credits, 17D.075.100 Establishment of Impact Fee Account, 17D.075.110 Refunds, 17D.075.140 Review, 17D.075.180 Impact Fee Schedule, 17D.075.190 Service Area Map, 17D.075.200 Trip Rates, Pass-By Trips, and Trip Length Adjustment Factors, and 17D.075.210 Impact Fee Project list.

WHEREAS, the City Council previously adopted Ordinance No. C34673, implementing the transportation impact fees authorized by Chapter 82.02 RCW, establishing transportation impact fee service areas, project lists, and adopting transportation impact fee schedules, all of which is codified in Chapter 17D.075 of the Spokane Municipal Code (SMC); and

WHEREAS, since the adoption of Ordinance No. C34673, the City has annexed a large portion of the West Plains; and

WHEREAS, the West Plains is a geographic area defined by the City on the basis of sound planning and engineering principles in which a defined set of public facilities are needed to provide service to development within the area; and

WHEREAS, annexation of the West Plains created the need to establish a new West Plains impact fee service area to ensure that the impact fees assessed on new growth and development in that area are proportionate to and reasonably related to the service area-wide need for new transportation improvements created by the development; and

WHEREAS, SMC 17D.075.140 anticipates periodic review and updates to the project lists and fee schedules, and further anticipates the formation of an impact fee advisory board consisting of various community representatives; and

WHEREAS, consistent with SMC 17D.075.140, the City established an impact fee advisory board consisting of various community representatives; and

WHEREAS, the impact fee advisory board informally agreed on a set of recommended updates to Chapter 17D.075 SMC relating particularly to the addition of the West Plains impact fee service area, and updated project lists and fee schedules; and

WHEREAS, the updated impact fee schedules have been prepared to reflect the estimated cost of the projects included in the updated Impact Fee Project List (the "Updated Impact Fee Rate Schedule"); and

WHEREAS, on or about February 14, 2018, following a public process involving a number of public workshops and a public hearing, a majority of the City of Spokane Plan Commission voted to recommend approval of an ordinance amending Chapter

17D.075 SMC (Transportation Impact Fees) with the amendments relating to (i) the updated Impact Fee Project List; (ii) the Updated Impact Fee Rate Schedule; and (iii) adding the West Plains service district; and

WHEREAS, in making its recommendation, the Plan Commission found that, pursuant to the Amended Transportation Impact Fee Ordinance, the impact fee(s) assessed a specific development will be proportionate to and reasonably related to the service area-wide need for new transportation improvements created by the development; and

WHEREAS, the Plan Commission further found that every land use benefits from a smoothly functioning transportation system with adequate capacity; and

WHEREAS, in connection with the original Impact Fee Ordinance, the responsible official issued a Determination of Nonsignificance, dated March 27, 2008 (“DNS”); and

WHEREAS, pursuant to WAC 197-11-800, this update to Chapter 17D.075 SMC is categorically exempt from the threshold determination and environmental impact statement requirements under Chapter 43.21C RCW (SEPA); and

WHEREAS, Chapter 17D.075 SMC, as amended by this Ordinance, is consistent with the City’s Comprehensive Plan which, in CFU 2.4, recognizes impact fees as a possible mechanism to fund capital improvements so new growth and development activity that has an impact upon public facilities pays a proportionate share of the cost of facilities that reasonably benefit the development; and

WHEREAS, the Comprehensive Plan and the entire record relative to the adoption of Chapter 17D.075 SMC and this update are incorporated into this Ordinance by reference; and

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

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this Ordinance;

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That SMC Section 17D.075.020 is amended to read as follows:

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 fee payer 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.
- AA. “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.
- AB. “ITE manual” means Institute of Transportation Engineers (ITE) Trip Generation Manual (7th Edition), as amended from time to time.
- AC. “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.
- AD. “Pass-by trip rates” means those rate study pass-by rates set forth in SMC 17D.075.200.
- AE. “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.
- AF. “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.

- AG. "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.
- AH. "Rate study" means the 2007 transportation impact fee rate study, dated October 26, 2007, as updated and amended from time to time.
- AI. "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.
- AJ. "Square footage" means the square footage of the gross floor area of the development as defined chapter 17A.020 SMC.
- AK. "Service area" means one of the ~~((four))~~ five 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.
- AL. "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.
- AM. "Trip length adjustment factor" means the trip length adjustment factors identified in SMC 17D.075.200.

Section 2. That SMC Section 17D.075.040 is amended to read as follows:

17D.075.040 Assessment of Impact Fees

- A. The City shall collect impact fees, based on the schedules in SMC 17D.075.180, or an independent fee calculation as provided for in SMC 17D.075.050, from any applicant seeking development approval from the City. The impact fees in SMC 17D.075.180 are generated from the formula for calculating impact fees set forth in the rate study, one copy of which shall be kept on file with the office of the city clerk and which is adopted and incorporated herein by reference. Except as otherwise provided in this chapter, all new development approval in the City will be charged the transportation impact fees in SMC 17D.075.180. Subject to the review provisions set forth in SMC 17D.075.140 below, the transportation impact fees in SMC 17D.075.180 will be ~~((adjusted))~~ increase annually in the amount of 1.96% starting January 1st, 2019. ~~((in accordance with the Washington State department of~~

~~transportation construction cost index (“CCI”), with the first such increase taking effect within two years of adoption of this chapter and with subsequent increases to coincide with the City’s annual adoption of its six-year street plan, provided the impact fees shall never be reduced solely because of a decline in the CCI))~~ This annual increase is based on the 5-year rolling average of the Federal Highway Administration’s National Highway Construction Cost Index, and shall remain in effect until the board meets again. Provided further, for purposes of this chapter only, the following shall not constitute development activity:

1. Replacement of a commercial structure with a new structure of the same size and use or a residential structure with the same number of residential units, both at the same site or lot, where demolition of the prior commercial or residential structure occurred after May 2001. Replacement of a commercial structure with a new commercial structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than one hundred twenty square feet. It shall be the feepayer’s responsibility to establish the existence of a qualifying prior use to the director’s reasonable satisfaction.
 2. Expansions of existing residential structures that do not add residential dwelling units.
 3. Alteration of an existing nonresidential structure that does not expand the usable space, add any residential units, or result in a change in use.
 4. Miscellaneous improvements that do not create additional demand and need for public facilities, including, but not limited to, fences, walls, swimming pools, and signs.
 5. Demolition or moving of a structure.
 6. Re-use or change in use of existing structure.
 - a. Re-use or change in use of an existing structure that does not create additional demand and need for public facilities (*i.e.*, where the trip generation of the re-use is equal to or less than trip generation of prior use) shall not constitute development activity for purposes of this chapter.
 - b. It shall be the feepayer’s responsibility to establish the existence of a qualifying prior use to the Director’s reasonable satisfaction.
 - c. For a change in use of an existing structure that does create additional demand and need for public facilities (*i.e.*, where the trip generation of the re-use is greater than the trip generation of the prior use), the City shall collect impact fees for the new use based on the schedules in SMC 17D.075.180, less the fees that would have been payable as a result of the prior use.
- B. The director shall be authorized to determine whether a particular development activity constitutes development activity subject to the payment of impact fees under this chapter. Determinations of the Director shall be in writing issued within fourteen days of submitting a complete application and shall be subject to the appeals procedures set forth in SMC 17D.075.090.

- C. Impact fees shall be assessed prior to the issuance of a building permit for each unit in a development, using either the impact fee schedules then in effect or an independent fee calculation, at the election of the applicant and pursuant to the requirements set forth in SMC 17D.075.050. The impact fees shall be paid at the issuance of a building permit or at the completion of construction. To defer the payment of the impact fee to the end of construction, the developer shall provide prior to issuance of a building permit a recorded “certificate of title notice” evidencing an encumbrance on the title for each parcel of land, on forms provided by the city attorney’s office, recorded with the Spokane County auditor’s office which requires that the impact fee be paid as part of the closing of the construction financing, transfer of title to another party or issuance of a certificate of occupancy, whichever shall first occur. For commercial development involving multiple users, impact fees shall be assessed and collected prior to issuance of building permits that authorize completion of tenant improvements for each use. Furthermore, the City shall not accept an application for a building permit unless, prior to submittal or concurrent with submittal, the feepayer submits complete applications for all other discretionary reviews needed, including, but not limited to, design review, the environmental determination, and the accompanying checklist.
- D. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to SMC 17D.075.070, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to SMC 17D.075.070 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued for each unit in the development.
- E. For mixed use buildings or development, impact fees shall be imposed for the proportionate share of each land use based on the applicable unit of measurement found on the schedule in SMC 17D.075.180.
- F. The department shall place a hold on permits for development approval unless and until the impact fees required by this chapter, less any permitted exemptions, credits or deductions, have been paid.

Section 3. That SMC Section 17D.075.060 is amended to read as follows:

17D.075.060 Exemptions (([RESERVED]))

- A. The City Council finds that industrial and/or manufacturing development (see SMC 17C.190.320) within the boundaries of the Northeast Public Development Authority and the West Plains/Airport Area Public Development Authority have broad public purposes and shall be exempted from the payment of impact fees.

- B. Requests for the exemptions set forth in subsection A of this Section 17D.075.060 shall be submitted to the Department on such forms as the Director may provide. The Director shall review applications for exemption under subsection A of this Section 17D.075.060 and shall advise the applicant in writing of the granting or denial of the application. In addition, the Director shall notify the City Council when such applications are granted or denied. The Director's determination shall be subject to the appeals procedures set forth in Section 17D.075.090.
- C. The impact fee for an exempt development shall be calculated as provided for in this Chapter and paid with public funds other than the impact fee account. Such payment may be made by including such amount(s) in the public share of system improvements undertaken within the applicable service area.

Section 4. That SMC Section 17D.075.070 is amended to read as follows:

17D.075.070 Credits

- A. A feepayer can request a credit for the total value of dedicated land or public facilities provided by the feepayer if the land and public facilities are identified as system improvements or in cases where the director, in the director's discretion, determines that such dedication of land or public facilities would serve the goals and objectives of the capital facilities plan.
- B. The city council finds that certain types of development activity ~~((including development with the City's center and corridor zones) is))~~ are likely to generate fewer p.m. peak hour vehicle trips than other development activity. Consistent with this finding, a feepayer may request a partial credit for the following:
 1. Development within center and corridor zones shall qualify for a partial credit of ten percent of the impact fees otherwise payable as a result of the development activity.
 2. Mixed use development incorporating an "active" first floor (e.g. office, retail) and residential shall qualify for a partial credit of ten percent of the impact fees otherwise payable as a result of the development activity.
 3. Development of ~~((complete streets that provide))~~ bicycle and pedestrian connections through their site to ((surrounding neighborhoods and districts)) a public park or school, or that expand the connectivity of the trail network shall entitle a feepayer to a partial credit of ten percent of the impact fees otherwise payable as a result of the development activity. ~~((The credit provided for in this section shall only apply to the extent a feepayer is developing a complete street on the entire length of the block on which the development activity is occurring.))~~ The credit provided for in this section shall be limited to the cost incurred by the feepayer in developing the ~~((complete street))~~ connection.
 4. Development projects that incorporate covered and lockable bicycle storage for at least fifty percent of their required bicycle parking shall qualify for a credit of \$1,000 per bike space, subject to the limitation in subsection (B)(6) below. The

bicycle storage area must be dedicated for that use only. See SMC 17C.230.200 for space requirements.

5. Development projects located on a transit corridor may make improvements in coordination with Spokane Transit Authority (STA) and will qualify for a partial credit of up to ten percent of the impact fees otherwise payable as a result of the development activity. The credit provided for in this section shall be limited to the cost incurred by the feepayer in developing the improvements. Eligible improvements include the installation of weather cover, lighting, HPTN stop infrastructure or the dedication of right-of-way for transit stop improvements, as warranted by current or reasonably anticipated future usage of a transit stop, consistent with STA's established policies and design standards. The credit provided for in this section shall be limited to the cost of the right-of-way or the expense incurred by the feepayer in developing the transit stop.

~~((4))~~ 6. The cumulative credits granted in subsections (B)(1) through (B)(~~35~~) above ~~((for center and corridor development, mixed use development incorporating active first floors, and development of complete streets;))~~ shall not exceed ~~((twenty))~~ thirty percent of the impact fees otherwise payable as a result of the development activity.

~~((5))~~ 7. The director shall be authorized to determine whether a particular development activity falls within a credit identified in this Section B, in any other section, or under other applicable law. Determinations of the director shall be in writing issued within fourteen days of a complete application and shall be subject to the appeals procedures set forth in SMC 17D.075.090.

- C. For each request for a credit, under subsection (A) above, if appropriate, the director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the director. The appraiser must be a Washington State certified appraiser or must possess other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised.
- D. The appraiser shall be directed to determine the total value of the dedicated land and/or public facilities provided by the feepayer on a case-by-case basis.
- E. The feepayer shall pay for the cost of the appraisal. The feepayer may request that the cost of the appraisal be deducted from the credit which the director may be providing to the feepayer, in the event that a credit is awarded.
- F. After receiving the appraisal, and where consistent with the requirements of this section, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The

applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within sixty calendar days shall nullify the credit. The credit must be used within seventy-two months of the award of the credit.

- G. Any claim for credit must be made prior to issuance of a building permit, provided any claim for credit submitted later than twenty calendar days after the submission of an application for a building permit shall constitute a waiver and suspension of timelines established by state and/or local law for processing of permit applications.
- H. In no event shall the credit exceed the amount of the impact fees that would have been due for the proposed development activity.
- I. No credit shall be given for project improvements.
- J. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in SMC 17D.075.090.

Section 5. That SMC Section 17D.075.100 is amended to read as follows:

17D.075.100 Establishment of Impact Fee Account

- A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts for each service area. The fees received shall be prudently invested in a manner consistent with the investment policies of the City.
- B. There is hereby established an impact fee account for the fees collected pursuant to this chapter known as the transportation impact account. Except as provided in SMC 17D.075.080, funds withdrawn from this account must be used in accordance with the provisions of SMC 17D.075.120. Interest earned on the fees shall be retained in each of the accounts and expended for the purposes for which the impact fees were collected.
- C. On an annual basis, the chief financial officer and director shall provide a report to the council on the account showing the source and amount of all moneys collected, earned, or received, and system improvements that were financed in whole or in part by impact fees and contributions towards meeting concurrency goals and requirements.
- D. Impact fees shall be expended or encumbered within ~~((six))~~ ten years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the City to hold the fees beyond the ~~((six-year))~~ ten-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered.

Section 6. That SMC Section 17D.075.110 is amended to read as follows:

17D.075.110 Refunds

- A. If the City fails to expend or encumber the impact fees within (~~six~~) ten years of when the fees were paid, the current owner of the property for which impact fees have been paid may receive a refund of such fees, provided a refund is not required where extraordinary or compelling reasons exist for holding the fees longer than (~~six~~) ten years, as identified in written findings by the city council. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.
- B. The City shall notify potential claimants by first class mail deposited with the United States postal service at the last known address of the claimants.
- C. Property owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.
- D. Any impact fees for which no application for a refund has been made within the one-year period shall be retained by the City and expended on the appropriate public facilities.
- E. Refunds of impact fees under this chapter shall include any interest earned on the impact fees by the City.
- F. A feepayer may request and shall receive a refund, including interest earned on the impact fees, when the feepayer and/or the feepayer's successors and assigns do not proceed with the development activity and there has been no impact to the City's transportation system. A request for a refund pursuant to this section must be accompanied by an acknowledgement that the feepayer's underlying development approval, including any associated permits, has expired and that any application to reinstate the development approval shall be subject to the payment of impact fees pursuant to this chapter.

Section 7. That SMC Section 17D.075.140 is amended to read as follows:

17D.075.140 Review

- A. The fee schedules set forth in this chapter shall be reviewed by the city council as it may deem necessary and appropriate, typically every four to six years, considering significant changes to the regional travel demand model, the impact fee projects in the City's comprehensive plan, and area growth. .
- B. A transportation impact fee advisory board consisting of individuals representing the building, real estate, and property development industries, the broader business

community, community leaders, community assembly, and citizens shall be appointed by the mayor to review proposed changes to the fee schedules set forth in this chapter prior to their review and adoption by the city council. This review shall occur as described in 17D.075.140(A). Provided, this section shall not be interpreted as requiring review by an advisory board or city council prior to the automatic fee adjustments contemplated in SMC 17D.075.040(A).

Section 8. That SMC Section 17D.075.180 is amended as follows:

17D.075.180 Appendix A – Impact Fee Schedule

Section 9. That SMC Section 17D.075.190 is amended as follows:

17D.075.190 Appendix B – Service Area Map

Section 10. That SMC Section 17D.075.200 is amended as follows:

17D.075.200 Appendix C – Trip Rates, Pass-By Trips, and Trip Length Adjustment Factors

Section 11. That SMC Section 17D.075.210 is amended as follows:

17D.075.210 Appendix D – Impact Fee Project List

ADOPTED BY THE CITY COUNCIL ON _____

(Delivered to the Mayor on the _____ day of _____)

Council President

Attest: Approved as to form:

City Clerk Assistant City Attorney

Mayor Date

Effective Date

1/3/2018

Fee Estimate - 50% developer share

Service Area	Developer Share of Project Costs	20 Year PM Peak Trip Ends (with Forecast Correction)	New Base Cost per Trip	Current Base Cost per Trip
Downtown	\$705,000	8963	\$ 78.66	\$ 90.00
Northwest	\$5,228,000	8043	\$ 650.00	\$ 634.00
South	\$8,692,500	9402	\$ 924.55	\$ 587.00
Northeast	\$5,803,393	8441	\$ 687.52	\$ 850.00
West Plains	\$3,022,500	2088	\$ 1,447.69	-

Section 17D.075.180

Appendix A
Impact Fee Schedule



Downtown District Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Residential			
Single Family	210	dwelling	\$92.43
Apartments	220	dwelling	\$60.25
Condo / Townhouse	230	dwelling	\$50.53
Multi Family Low-Income	-	dwelling	\$38.87
Nursing Home	254	bed	\$21.31
Continuing Care Retirement Comm	255	dwelling	\$11.76
Assisted Living	620	bed	\$16.16
Commercial - Services			
Hotel (3 Levels or More)	310	room	\$61.99
Hotel/Motel	320	room	\$49.38
Movie Theater	444	sq ft/GFA	\$0.18
Health Club	492	sq ft/GFA	\$0.22
Day Care	565	sq ft/GFA	\$0.44
Bank	912	sq ft/GFA	\$0.48
Commercial - Institutional			
Elementary School	520	sq ft/GFA	\$0.05
Middle School	522	sq ft/GFA	\$0.03
High School	530	sq ft/GFA	\$0.04
University/College	550	ASF	\$0.05
Religious Institute	560	sq ft/GFA	\$0.04
Library	590	sq ft/GFA	\$0.29
Hospital	610	sq ft/GFA	\$0.10
Commercial - Administrative Office			
Veterinary Clinic	640	sq ft/GFA	\$0.40
General Office	710	sq ft/GFA	\$0.14
Medical Office / Clinic	720	sq ft/GFA	\$0.30
Office Park	750	sq ft/GFA	\$0.14

BASE RATE PER PM TRIP

\$79

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	\$0.14
Specialty Retail Center	826	sq ft/GLA	\$0.08
Hardware/Paint Store	816	sq ft/GFA	\$0.15
Nursery/Garden Center	817	sq ft/GFA	\$0.27
Shopping Center	820	sq ft/GLA	\$0.12
Car Sales - New/Used	841	sq ft/GFA	\$0.18
Tire Store	848	Service bay	\$161.08
Supermarket	850	sq ft/GFA	\$0.31
Convenience Market	851	sq ft/GFA	\$0.71
Pharmacy	881	sq ft/GFA	\$0.22
Furniture Store	890	sq ft/GFA	\$0.01
Quick Lubrication Vehicle Shop	941	Service Bay	\$262.41
Auto Parts & Service Center	943	sq ft/GFA	\$0.20
Service Station/Minimart/Carwash	853	VFP	\$482.09
Industrial			
Light Industry/High Technology	110	sq ft/GFA	\$0.11
Heavy Industrial	120	sq ft/GFA	\$0.08
Industrial Park	132	sq ft/GFA	\$0.10
Manufacturing	140	sq ft/GFA	\$0.09
Warehousing	150	sq ft/GFA	\$0.04
Mini-Storage	151	sq ft/GFA	\$0.02
Commercial - Restaurant			
Drinking Establishment	925	sq ft/GFA	\$0.36
Quality Restaurant	931	sq ft/GFA	\$0.35
High Turnover Restaurant	932	sq ft/GFA	\$0.35
Fast Casual	-	sq ft/GFA	\$0.58
Fast Food Restaurant	934	sq ft/GFA	\$0.86
Coffee Shop with Drive-Thru	937	sq ft/GFA	\$0.34

Notes:

Updated Dec 2016 using the ITE Trip Generation Manual, 9th Edition
Fees are reduced, where applicable, to account for "pass-by" trips

Definitions:

VFP- Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

GFA= Gross Floor Area

ASF= Assignable Square Feet (aka Net Assignable Area): the sum of all areas on all floors of a building assigned to, or available for assignment to, an occupant or specific use. It can be subdivided into Classroom, labs, offices, study facilities, special use, general use, support, health care, residential and unclassified. Areas defined as building service, circulation, mechanical and structural should not be included.

ITE = Institute of Transportation Engineers

Drinking Establishment = contains a bar, serves alcohol and food, may have TV screens, pool tables, and other entertainment. Restaurants that specialize in food but also have a bar are considered High-Turnover Restaurants.

Quality Restaurant = duration of stay > 1 hour, not a chain, serves dinner and sometimes lunch, patrons wait to be seated, order from menu, pay after (Ex. Milford's, Clinkerdagger, Anthony's, Luna)

High-Turnover Restaurant = duration of stay approx. 1 hour, often a chain restaurant, may be open 24 hours, patrons wait to be seated, order from menu (Ex. Applebee's, Denny's, Buffalo Wild Wings, The Onion, Twigs)

Fast Casual Restaurant = duration of stay < 1 hour, patrons order at counter and eat in the restaurant. Food is typically made to order. Most do not have a drive-through. (Ex. Chipotle, Panera Bread, Five Guys, Qdoba, Mod Pizza).

Fast Food Restaurant = with drive-thru and indoor seating, open breakfast-lunch-dinner, order at register and pay before eating (Ex. McDonalds, Zips, Taco Bell)



Northwest District Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Residential			
Single Family	210	dwelling	\$760.50
Apartments	220	dwelling	\$495.69
Condo / Townhouse	230	dwelling	\$415.74
Multi Family Low-Income	-	dwelling	\$319.80
Nursing Home	254	bed	\$175.31
Continuing Care Retirement Comm	255	dwelling	\$96.72
Assisted Living	620	bed	\$132.99
Commercial - Services			
Hotel (3 Levels or More)	310	room	\$510.06
Hotel/Motel	320	room	\$406.32
Movie Theater	444	sq ft/GFA	\$1.47
Health Club	492	sq ft/GFA	\$1.77
Day Care	565	sq ft/GFA	\$3.61
Bank	912	sq ft/GFA	\$3.95
Commercial - Institutional			
Elementary School	520	sq ft/GFA	\$0.40
Middle School	522	sq ft/GFA	\$0.27
High School	530	sq ft/GFA	\$0.33
University/College	550	ASF	\$0.43
Religious Institute	560	sq ft/GFA	\$0.36
Library	590	sq ft/GFA	\$2.38
Hospital	610	sq ft/GFA	\$0.81
Commercial - Administrative Office			
Veterinary Clinic	640	sq ft/GFA	\$3.31
General Office	710	sq ft/GFA	\$1.13
Medical Office / Clinic	720	sq ft/GFA	\$2.51
Office Park	750	sq ft/GFA	\$1.13

Notes:

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Fees are reduced, where applicable, to account for "pass-by" trips

Definitions:

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High-Turnover Restaurant = duration of stay approx. 1 hour, often a chain restaurant, may be open 24 hours, patrons wait to be seated, order from menu (Ex. Applebee's, Denny's, Buffalo Wild Wings, The Onion, Twigs)

Fast Casual Restaurant = duration of stay < 1 hour, patrons order at counter and eat in the restaurant. Food is typically made to order. Most do not have a drive-through (Ex. Chipotle, Panera Bread, Five Guys, Qdoba, Mod Pizza).

Fast Food Restaurant = with drive-thru and indoor seating, open breakfast-lunch-dinner, order at register and pay before eating (Ex. McDonalds, Zips, Taco Bell)

BASE RATE PER PM TRIP**\$650**

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	\$1.19
Specialty Retail Center	826	sq ft/GLA	\$0.68
Hardware/Paint Store	816	sq ft/GFA	\$1.21
Nursery/Garden Center	817	sq ft/GFA	\$2.21
Shopping Center	820	sq ft/GLA	\$1.01
Car Sales - New/Used	841	sq ft/GFA	\$1.50
Tire Store	848	Service bay	\$1,325.38
Supermarket	850	sq ft/GFA	\$2.59
Convenience Market	851	sq ft/GFA	\$5.86
Pharmacy	881	sq ft/GFA	\$1.84
Furniture Store	890	sq ft/GFA	\$0.10
Quick Lubrication Vehicle Shop	941	Service Bay	\$2,159.04
Auto Parts & Service Center	943	sq ft/GFA	\$1.62
Service Station/Minimart/Carwash	853	VFP	\$3,966.56
Industrial			
Light Industry/High Technology	110	sq ft/GFA	\$0.95
Heavy Industrial	120	sq ft/GFA	\$0.66
Industrial Park	132	sq ft/GFA	\$0.83
Manufacturing	140	sq ft/GFA	\$0.71
Warehousing	150	sq ft/GFA	\$0.31
Mini-Storage	151	sq ft/GFA	\$0.16
Commercial - Restaurant			
Drinking Establishment	925	sq ft/GFA	\$2.96
Quality Restaurant	931	sq ft/GFA	\$2.85
High Turnover Restaurant	932	sq ft/GFA	\$2.88
Fast Casual	-	sq ft/GFA	\$4.79
Fast Food Restaurant	934	sq ft/GFA	\$7.11
Coffee Shop with Drive-Thru	937	sq ft/GFA	\$2.78



South District Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Residential			
Single Family	210	dwelling	\$1,082.25
Apartments	220	dwelling	\$705.41
Condo / Townhouse	230	dwelling	\$591.63
Multi Family Low-Income	-	dwelling	\$455.10
Nursing Home	254	bed	\$249.47
Continuing Care Retirement Comm	255	dwelling	\$137.64
Assisted Living	620	bed	\$189.26
Commercial - Services			
Hotel (3 Levels or More)	310	room	\$725.85
Hotel/Motel	320	room	\$578.22
Movie Theater	444	sq ft/GFA	\$2.09
Health Club	492	sq ft/GFA	\$2.52
Day Care	565	sq ft/GFA	\$5.14
Bank	912	sq ft/GFA	\$5.62
Commercial - Institutional			
Elementary School	520	sq ft/GFA	\$0.56
Middle School	522	sq ft/GFA	\$0.39
High School	530	sq ft/GFA	\$0.47
University/College	550	ASF	\$0.62
Religious Institute	560	sq ft/GFA	\$0.51
Library	590	sq ft/GFA	\$3.39
Hospital	610	sq ft/GFA	\$1.15
Commercial - Administrative Office			
Veterinary Clinic	640	sq ft/GFA	\$4.72
General Office	710	sq ft/GFA	\$1.61
Medical Office / Clinic	720	sq ft/GFA	\$3.57
Office Park	750	sq ft/GFA	\$1.60

BASE RATE PER PM TRIP

\$925

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	\$1.69
Specialty Retail Center	826	sq ft/GLA	\$0.97
Hardware/Paint Store	816	sq ft/GFA	\$1.72
Nursery/Garden Center	817	sq ft/GFA	\$3.15
Shopping Center	820	sq ft/GLA	\$1.44
Car Sales - New/Used	841	sq ft/GFA	\$2.13
Tire Store	848	Service bay	\$1,886.11
Supermarket	850	sq ft/GFA	\$3.68
Convenience Market	851	sq ft/GFA	\$8.34
Pharmacy	881	sq ft/GFA	\$2.61
Furniture Store	890	sq ft/GFA	\$0.14
Quick Lubrication Vehicle Shop	941	Service Bay	\$3,072.48
Auto Parts & Service Center	943	sq ft/GFA	\$2.31
Service Station/Minimart/Carwash	853	VFP	\$5,644.72
Industrial			
Light Industry/High Technology	110	sq ft/GFA	\$1.35
Heavy Industrial	120	sq ft/GFA	\$0.94
Industrial Park	132	sq ft/GFA	\$1.18
Manufacturing	140	sq ft/GFA	\$1.01
Warehousing	150	sq ft/GFA	\$0.44
Mini-Storage	151	sq ft/GFA	\$0.23
Commercial - Restaurant			
Drinking Establishment	925	sq ft/GFA	\$4.22
Quality Restaurant	931	sq ft/GFA	\$4.05
High Turnover Restaurant	932	sq ft/GFA	\$4.10
Fast Casual	-	sq ft/GFA	\$6.82
Fast Food Restaurant	934	sq ft/GFA	\$10.12
Coffee Shop with Drive-Thru	937	sq ft/GFA	\$3.96

Notes:

Updated Dec 2016 using the ITE Trip Generation Manual, 9th Edition
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Fast Food Restaurant = with drive-thru and indoor seating, open breakfast-lunch-dinner, order at register and pay before eating (Ex. McDonalds, Zips, Taco Bell)



Northeast District Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Residential			
Single Family	210	dwelling	\$804.96
Apartments	220	dwelling	\$524.67
Condo / Townhouse	230	dwelling	\$440.04
Multi Family Low-Income	-	dwelling	\$338.50
Nursing Home	254	bed	\$185.55
Continuing Care Retirement Comm	255	dwelling	\$102.37
Assisted Living	620	bed	\$140.76
Commercial - Services			
Hotel (3 Levels or More)	310	room	\$539.87
Hotel/Motel	320	room	\$430.07
Movie Theater	444	sq ft/GFA	\$1.56
Health Club	492	sq ft/GFA	\$1.88
Day Care	565	sq ft/GFA	\$3.82
Bank	912	sq ft/GFA	\$4.18
Commercial - Institutional			
Elementary School	520	sq ft/GFA	\$0.42
Middle School	522	sq ft/GFA	\$0.29
High School	530	sq ft/GFA	\$0.35
University/College	550	ASF	\$0.46
Religious Institute	560	sq ft/GFA	\$0.38
Library	590	sq ft/GFA	\$2.52
Hospital	610	sq ft/GFA	\$0.85
Commercial - Administrative Office			
Veterinary Clinic	640	sq ft/GFA	\$3.51
General Office	710	sq ft/GFA	\$1.20
Medical Office / Clinic	720	sq ft/GFA	\$2.65
Office Park	750	sq ft/GFA	\$1.19

BASE RATE PER PM TRIP

\$688

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	\$1.26
Specialty Retail Center	826	sq ft/GFA	\$0.72
Hardware/Paint Store	816	sq ft/GFA	\$1.28
Nursery/Garden Center	817	sq ft/GFA	\$2.34
Shopping Center	820	sq ft/GFA	\$1.07
Car Sales - New/Used	841	sq ft/GFA	\$1.59
Tire Store	848	Service bay	\$1,402.86
Supermarket	850	sq ft/GFA	\$2.74
Convenience Market	851	sq ft/GFA	\$6.20
Pharmacy	881	sq ft/GFA	\$1.94
Furniture Store	890	sq ft/GFA	\$0.11
Quick Lubrication Vehicle Shop	941	Service Bay	\$2,285.26
Auto Parts & Service Center	943	sq ft/GFA	\$1.72
Service Station/Minimart/Carwash	853	VFP	\$4,198.45
Industrial			
Light Industry/High Technology	110	sq ft/GFA	\$1.00
Heavy Industrial	120	sq ft/GFA	\$0.70
Industrial Park	132	sq ft/GFA	\$0.88
Manufacturing	140	sq ft/GFA	\$0.75
Warehousing	150	sq ft/GFA	\$0.33
Mini-Storage	151	sq ft/GFA	\$0.17
Commercial - Restaurant			
Drinking Establishment	925	sq ft/GFA	\$3.14
Quality Restaurant	931	sq ft/GFA	\$3.01
High Turnover Restaurant	932	sq ft/GFA	\$3.05
Fast Casual	-	sq ft/GFA	\$5.08
Fast Food Restaurant	934	sq ft/GFA	\$7.53
Coffee Shop with Drive-Thru	937	sq ft/GFA	\$2.94

Notes:

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Fast Food Restaurant = with drive-thru and indoor seating, open breakfast-lunch-dinner, order at register and pay before eating (Ex. McDonalds, Zips, Taco Bell)



West Plains District Transportation Impact Fee Schedule

Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Residential			
Single Family	210	dwelling	\$1,694.16
Apartments	220	dwelling	\$1,104.24
Condo / Townhouse	230	dwelling	\$926.14
Multi Family Low-Income	-	dwelling	\$712.42
Nursing Home	254	bed	\$390.53
Continuing Care Retirement Comm	255	dwelling	\$215.46
Assisted Living	620	bed	\$296.26
Commercial - Services			
Hotel (3 Levels or More)	310	room	\$1,136.25
Hotel/Motel	320	room	\$905.14
Movie Theater	444	sq ft/GFA	\$3.28
Health Club	492	sq ft/GFA	\$3.95
Day Care	565	sq ft/GFA	\$8.04
Bank	912	sq ft/GFA	\$8.80
Commercial - Institutional			
Elementary School	520	sq ft/GFA	\$0.88
Middle School	522	sq ft/GFA	\$0.61
High School	530	sq ft/GFA	\$0.73
University/College	550	ASF	\$0.97
Religious Institute	560	sq ft/GFA	\$0.80
Library	590	sq ft/GFA	\$5.31
Hospital	610	sq ft/GFA	\$1.80
Commercial - Administrative Office			
Veterinary Clinic	640	sq ft/GFA	\$7.38
General Office	710	sq ft/GFA	\$2.52
Medical Office / Clinic	720	sq ft/GFA	\$5.58
Office Park	750	sq ft/GFA	\$2.51

BASE RATE PER PM TRIP		\$1,448	
Land Use	ITE Land Use Code	Unit of Measure	Fee per Unit
COST PER TRIP			
Commercial - Retail			
Free-Standing Discount Superstore	813	sq ft/GFA	\$2.65
Specialty Retail Center	826	sq ft/GLA	\$1.51
Hardware/Paint Store	816	sq ft/GFA	\$2.70
Nursery/Garden Center	817	sq ft/GFA	\$4.92
Shopping Center	820	sq ft/GLA	\$2.26
Car Sales - New/Used	841	sq ft/GFA	\$3.34
Tire Store	848	Service bay	\$2,952.53
Supermarket	850	sq ft/GFA	\$5.77
Convenience Market	851	sq ft/GFA	\$13.05
Pharmacy	881	sq ft/GFA	\$4.09
Furniture Store	890	sq ft/GFA	\$0.22
Quick Lubrication Vehicle Shop	941	Service Bay	\$4,809.68
Auto Parts & Service Center	943	sq ft/GFA	\$3.62
Service Station/Minimart/Carwash	853	VFP	\$8,836.28
Industrial			
Light Industry/High Technology	110	sq ft/GFA	\$2.11
Heavy Industrial	120	sq ft/GFA	\$1.48
Industrial Park	132	sq ft/GFA	\$1.85
Manufacturing	140	sq ft/GFA	\$1.59
Warehousing	150	sq ft/GFA	\$0.70
Mini-Storage	151	sq ft/GFA	\$0.36
Commercial - Restaurant			
Drinking Establishment	925	sq ft/GFA	\$6.60
Quality Restaurant	931	sq ft/GFA	\$6.34
High Turnover Restaurant	932	sq ft/GFA	\$6.42
Fast Casual	-	sq ft/GFA	\$10.68
Fast Food Restaurant	934	sq ft/GFA	\$15.84
Coffee Shop with Drive-Thru	937	sq ft/GFA	\$6.20

Notes:

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Fast Food Restaurant = with drive-thru and indoor seating, open breakfast-lunch-dinner, order at register and pay before eating (Ex. McDonalds, Zips, Taco Bell)

Section 17D.075.190

Appendix B
Service Area Map

Section 17D.075.200

Appendix C

Trip Rates, Pass-By, Trip Length Adjustment Factors used in Rate Schedule

17D.075.200 Appendix C
Trip Rates, Pass-By, Trip Length Adjustment Factors used in Rate Schedule

		ITE Avg.		Trip
Land Use Category	Land Use	Trip Rate	Pass-by Rate	Length Adj. Factor*
Residential	Code	Unit		
Single Family	210	dwelling 1	0%	1.17
Apartments	220	dwelling 0.62	0%	1.23
Condo / Townhouse	230	dwelling 0.52	0%	1.23
Multi Family Low-Income	-	dwelling 0.4	0%	1.23
Assisted Living	254	bed 0.29	0%	0.93
Continuing Care Retirement Community	255	dwelling 0.16	0%	0.93
Nursing Home	620	beds 0.22	0%	0.93
Commercial Services				
Hotel (3 Levels or More)	310	room 0.59	0%	1.33
Hotel/Motel	320	room 0.47	0%	1.33
Multiplex Movie Theater	445	sq ft/GFA 0.00294	0%	0.77
Health Club	492	sq ft/GFA 0.00353	25%	1.03
Day Care	565	sq ft/GFA 0.01234	25%	0.60
Bank	912	sq ft/GFA 0.0243	50%	0.50
Commercial Institutional				
Elementary School	520	sq ft/GFA 0.0013	30%	0.67
Middle School	522	sq ft/GFA 0.0009	30%	0.67
High School	530	sq ft/GFA 0.0007	20%	0.90
University/College	550	ASF * 0.000445	0%	1.50
Religious Institute	560	sq ft/GFA 0.00055	0%	1.00
Library	590	sq ft/GFA 0.0073	25%	0.67
Hospital	610	sq ft/GFA 0.00093	20%	1.67
Commercial - Restaurant				
Drinking Establishment	925	sq ft/GFA 0.01134	40%	0.67
Quality Restaurant	931	sq ft/GFA 0.00749	35%	0.90
High Turnover Restaurant	932	sq ft/GFA 0.00985	40%	0.75
Fast Casual Restaurant	-	sq ft/GFA 0.01835	40%	0.67
Fast Food Restaurant (with drive-thru)	934	sq ft/GFA 0.03265	50%	0.67
Coffee Shop with Drive-Thru	937	sq ft/GFA 0.0428	80%	0.50
Commercial - Retail				
Free-Standing Discount Superstore	813	sq ft/GLA 0.00435	40%	0.70
Specialty Retail Center	826	sq ft/GLA 0.00271	45%	0.70
Hardware/Paint Store	816	sq ft/GFA 0.00484	45%	0.70
Nursery/Garden Center	817	sq ft/GFA 0.00694	30%	0.70
Shopping Center	820	sq ft/GLA 0.00371	40%	0.70
Automobile Sales - Used/New	841	sq ft/GFA 0.00262	20%	1.10
Tire Store	848	Service bay 3.54	28%	0.80
Supermarket	850	sq ft/GFA 0.00948	40%	0.70
Convenience Market	851	sq ft/GFA 0.05241	60%	0.43
Pharmacy	881	sq ft/GFA 0.00991	50%	0.57
Furniture Store	890	sq ft/GFA 0.00045	40%	0.57
Quick Lubrication Vehicle Shop	941	Service Bay 5.19	20%	0.80
Auto Parts & Service Center	943	sq ft/GFA 0.00446	30%	0.80
Service Station/Minimart/Carwash	853	VFP 19.07	60%	0.80
Industrial				
Light Industry/High Technology	110	sq ft/GFA 0.00097	0%	1.50
Heavy Industrial	120	sq ft/GFA 0.00068	0%	1.50
Industrial Park	130	sq ft/GFA 0.00085	0%	1.50
Manufacturing	140	sq ft/GFA 0.00073	0%	1.50
Warehousing	150	sq ft/GFA 0.00032	0%	1.50
Mini-Storage	151	sq ft/GFA 0.00019	0%	1.30
Commercial - Administrative Office				
Veterinary Clinic	640	sq ft/GFA 0.00472	10%	1.20
General Office	710	sq ft/GFA 0.00149	10%	1.30
Medical Office / Clinic	720	sq ft/GFA 0.00357	10%	1.20
Office Park	750	sq ft/GFA 0.00148	10%	1.30

Section 17D.075.210

Appendix D
Impact Fee Project List

Appendix D - Impact Fee Project List

Approx.
Build
Timeline

Project	Description	Need for Project	Estimated Cost (in 2018 dollars)	District	6-yr	20-yr
5th Ave / Sherman St	Intersection - Install new traffic signal	LOS F, expected to meet signal warrants	\$700,000	D		X
Trent / Hamilton intersection	modifications due to new traffic patterns with NSC	poor LOS for left turns to freeway with new bridge layout	\$0	D	X	
Downtown Bike Share	Paid bike share program	reduce vehicle trips	\$100,000	D	X	
Ash Street 2-way from Broadway to Dean	Convert Ash Street to a 2-way street to allow access to Maple Street Bridge SB.	better traffic dispersion through network	\$210,000	D	X	
D Bicycle Improvements	stripe bike facilities on arterials	reduce vehicle trips	\$200,000	D		X
D Pedestrian Improvements	install pedestrian facilities on arterials	reduce vehicle trips	\$200,000	D		X
Assembly St / Francis Ave (SR291)	Intersection - Construct Roundabout	LOS F in future	\$3,000,000	NW		X
Indian Trail Rd - Kathleen to Barnes	Widening - Construct to 5-lane section	LOS F at Indian Trail / Pacific Park, lanes must continue southward	\$4,100,000	NW	X *	X
Wellesley / Driscoll	WB right turn lane	LOS F in future	\$30,000	NW		X
Wellesley / Assembly	signal	arterial intersection expected to meet signal warrants (with school development)	\$1,000,000	NW	X	
Wellesley / Maple	WB thru pocket, NB right turn lane	LOS F in future	\$526,000	NW		X
Francis/Alberta	modify NB and SB lanes to allow protected phasing	LOS F in future	\$800,000	NW		X
Francis/Maple	add WBR lane	LOS F in future	\$800,000	NW		X
NW Bicycle Improvements	stripe bike facilities on arterials	reduce vehicle trips	\$100,000	NW		X
NW Pedestrian Improvements	install pedestrian facilities on arterials	reduce vehicle trips	\$100,000	NW		X
29th Ave / Freya St	Stripe EBL and WBL turn lanes, and widen for NB and SB left turn lane. Keep 4-way stop.	LOS F in future	\$237,000	S	X	
29th Ave TWLTL	add TWLTL between Pittsburg and Lee	DISCUSS	\$0	S		X
29th/ Regal	intersection improvements - EBR turn lane, possibly others	STA HPTN route	\$500,000	S	X	
37th Avenue	Reconstruction and intersection improvements between Regal and Havana	---- complete ----	\$0	S	-	-
Ray-Freya Alternative	Placeholder for after analysis is complete. May include improvements at 37th/Freya and 37th/Ray	preserve Regal capacity, better traffic dispersion through network	\$4,000,000	S		X
44th Ave from Crestline to Altamont	new collector road section	better traffic dispersion through network	\$978,000	S		X
44th/Regal	Widen northbound approach to 2 lanes	better utilization of existing infrastructure, shorter queues, minor capacity increase	\$470,000	S		X
Freya / Palouse Hwy	roundabout (or turn lanes)	LOS F in future	\$1,500,000	S	X	
Sunset Highway/Assembly	signal	growth on Assembly	\$500,000	S	X	
US 195 Frontage from 16th to Thorpe	2-3 lane frontage road, with bridge for trail	LOS F in future at Thorpe, 16th	\$7,000,000	S		X
US 195 / Meadowlane Intersection	interim improvements to expand capacity	LOS F in future	\$2,000,000	S		X
S Bicycle Improvements	stripe bike facilities on arterials	reduce vehicle trips	\$100,000	S		X
S Pedestrian Improvements	install pedestrian facilities on arterials	reduce vehicle trips	\$100,000	S		X
Lincoln Rd / Nevada St	Intersection Improvements - Construct separate eastbound and westbound left-turn lanes; include west leg widening and construction of 5-lane east of Nevada 1000'	LOS F in future	\$1,500,000	NE		X
Havana Street Overpass	Grade separation on Havana Street over the railroad yard	---- complete ----	\$0	NE	-	-
Hamilton St Corridor - Desmet Ave to Foothills Ave	Segment Improvements - Construct traffic signal modifications to accommodate protected or protected/permitted signal phasing. New signal at Desmet.	LOS F in future	\$4,446,786	NE	X	
Market/Wellesley improvements	Add EBL turn lane, NBR turn lane, rebuild signal to allow protected lefts on Wellesley	LOS E-F in future and to improve interchange access	\$1,426,000	NE	X	
Haven/Wellesley improvements	Add WBL turn lane, rebuild signal to allow protected lefts on Wellesley	LOS E-F in future and to improve interchange access	\$1,500,000	NE		X
Mission/Havana	signal	arterial intersection expected to meet signal warrants	\$800,000	NE		X
Crestline / Magnesium	add EBR turn lane, two lanes for NB, all-way stop.	LOS F in future	\$246,000	NE		X
Nevada / Magnesium	left turn protected-permitted phasing, restripe for WBL and EBL turn lanes, add WBR, one through lane east-west, maybe ROW on NE corner	LOS E-F in future	\$1,000,000	NE		X
Sprague/Freya	Add NBR turn lane	LOS E-F in future	\$488,000	NE		X
Greene/Ermina	New signal to accommodate SCC access for transit and future NSC (mostly funded by STA)	reduce vehicle trips by improving transit and non-motorized access to SCC	\$0	NE	X	
NE Bicycle Improvements	stripe bike facilities on arterials	Plan Commission Transportation Subcommittee – 12/5/2017	\$100,000	NE		X
NE Pedestrian Improvements	install pedestrian facilities on arterials	reduce vehicle trips	\$100,000	NE		X
US 2 / Deer Heights Intersection	roundabout	LOS F in future	\$2,000,000	WP	X	
21st Avenue: Deer Heights to Flint/Granite & Deer Heights: extend to 21st	segment - construct new 3-lane arterial	better traffic dispersion through network, preserve Highway 2 capacity	\$2,080,000	WP		X
12th Avenue: Deer Heights to Flint	segment - construct new 2-lane arterial	better traffic dispersion through network, preserve Highway 2 capacity	\$1,865,000	WP	X	
W Bicycle Improvements	stripe bike facilities on arterials or US 2 Bike Path	reduce vehicle trips	\$50,000	WP		X
W Pedestrian Improvements	install pedestrian facilities on arterials	reduce vehicle trips	\$50,000	WP		X

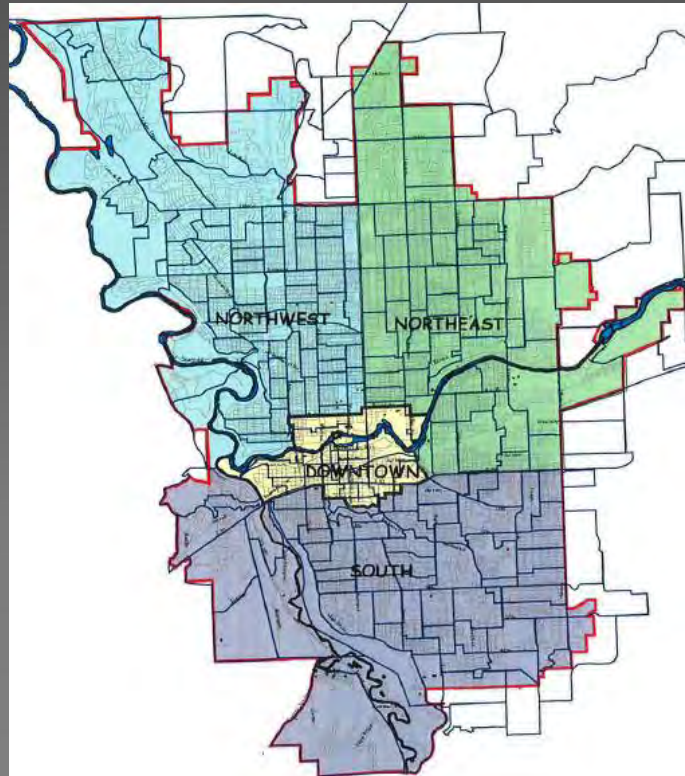
Total Downtown =	\$1,410,000
Total Northwest =	\$10,456,000
Total South =	\$17,385,000
Total Northeast =	\$11,606,786
West Plains =	\$6,045,000
Grand Total =	\$46,902,786

Note:
* A portion of Indian Trail funds may be used during the 2018-2019 maintenance project to restripe the road and improve capacity
** The cost figure for Havana Street Bridge is adjusted to reflect the needed payback amount, not the full project cost

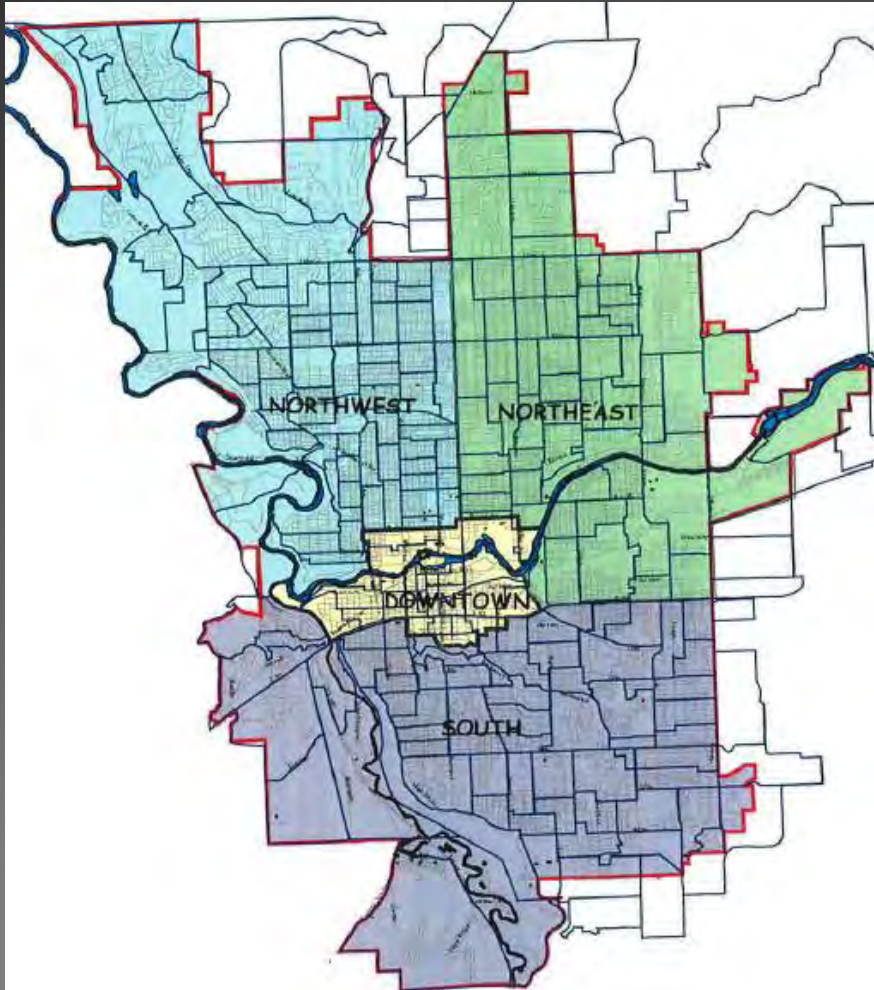
Transportation Impact Fee Update

Plan Commission

Jan 10, 2017



Transportation Impact Fees Enacted in 2011



Service Area	\$ / PM trip*
Downtown	\$90
Northwest	\$634
South	\$587
Northeast	\$850

**Base rate is adjusted for pass-by trips and trip length to arrive at fee per unit.*

Why Adopted?

- *Predictability for developers*
- *Faster permitting*
- *Funding source for grant match*

Projects partially funded with Impact Fees

- *NE - Havana Street RR Overpass*
- *NW - Cedar/Country Homes Signal*
- *S - 44th Avenue – Regal to Freya, 37th Avenue*



Scope of the Update

CODE REFERENCE

Chapter 17D.075 Transportation Impact Fees

Section 17D.075.140 Review

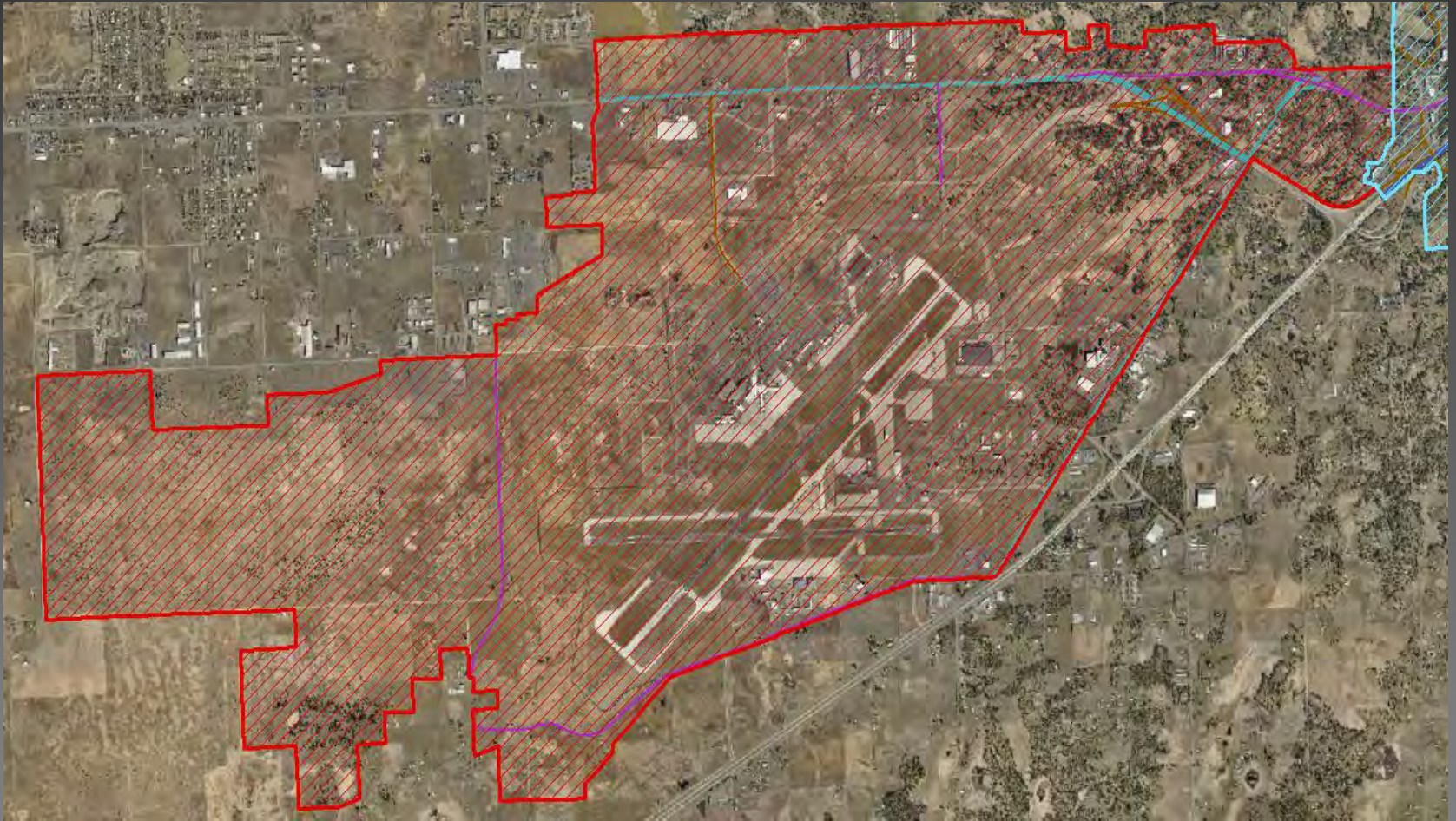
The fee schedules set forth in this chapter shall be reviewed by the city council as it may deem necessary and appropriate every two years in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan.

A **transportation impact fee advisory board** consisting of individuals representing the building, real estate, and property development industries, the broader business community, community leaders, community assembly, and citizens shall be appointed by the mayor to review proposed changes to the fee schedules set forth in this chapter prior to their review and adoption by the city council. This review shall occur when the city council may deem it necessary and appropriate every two years in conjunction with the annual **update of the capital facilities plan element of the City's comprehensive plan**. Provided, this section shall not be interpreted as requiring review by an advisory board or city council prior to the automatic fee adjustments contemplated in SMC 17D.075.040(A).

Transportation Impact Fee Advisory Committee

Name	Representing
Alan Springer / John Fisher	Inland Construction (developer)
Andrew Rolwes	Downtown Spokane Partnership
Arthur Whitten	Spokane Home Builders Association
Bill White	Traffic Engineer (development)
Craig Soehren	Kiemle & Hagood (real estate)
John Dietzman	Plan Commission / PCTS Chair
E.J. Iannelli	Citizen / neighborhood
Jim Bakke	Citizen / neighborhood
Joe Tortorelli	NE Public Development Authority
Kerry Brooks	Citizen / neighborhood
Sabrina Minshall	SRTC Director
Ben Stuckart	City Council President
Amber Waldref	City Council

West Plains District



Existing Code Incentives

17D.075.070

- *10% development within CC zones*
- *10% for mixed use development incorporating an “active” first floor (e.g. office, retail) and residential above*
- *10% for the development of complete streets that provide pedestrian connections to surrounding neighborhoods and districts*
- *Total credit may not exceed 20%*

Revised Code Incentives

17D.075.070

- *10% development within CC zones*
- *10% for mixed use development incorporating an “active” first floor*
- *20% for bicycle & ped connections*
- *\$1000 per space for covered bicycle parking*
- *10% for certain transit stop improvements*
- *Total credit may not exceed 30%*

Revised Code Incentives

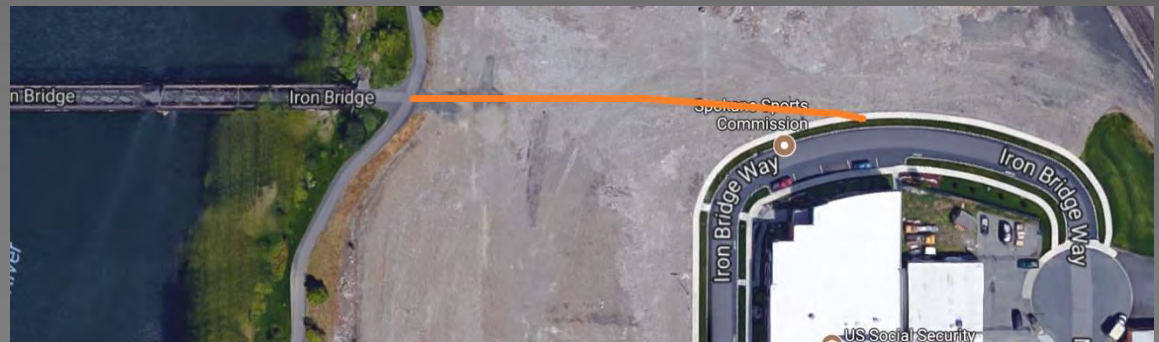
Bike-Ped Connections



***Subdivision connection to
Prairie View Elementary***



Subdivision connection to Ben Burr Trail



Desired Iron Bridge connection

Revised Code Incentives

Covered, lockable bicycle parking



2 bike locker
\$1,800



2 bike locker
\$2,100



2 bike - BikeLid
\$2,000



2 bike locker
\$3,100

Revised Code Incentives

transit stop improvements



*Donation of ROW or other
improvements for HPTN stop*

*Awning on building serves
as a bus stop shelter*



Construction Cost Indices

WSDOT CCI

- *Based on historical cost of 7 bid items*
 - *Roadway excavation, crushed surfacing, hot mix asphalt, concrete pavement, structural concrete, steel reinforcing bar, structural steel*
- *No longer being updated!*

National Highway Construction Cost Index (NHCCI)

- *Based on historical cost of the 6 bid items*
 - *Common excavation, PCC surface, asphalt concrete surface, structural concrete, reinforcing steel, structural steel*

Other Cost Indices

West Region Urban Consumer Price Index

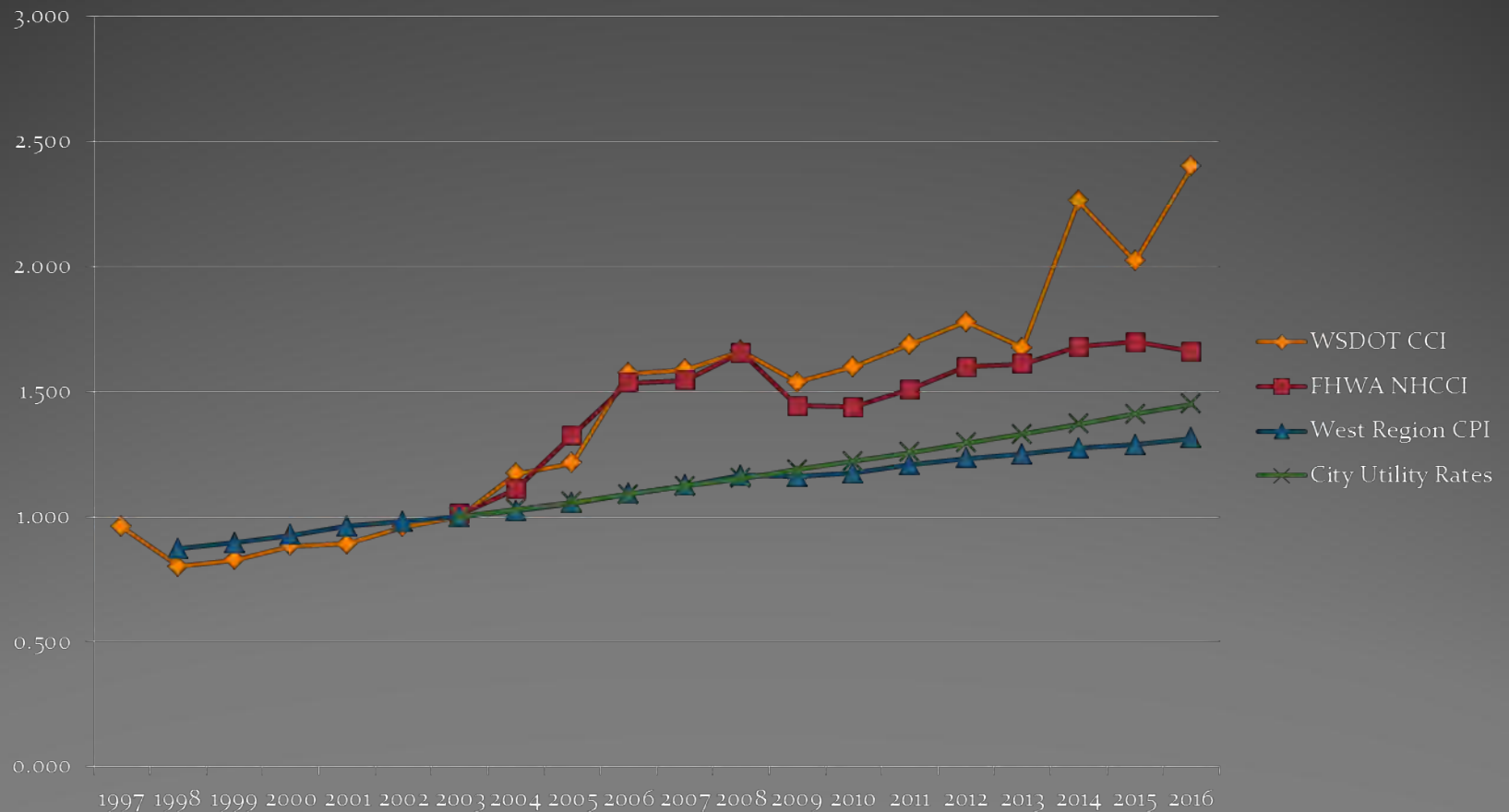
- Covers 89% of the total population
 - *Food, clothing, shelter, fuels, transportation fares, medical services, drugs and other goods and services for day-to-day living.*

City Utility Rates

- Fixed inflation rate of 2.9%, based on historic trends

Cost Indices

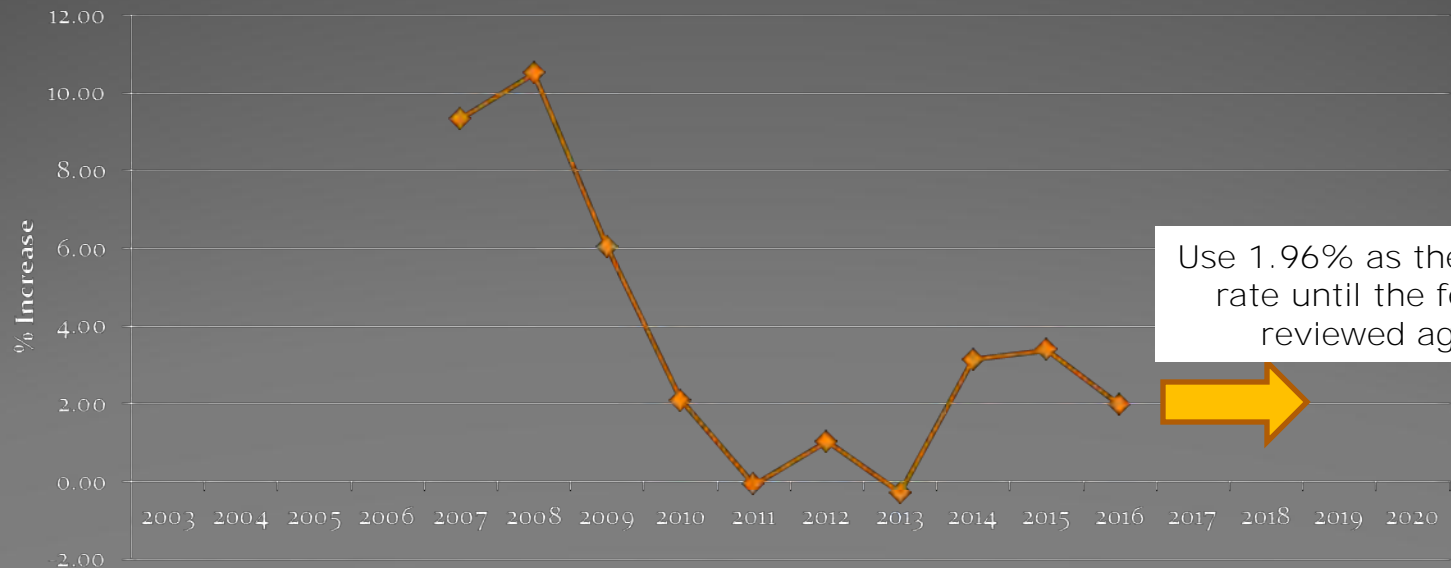
Cost Trends



Cost Index Recommendation

Update to code to specify that the rate increase happens January 1st.

FHWA NHCCI
Rolling 5-year Average %



Time Limit on Use of Fees

RCW.82.02.070(3)(a)

In 2011 state law allowed required expenditure of impact fees within 6 years.

This was revised to 10 years, but our city code still says 6 years.

Need to update city code to match state law.

Frequency to review fees

SMC 17D.075.140

Says “shall be reviewed by the city council as it may deem necessary and appropriate every two years”

Recommend changing this to a longer time frame, approximately 4-6 years.

Housing Recommended Rates

Type	PM Trips per unit	Comments
Single Family	1.0	No change
Apartments	0.62	Removed low and medium-rise apartments, combined into one rate
Condo / Townhouse	0.52	Separated from Apartments (owner vs. rental)
Low-income Multi-Family	0.40	Average from PSRC and Los Angeles studies

Low-income Housing Reduced Rate

- *WA State's Low Income Housing Tax Credit*
- *City of Spokane's HOME program*
- *WA State Housing Trust Fund*
- *HUD Project-Based Voucher Program*
- *similar programs per staff review*



Land Use Revisions

Additions –

- *Fast Casual restaurant*
- *Mini-Storage*
- *Veterinary Clinic*



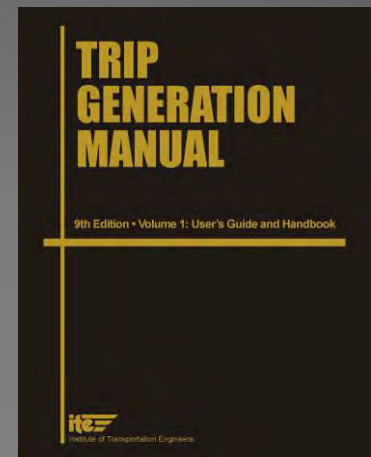
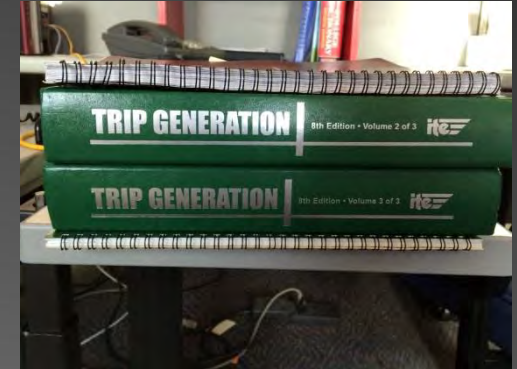
Land Use Revisions

Deleted –

- *Video Rental store*

Updated -

- *School rates now use GFA instead of students*
- *Revised all rates per 9th Edition of ITE Manual*



Land Use Revisions

College/University Rates

Assignable Square Feet – the sum of all areas of a building assigned to an occupant or specific use. Can be classroom, labs, offices, study facilities, special use, support, health care, residential. Areas defined as building service, circulation, mechanical are not included.

WSU ratio of 1 student FTE / 337 Assignable Sq Ft

Land Use Revisions

College/University Rates

Trip Generation Rates

- *Junior/Comm College = 0.12 PM trips/student*
- *University/College = 0.17 PM trips/student*
- *Use average of 0.15 PM trips/student*

Combined with floor area data

Rate = 0.000445 PM trips/Assignable Square Feet

Land Use Revisions

Elementary School

School	Students	Gross Sq Ft	Students/Sq Ft
Adams	351	42,210	0.0083
Arlington	612	56,292	0.0109
Audubon	422	52,365	0.0081
Balboa	353	36,871	0.0096
Bemiss	552	54,372	0.0102
		*Average	0.0089

**The average rate represents all District 81 elementary schools.*

- *ITE Elementary School = 0.15 PM trips/student*
- *Average of 0.0089 students/Gross Sq Ft*
- *Rate = 0.0013 PM trips / Gross Sq Ft*

Land Use Revisions

Middle School

School	Students	Gross Sq Ft	Students/Sq Ft
Chase	724	112,586	0.0064
Garry	577	106,426	0.0054
Glover	609	108,040	0.0056
Sacajawea	786	112,613	0.0070
Salk	726	142,861	0.0051
Shaw	583	112,613	0.0052
		Average	0.0058

- *ITE Middle School = 0.16 PM trips/student*
- *Average of 0.0058 students/Gross Sq Ft*
- *Rate = 0.00093 PM trips / Gross Sq Ft*

Land Use Revisions

High School

School	Students	Gross Sq Ft	Students/Sq Ft
North Central	1351	273,785	0.0049
Lewis & Clark	1792	264,626	0.0068
Ferris	1716	271,724	0.0063
Rogers	1511	263,742	0.0057
Shadle Park	1305	274,975	0.0047
		Average	0.0057

- *ITE High School = 0.13 PM trips/student*
- *Average of 0.0057 students/Gross Sq Ft*
- *Rate = 0.00074 PM trips / Gross Sq Ft*

Fee Calculation

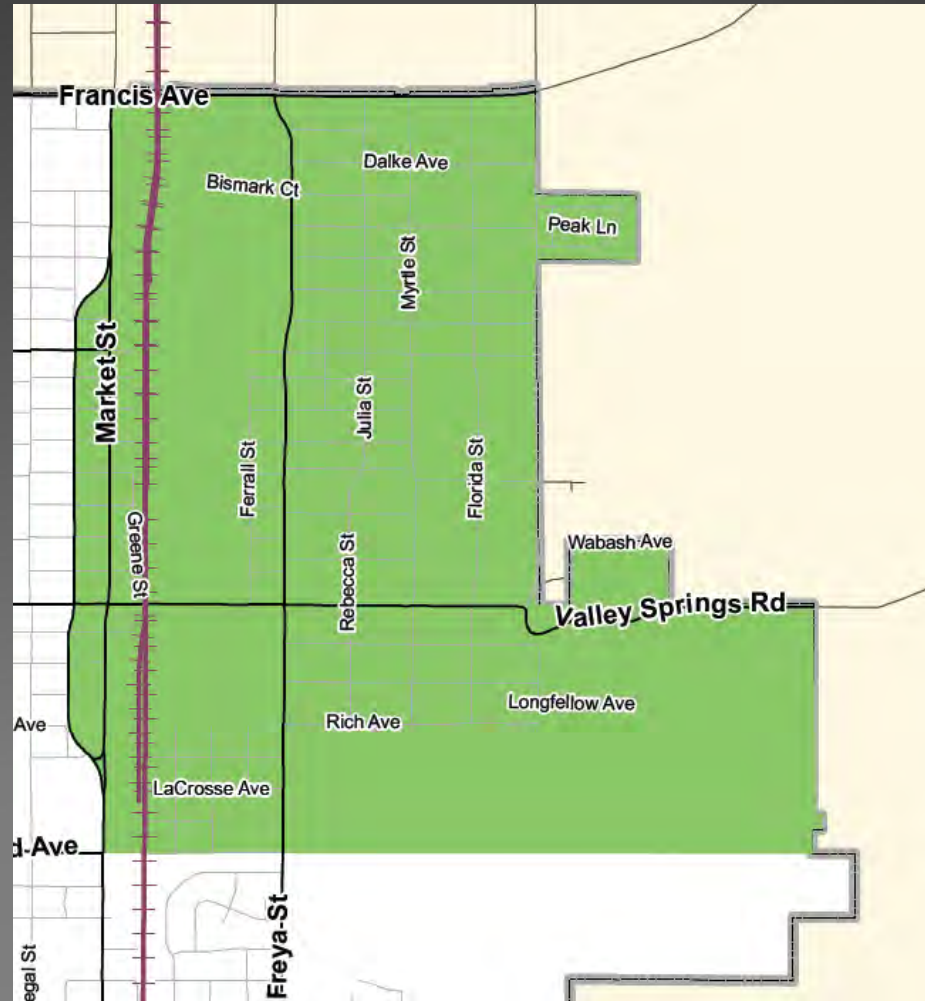
$$\text{Base Fee} = \frac{\text{Project Costs}}{\text{Trip Ends}} * \text{Developer \%}$$

Definitions:

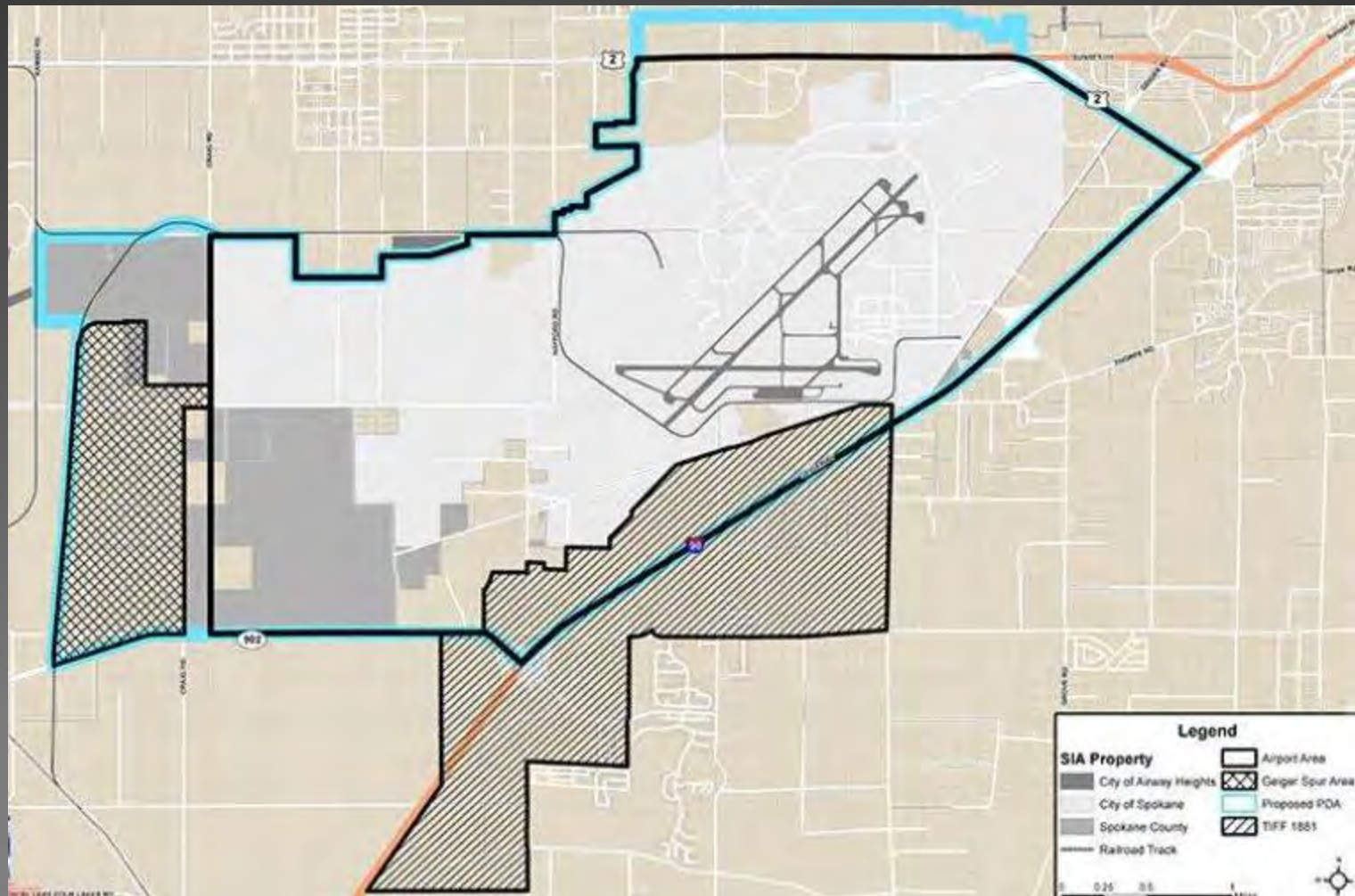
Trip Ends – growth in PM peak trips over 20 years from SRTC model.

Developer % = Share of costs assigned to developers vs. city or grant funds. (currently 40%)

NEPDA Investment



Airport PDA Investment



PDA Investment

- *Additional city funding to subsidize impact fees in Northeast and Airport Public Development Authorities.*
- *Approximately \$300,000 / year / PDA*
- *Will reduce or eliminate fees for certain development projects within those PDAs.*
- *Applies only to industrial or manufacturing type development.*

Draft Project List

Downtown

5th Ave / Sherman St	Intersection - Install new traffic signal
Downtown Bike Share	Paid bike share program
Ash Street 2-way from Broadway to Dean	Convert Ash Street to a 2-way street to allow access to Maple Street Bridge SB.
D Bicycle Improvements	stripe bike facilities on arterials
D Pedestrian Improvements	install pedestrian facilities on arterials

Downtown 5th/Sherman



Downtown Bike Share



Downtown Ash Street 2-Way

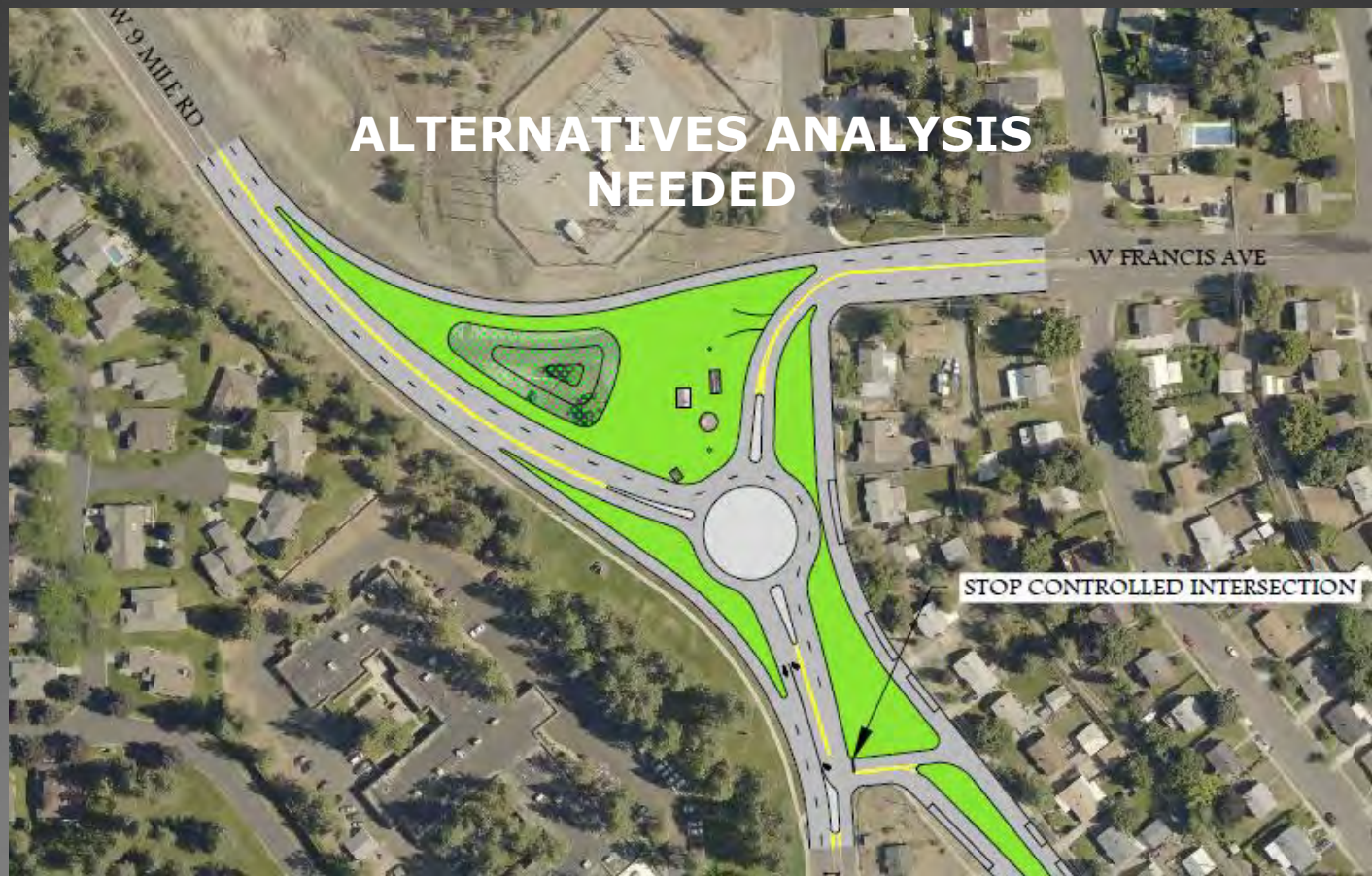


Draft Project List

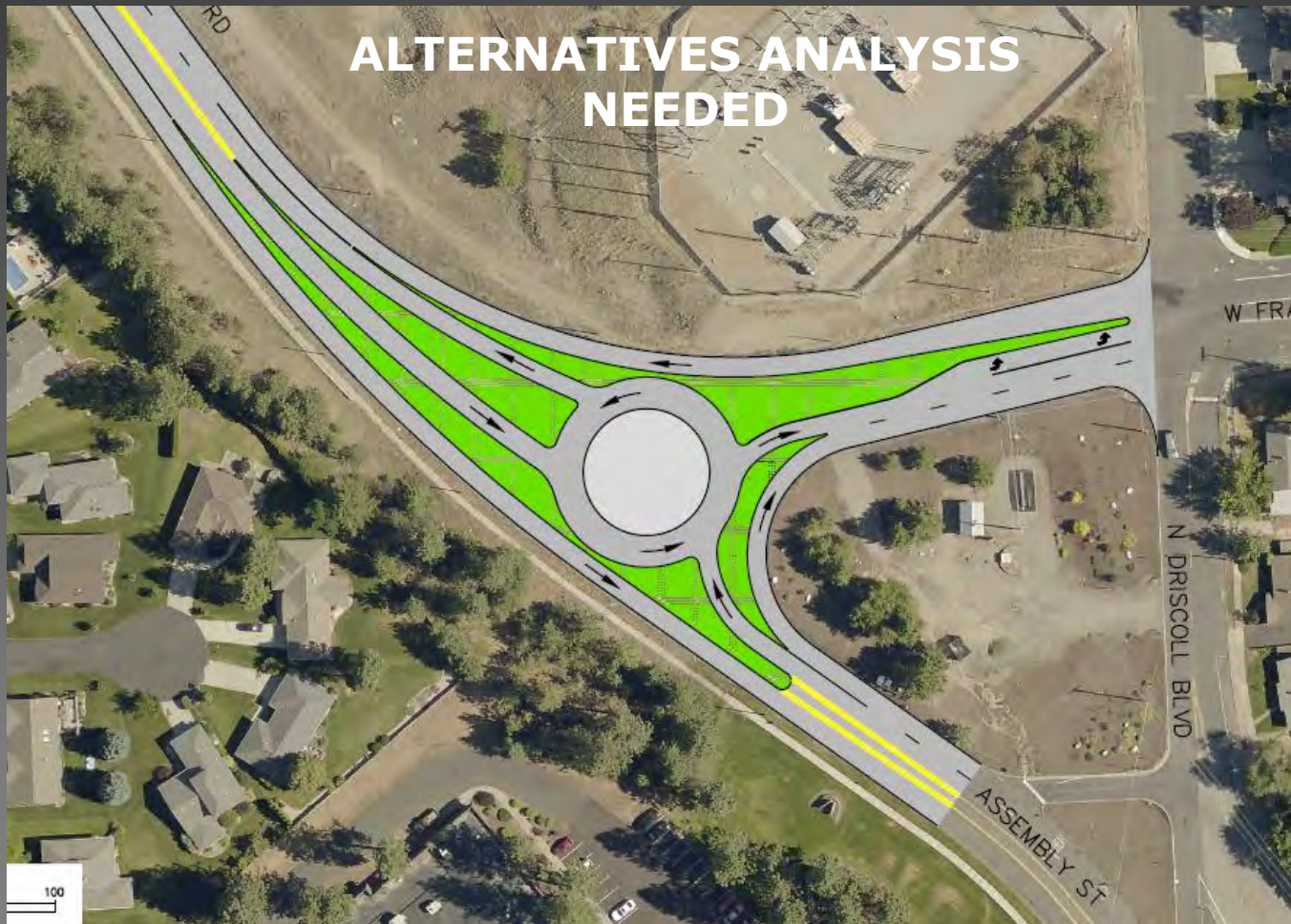
Northwest

Assembly St / Francis Ave (SR291)	Intersection - Construct Roundabout
Indian Trail Rd - Kathleen to Barnes	Widening - Construct to 5-lane section
Wellesley / Driscoll	WB right turn lane
Wellesley / Assembly	Signal
Wellesley / Maple	WB thru pocket, NB right turn lane
Francis/Alberta	modify NB and SB lanes to allow protected phasing
Francis/Maple	add WBR lane
NW Bicycle Improvements	stripe bike facilities on arterials
NW Pedestrian Improvements	install pedestrian facilities on arterials

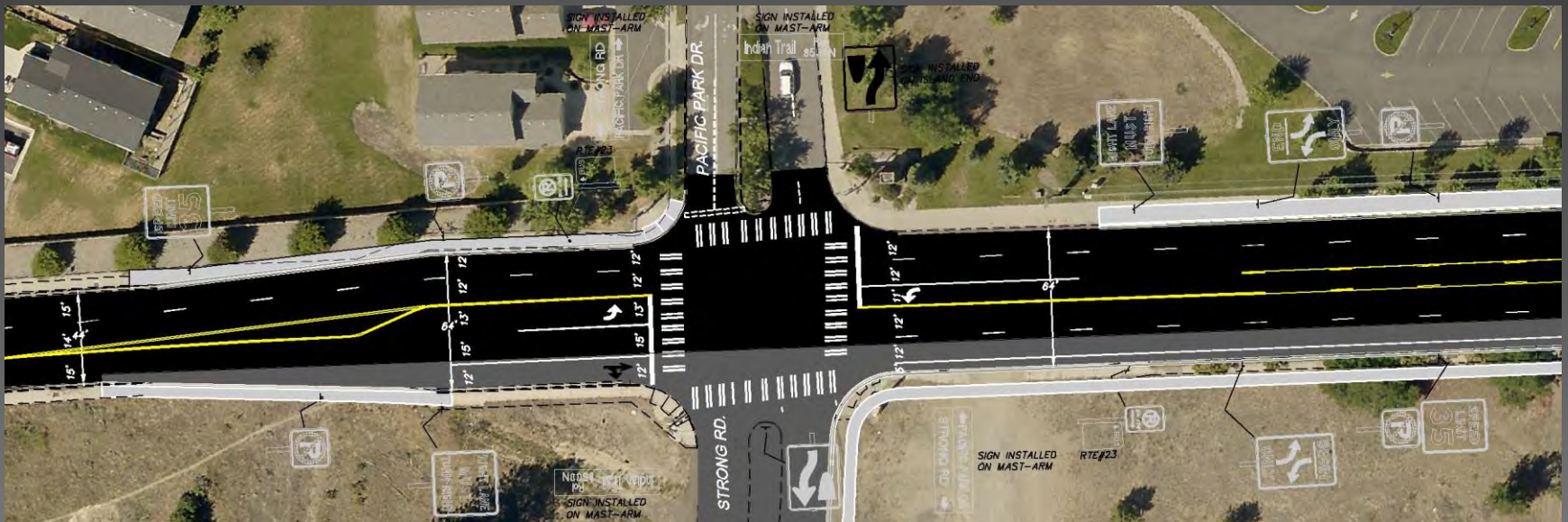
Northwest Francis/9 Mile/Assembly



Northwest Francis/9 Mile/Assembly



Northwest Indian Trail



Northwest Wellesley / Driscoll



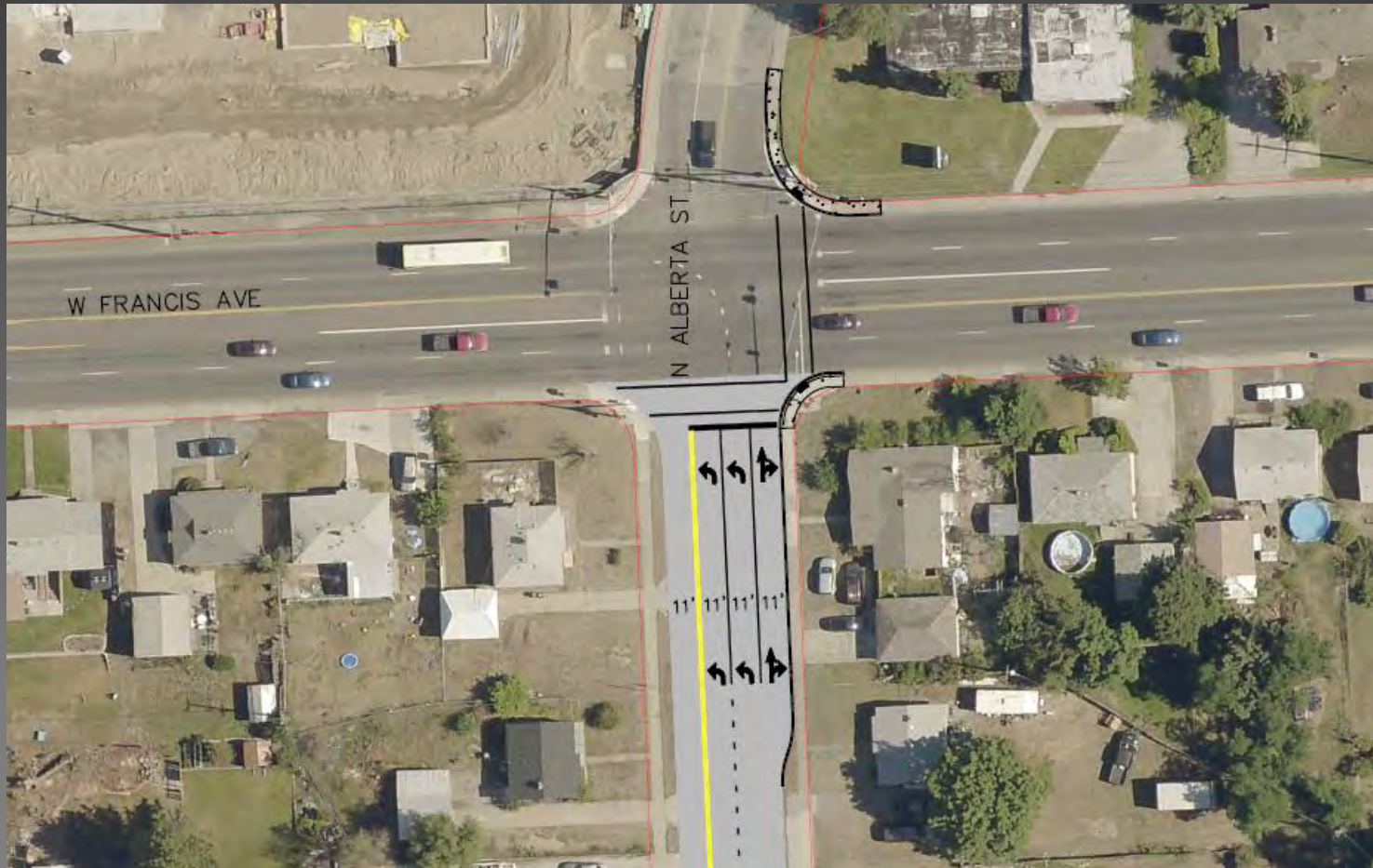
Northwest Wellesley/Assembly



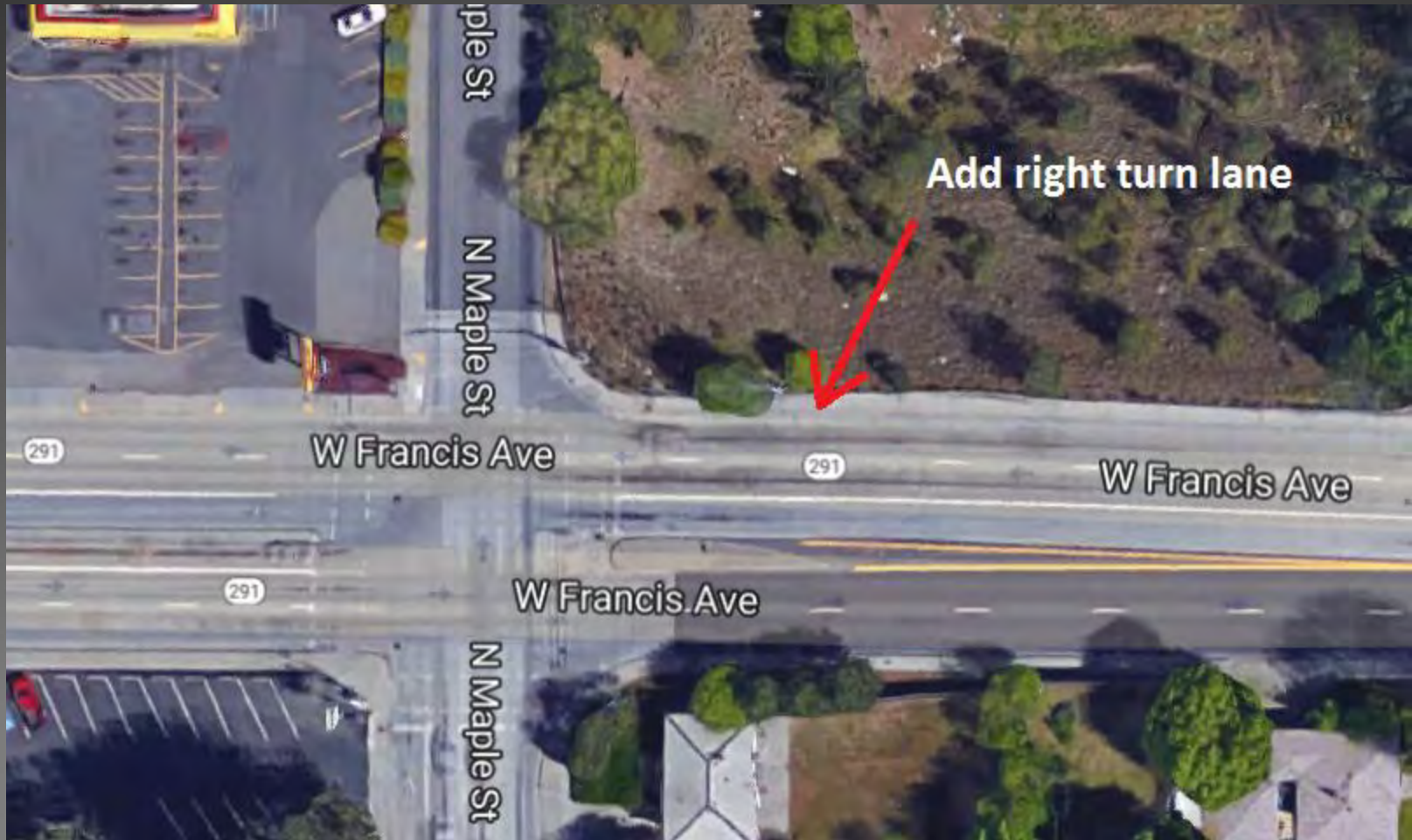
Northwest Wellesley/Maple



Northwest Francis/Alberta



Northwest Francis/Maple

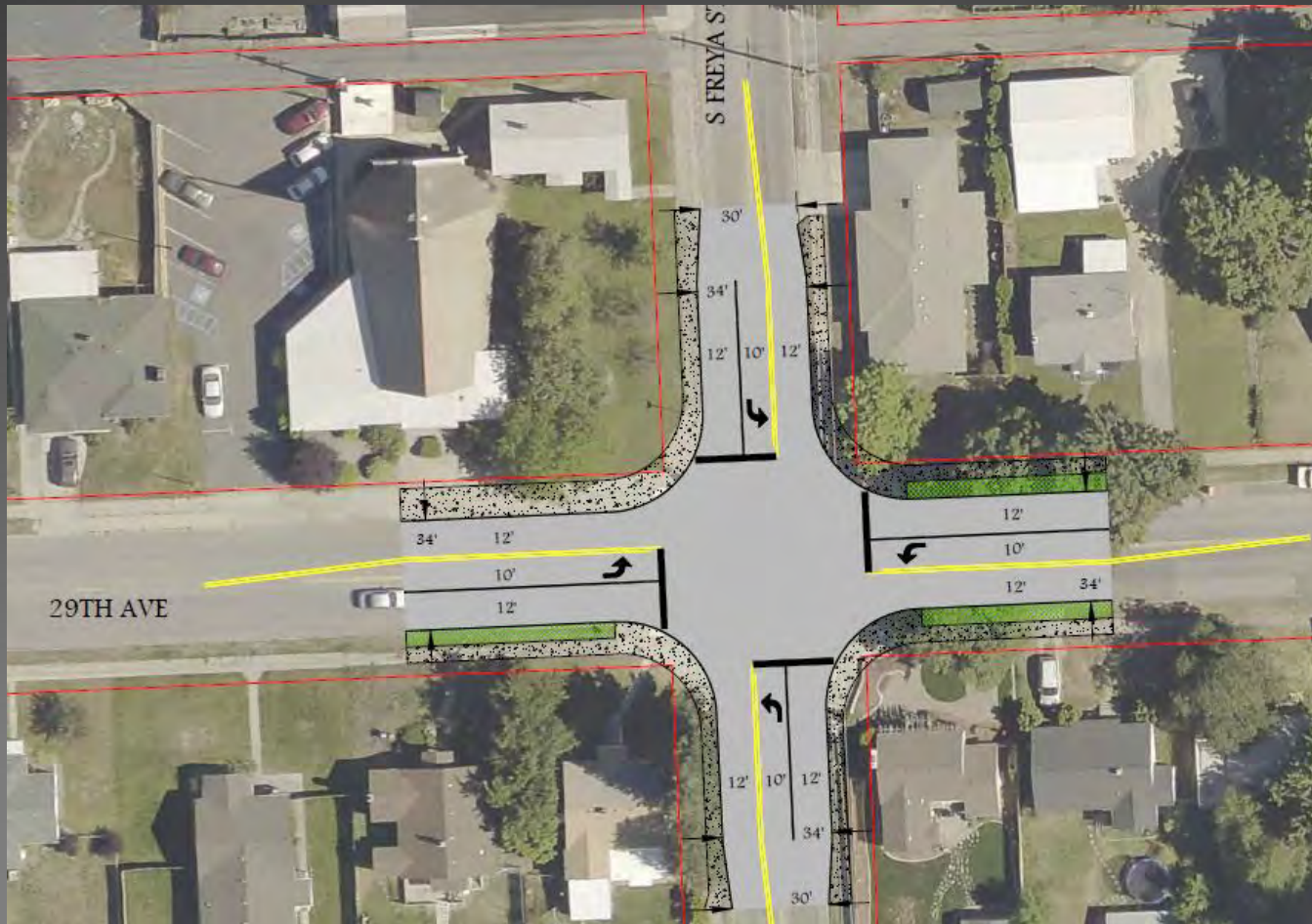


Draft Project List

South

29th Ave / Freya St	Stripe EBL and WBL turn lanes, and widen for NB and SB left turn lane. Keep 4-way stop.
29th Ave TWLTL	add TWLTL between Pittsburg and Lee
29th / Regal	Intersection improvements, EBR turn lane, maybe left turns
Ray-Freya Alternative	<i>Placeholder for after alternatives analysis, may include intersection improvements at 37th/Freya and 37th/Ray</i>
44th Ave from Crestline to Altamont	new collector road section
44th/Regal	Widen northbound approach to 2 lanes
Freya / Palouse Hwy	roundabout or turn lanes
Sunset Hwy / Assembly	signal
US 195 Frontage from 16 th to Thorpe	2-3 lane frontage road
US 195 / Meadowlane	Interim intersection improvements
S Bicycle Improvements	stripe bike facilities on arterials
S Pedestrian Improvements	install pedestrian facilities on arterials

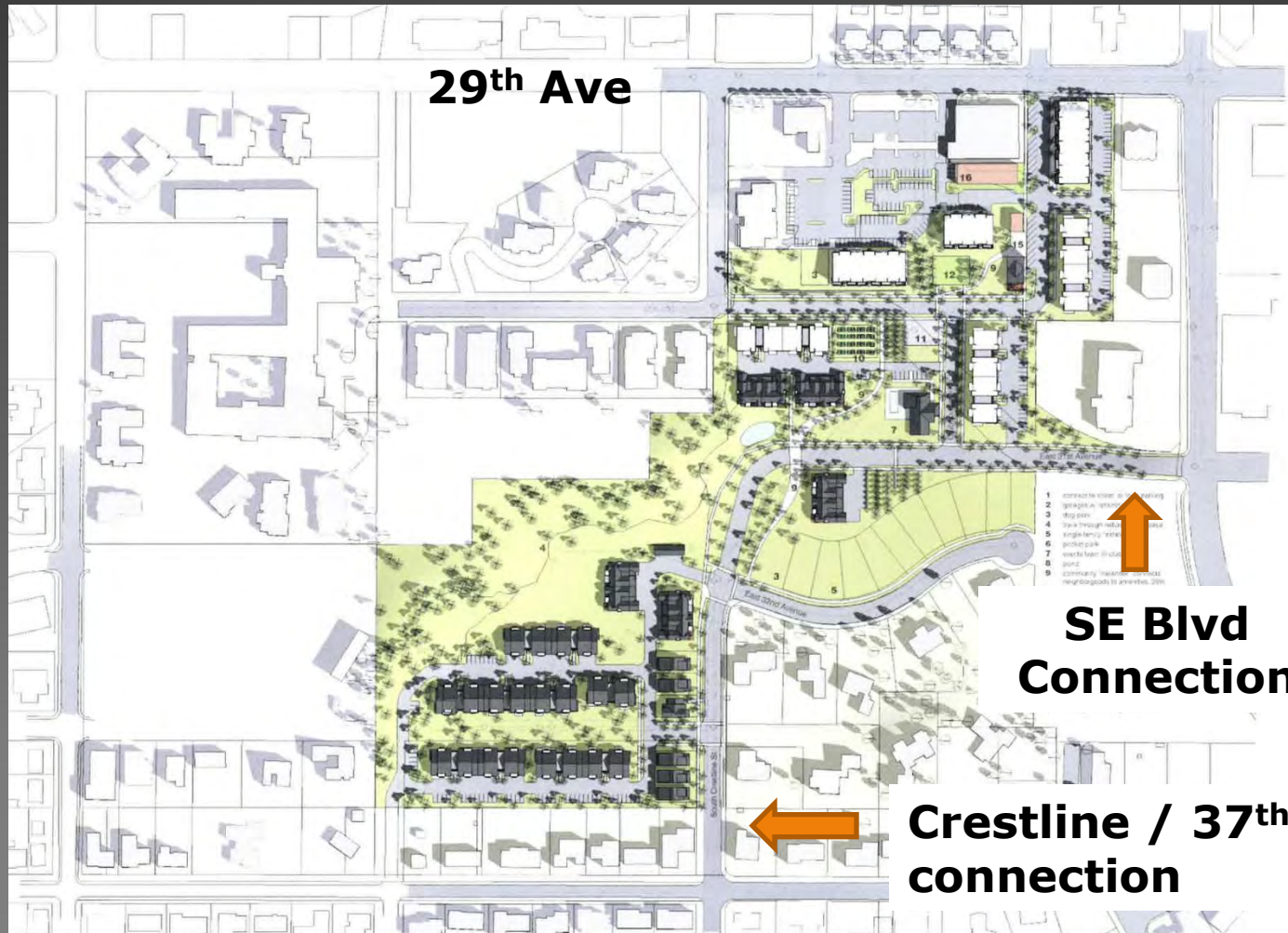
South 29th / Freya



South 29th Ave TWLTL



South 29th Ave TWLTL



South 44th / Regal



South Ray-Freya Alternative



**ALTERNATIVES
ANALYSIS** to look at
the crossover and
other options to
improve traffic
circulation in this
area.

South 44th Ave Connection



South Palouse/Freya Roundabout



South Sunset/Assembly



South US 195 Frontage: 16th to Thorpe



South US 195 / Meadowlane



Draft Project List

Northeast

Lincoln Rd / Nevada St	Intersection Improvements - Construct separate eastbound and westbound left-turn lanes; include west leg widening and construction of 5-lane east of Nevada 1000'
Hamilton St Corridor - Desmet Ave to Foothills Ave	Segment Improvements - Construct traffic signal modifications to accommodate protected or protected/permitted signal phasing. New signal or HAWK at Desmet.
Market/Wellesley improvements	Add EBL turn lane, NBR turn lane, rebuild signal to allow protected EB lefts
Haven/Wellesley improvements	Add WBL turn lane, rebuild signal to allow protected WB lefts
Mission/Havana	signal
Crestline / Magnesium	add EBR turn lane, two lanes for NB, all-way stop.
Nevada / Magnesium	left turn protected-permitted phasing, restripe for WBL and EBL turn lanes, add WBR, one through lane east-west, maybe ROW on NE corner
NE Bicycle Improvements	stripe bike facilities on arterials
NE Pedestrian Improvements	install pedestrian facilities on arterials

Northeast Nevada/Lincoln



Northeast Market/Haven/Wellesley



Northeast Mission/Havana



Northeast Crestline/Magnesium



Northeast Nevada/Magnesium



Northeast Sprague/Freya



Draft Project List

West Plains

US 2 / Deer Heights Intersection	roundabout
21st Avenue: Deer Heights to Flint/Granite	segment - construct new 3-lane arterial
Deer Heights Road: south end to 18th/21st	segment - construct new 2-lane arterial
12th Avenue: Deer Heights to Flint/Granite	segment - construct new 2-lane arterial
W Bicycle Improvements	stripe bike facilities on arterials, US 2 bike path
W Pedestrian Improvements	install pedestrian facilities on arterials, US 2 bike path

Recommended First Projects



West Plains 18th-21st Avenue



West Plains 12th Avenue



Project Timeline

Impact Fee Committee Mtg #1 – July 26th 2017

Impact Fee Committee Mtg #2 – Sept 6th 2017

Impact Fee Committee Mtg #3 – Oct 4th 2017

West Plains Open House – Oct 24th 2017

Impact Fee Committee Mtg #4 – Nov 1st 2017

PCTS Meeting #1 – Nov 7th 2017

Impact Fee Committee Mtg #5 – late Nov 2017

PCTS Meeting #2 – Dec 5th 2017

Plan Commission Workshop – Dec 13th 2017



Plan Commission Workshop– Jan 10th 2018

Project Timeline



Plan Commission Workshop – Jan 10th 2018

Plan Commission Workshop (if needed) – Jan 24th 2018

Plan Commission Hearing – Feb 14th 2018

City Council Workshop – late Feb 2018

City Council adoption – March 2018

SEE AGENDA PART 2 FOR PRESERVATION/DEMOLITION ORDINANCE

BRIEFING PAPER
Historic Preservation & Demolition Ordinance –
PUBLIC HEARING
Spokane Plan Commission
January 10, 2018

Subject:

An ordinance enhancing protections for historic landmarks and districts, as well as providing increased incentives and new funding for historic preservation; repealing chapter 17D.040; enacting a new chapter 17D.100; amending sections 17G.010.210, 08.02.031, 08.02.065, and 08.10.230, and enacting a new section 07.08.151 of the Spokane Municipal Code.

Background:

Spokane is experiencing a period of dramatic growth, construction, and redevelopment. This activity is fundamentally changing certain aspects of the city's diverse architectural character, which reflects Spokane's rich history. Everything from the city's infrastructure to some of its older, most historic buildings are being rehabilitated and repurposed, and these changes are phenomenal. Unfortunately, many of our historic buildings are also quickly being demolished in favor of parking lots and new developments that often do not reflect the historic and architectural character of the neighborhoods and districts in which they once stood.

This ordinance intends to protect Spokane's architectural heritage and the many public benefits that it provides to the community. The city's architectural history has helped make Spokane a leading travel destination in the Intermountain Northwest. This is one of the many features that attract tourists, business conventions, and other events and groups, and each provides an influx of dollars into our local economy. In addition, the architectural heritage that can be strongly felt in many of our city's neighborhoods also creates a sense of place that brings our local communities together, strengthens bonds between neighbors, and creates a sense of familiarity and security. Municipal law must protect these communal and economic benefits by promoting historic preservation from undue demolition. This aligns seamlessly with the City's Comprehensive Plan "Preservation" goal to preserve and protect Spokane's significant historic structures, neighborhoods, and sites.

Impact:

The proposed ordinance makes numerous improvements to current law; most notably, it would:

- Create a process for designating historic districts on the Spokane Register (whereas current law only contains a process for designating single historic landmarks), and creates a process for property owners in the proposed district to appeal that designation
 - Create a more thorough and, at times, restrictive process by which the appropriateness of demolition of historic buildings and buildings in historic districts may be determined
 - Eliminate provisions from current law that creates an exemption for historic structures to be demolished in order to provide parking space for an historic structure undergoing rehabilitation on an adjacent parcel
 - Give the Historic Landmarks Commission authority to conduct design review on structures replacing demolished historic landmarks, and to place property management standards on lots left vacant by the demolition of an historic structure
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- Add more clear criteria for determining whether adherence to the provisions of the ordinance for a given historic landmark or contributing building within an historic district would burden the property owner with an economic hardship and would thus be exempted from the ordinance, to be used by the ad hoc committee charged with making such determinations
- Create three new economic incentives to promote historic preservation, which are:
 - A façade improvement grant to help fund improvements to the street-facing façades of historic landmarks or contributing buildings within an historic district
 - A pilot sidewalk improvement grant project that would help fund improvements and repairs to sidewalks adjacent to property upon which an historic landmark or contributing building within an historic district sits
 - An extension of the “Urban Utility Installation Program” to include historic landmarks and contributing buildings within an historic district for an indefinite amount of time by amending SMC 08.10.230

Significant Revisions from Draft Presented December 13, 2017:

- **17D.100.100**
 1. Concern: Needs to be a more formal process for property owners to participate in the creation of a local Historic District
 2. Revision: Addition of a more formal petition process as for property owners to consent to the creation of an Historic District, as opposed to the written consent process, which allowed written consents to be submitted to HPO in a variety of forms
- **17D.100.110**
 1. Concern: The title of a property located in an Historic District needs to signify that the property is located therein, and, therefore, is subject to the district’s adopted management standards and design review process
 2. Revision: Addition of a provision that requires that a notice of management standards be recorded and reflected on the title of a property located within an Historic District
- **17D.100.230**
 1. Concern: In order for some historic preservation development projects to work, some non-historically significant aspects of historic buildings might need to be torn down; the law should account for this
 2. Revision: Addition of language that authorizes HPO to attach a condition to a certificate of appropriateness that allows for demolition limited to non-historically significant aspects of a structure

Action:

Request that the Commission vote to recommend the Ordinance go forward for Council action.

ORDINANCE NO. C-_____

An ordinance enhancing protections for historic structures and districts; repealing chapter 17D.040; enacting a new chapter 17D.100; amending sections 17G.010.210, 08.02.031, 08.02.065, and 03.01A.320; and enacting a new section 07.08.151 of the Spokane Municipal Code.

WHEREAS, Spokane is rich in history, including a large number of historic buildings and structures throughout the city, all of which help ensure our city is distinctive, attractive, and vibrant; and

WHEREAS, a strong set of historic preservation protections are therefore necessary to implement our comprehensive plan so that we can fulfill our goal to “[r]ecognize and preserve unique or outstanding landmark structures, buildings, and sites” (Comprehensive Plan Goal DP 1.1); and

WHEREAS, the comprehensive plan requires that the city “[u]tilize design guidelines and criteria for sub-areas and historic districts that are based on local community participation and the particular character and development issues of each sub-area or historic district” (Goal DP 2.7); and

WHEREAS, the city’s comprehensive plan states the city’s intentions to “[e]stablish historic preservation as a high priority within city programs” (Goal DP 3.1), “[i]dentify historic resources to guide decision making in planning” (Goal DP 3.3) and “[m]aintain and utilize the expertise of the Landmarks Commission in decision making by the City Council, City Plan Commission, City Parks Board, and other city agencies in matters of historic preservation” (Goal DP 3.5), all of which are accomplished by this historic preservation code update; and

WHEREAS, the city seeks to “[p]rovide incentives to property owners to encourage historic preservation” (Goal DP 3.9) and “[a]ssist and cooperate with owners of historic properties to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives” (Goal DP 3.11) as well as “[e]ncourage the deconstruction and reuse of historic materials and features when historic buildings are demolished.” (Goal DP 3.12); and

WHEREAS, because our neighborhoods are one of our finest assets, the city strives to “[a]ssist neighborhoods and other potential historic districts to identify, recognize, and highlight their social and economic origins and promote the preservation of their historic heritage, cultural resources, and built environment.” (Goal DP 3.13); and

WHEREAS, protecting historic landmarks and historic districts implements our recently-established strategic planning goals by increasing our social capital, building on the strengths of our neighborhoods and urban experience, strongly supporting our cultural heritage and fabric and, most importantly, extending our own distinctive urban

advantage and experience, by “[p]romoting significant growth that connects people to place and builds upon cultural, historic, and natural resource assets”; and

WHEREAS, the City of Spokane’s historic preservation ordinance is in need of amendment to clarify and update the protections for historic properties and districts, as shown by the experiences of the community and the historic landmarks commission in recent years, particularly with respect to the process for establishing historic districts; and

WHEREAS, the City Council intends to update the historic preservation ordinance to provide more tools to the landmarks commission and the historic preservation officer so that we can more effectively protect our historic properties, districts, and neighborhoods, while protecting property rights and enabling new development in ways and locations that implement our comprehensive and strategic plans.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That chapter 17D.040 of the Spokane Municipal Code is hereby repealed in its entirety.

Section 2. That there is enacted a new chapter 17D.100 of the Spokane Municipal Code to read as follows:

Chapter 17D.100 Historic Preservation
Section 17D.100.010 Purposes

- A. The City recognizes that the maintenance and preservation of historic landmarks and historic districts benefits all people in Spokane, and provides a general benefit to the public by preserving our City’s history and unique culture.
- B. By creating standards for the designation and protection of historic landmarks and historic districts, the City intends to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County as a public necessity. The intent of this ordinance is to keep qualifying historic buildings in use through their listing on the Spokane Register of Historic Places; incentivize rehabilitation; review changes to historic properties; and promote preservation in all neighborhoods, in balance with property rights protections under Washington law.

Section 17D.100.015 Applicability

- A. This chapter applies to actions of the Spokane City/County Historic Landmarks Commission, and to properties located in the City of Spokane and in unincorporated areas of Spokane County.
- B. For purposes of this chapter, “Council” refers to the Spokane City Council and “Board” refers to the Spokane County Board of Commissioners.

Section 17D.100.020 Historic Landmarks and Districts – Designation

- A. Generally a building, structure, object, site or district which is more than fifty (50) years old or determined to be exceptionally significant in an architectural, historical or a cultural manner may be designated an historic landmark or historic district if it has significant character, interest, or value as a part of the development, heritage or cultural characteristics of the city, county, state or nation. The property must also possess integrity of location, design, materials, workmanship and association and must fall into one or more of the following categories:
 - 1. Property is associated with events that have made a significant contribution to the broad patterns of the history of the city, county, state or nation; or
 - 2. Property is associated with the lives of persons significant in the history of the city, county, state or nation; or
 - 3. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction;
 - 4. Property has yielded, or is likely to yield, information important in prehistory or history; or
 - 5. A property that represents the culture and heritage of the city of Spokane in ways not adequately addressed in the other criteria, as in its visual prominence, reference to intangible heritage, or any range of cultural practices.
- B. An area within Spokane may be designated as an Spokane Register Historic District according to the process described in SMC 17D.100.030 – 17D.100.110.

Section 17D.100.030 Historic Landmarks and Historic Districts – Submittal Process

- A. An application for the designation of a property or district as an historic landmark or historic district as provided in this chapter shall be submitted to the historic

preservation officer (“HPO”) on a standard form made available by the HPO. The application may be submitted by the property owner(s) or a designated agent of the property owner(s).

- B. With respect to historic landmark applications, when the HPO is satisfied as to the completeness and accuracy of the information, the nomination is referred within thirty (30) days of the receipt of the application to the historic landmarks commission (“commission”) for a hearing. Fourteen (14) days prior to the commission hearing, the HPO transmits to commission members copies of the nominations of properties to be considered for designation.
- C. In the case of historic districts, the HPO will submit (i) proposed management and design standards for the district as a whole; and (ii) the nomination document which delineates all contributing resources and non-contributing resources within the district, to the owners of property within the boundaries of the proposed historic district for their consideration and review for a sixty (60) day period. If the requisite number of consents are received according to SMC 17D.100.100, the HPO schedules the application for a hearing before the commission.
- D. Notice.
 - 1. Once the nomination is scheduled for a hearing, the HPO notifies the owner(s) of the nominated property in writing by first-class mail and by publication in a newspaper of general circulation of the date of the hearing and of the benefits and conditions which may result from designation.
 - 2. Notice of the hearing on proposed historic landmarks shall be sent at least fourteen (14) days before the hearing. Notice of the hearing on proposed historic districts shall be sent at least thirty (30) days prior to the date of the hearing.

Section 17D.100.040 Procedure – Preliminary Designation

- A. Public hearings of the commission are publicly advertised. Staff causes notice, containing the time, place and date of the hearing and a description of the location of the property in nonlegal language, to be mailed to all property owners of record, and in the case of a proposed historic district, to the owners of property within the proposed historic district, by publication in a newspaper of general circulation, and to be advertised in the legal newspaper of the board or council, as appropriate, at least fourteen (14) days prior to the hearing.
- B. At a publicly advertised hearing, the commission takes testimony concerning the nomination and formulates a recommendation as to the designation. The commission may decide to:

1. recommend approval of designation of the property or district to the council or board as appropriate; or
2. recommend denial of designation of the property or district to the council or board as appropriate; or
3. defer the consideration of the nomination to a continued public hearing, if necessary.

Section 17D.100.050 Procedure – Findings of Fact

After the hearing, the commission enters findings of fact with reference to the relevant designation criteria. These findings of fact are forwarded, along with the recommendation, to the council or the board, as appropriate.

Section 17D.100.060 Procedure – Notification of Results

- A. The commission shall, within five (5) days of the preliminary designation, provide notice to the owner(s), and City and County agencies, of the following:
 1. The designation decision and the reasons therefor;
 2. the necessity, once the designation becomes final, of applying for a certificate of appropriateness for any action which would alter the property(ies);
 3. any responsibilities the owner(s) may have in regard to certificates of appropriateness; and
 4. any incentives which may be available for the maintenance, repair, or rehabilitation of the property.
- B. The commission is also required to review nominations to the National Register of Historic Places (“NRHP”) as part of its duties as a certified local government. Upon approval or denial of a national nomination, the HPO advises the state historic preservation officer of the action taken in accordance with the rules of the “certified local government” program.

Section 17D.100.070 Procedure – Council or Board Action

- A. Once a preliminary designation is made, the owner and the HPO shall negotiate a management standards agreement for the property. Upon agreement, the management agreement is forwarded to the council or board, as appropriate for consideration.
- B. The council or the board, as appropriate, must act on the recommendation of the commission within thirty (30) days of receiving a copy of the agreed management standards. A final designation decision may be deferred for consideration at another public hearing. Once a final decision is made, the city clerk, board clerk,

or their designee, notifies the commission, property owner(s) and affected City and County agencies.

Section 17D.100.080 Procedure – Appeal of Preliminary Designation

- A. The commission's recommendation may be appealed to the Hearing Examiner by filing with an appeal with the Hearing Examiner's office with a copy to the HPO.
- B. An appeal may only be filed (i) by an owner of record whose property is the subject of the preliminary designation decision or, (ii) in the case of historic district designations, on petition of at least 25% of the owners of property located within the proposed historic district.
- C. An appeal filed under this section may only be accepted if it is filed within ten (10) days of the execution of the findings of fact set forth in SMC 17D.100.050.
- D. An appeal filed under this section must state the grounds upon which the appeal is based, such as procedural irregularities or a clear error of law.
- E. Appeals filed pursuant to this section are reviewed by the Hearing Examiner on a closed record; that is, in rendering a decision, the Hearing Examiner may only take into consideration the written record of the commission's deliberations, factual findings, and preliminary designation. No additional evidence shall be considered by the Hearing Examiner on appeal.
- F. The Hearing Examiner may either affirm the preliminary designation or remand the matter to the commission for further proceedings.

Section 17D.100.090 Procedure – Appeal of Council or Board Action

Action of the council or the board may be appealed to the superior court.

Section 17D.100.100 Property Management and Design Standards – Agreement or District Consent

~~A.~~A. In the case of individual properties, in order for the preliminary designation to become final and the property to be designated as an historic landmark, the owner(s) must enter into appropriate management standards as recommended by the commission for the property under consideration. If the owner does not enter into a management agreement, the preliminary designation does not become final and the property is not listed on the Spokane historic register.

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~~B. B.~~ The proposed management and design standards shall only be effective if a majority of the owners of properties located within the boundaries of the proposed historic district ~~submit written consents~~ sign a petition, on a form prescribed by the HPO, seeking the formation of the proposed historic district, under -to be bound by the management standards applicable to ~~for~~ the district as a whole, within the sixty (60) day consideration-review period. Following the expiration of the sixty (60) day consideration period, the HPO shall report to the commission concerning the number of properties within the proposed district and the number of signatures contained on the petition ~~written consents received~~. If the HPO determines that the petition contains ~~has received~~ the requisite number of signatures, written consents, the commission shall set the property management and design standards for the district. For purposes of this requirement, "owners of property" includes owners of units within a condominium association. ~~Written consents may be in any written form, such as by letter, email, or a form designated or accepted by the HPO.~~

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~~C. C.~~ If the commission finds that both the requisite number of signatures are present on the petition ~~written consents have been received by the HPO~~ and that the property management and design standards should be set for the district, the historic district shall be designated as such on the official City zoning map by the use of an historic district overlay zones. Non-contributing resources within the overlay zone are subject to administrative review for significant alterations and demolition, including the resulting replacement structures, consistent with the requirements of the management and design standards. No less than every five (5) years, the commission shall review and consider amendments to the management and design standards for each district established under this section.

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Section 17D.100.110 Procedure – Final Designation of Landmarks and Districts

- A. After a management agreement is executed and approved by the City Council, or, in the case of districts, set by commission action, final designation is made, the property or district is placed upon the Spokane register of historic places, and, for individual properties, a notice of the management agreement shall be recorded so as to be reflected in a title search for the property. In the case of districts, the Hhistoric ~~overlay~~ district overlay zone designations shall be confirmed by ordinance.
- B. If the commission and the owner(s) cannot agree on management standards, no management agreement is entered into between the parties, the preliminary designation does not become final, and the property is not placed on the Spokane register of historic places.

Section 17D.100.200 Certificates of Appropriateness – When Required

- A. A certificate of appropriateness is required prior to the issuance of any permit for the following activities:

1. Demolition of a Spokane Register historic landmark or a contributing resource located within an historic district (National or Spokane Register);
 2. Relocation of an historic landmark or a contributing resource located within an historic district;
 3. any work that affects the exterior appearance of an historic landmark;
 4. any work that significantly affects the street-facing façade of a building located within an historic district; and
 5. development or new construction located within the designated boundaries of an historic district.
 6. The HPO may administratively approve certificate of appropriateness applications for non-contributing resources within historic districts in consultation with the Design Review Committee of the Commission.
- B. The HPO may exempt ordinary repairs and maintenance from the permit requirements of this section if the work does not involve a change in design, material or exterior treatment or otherwise affect the exterior appearance.

Section 17D.100.210 Certificate of Appropriateness – Procedure

- A. Any application for an action which requires a certificate of appropriateness under this chapter or which may be within the scope of agreed management standards under this chapter must meet minimum submittal requirements established by the HPO. Prior to taking action on the application, the official responsible for processing the application shall request review of the action by the commission. For non-contributing resources within a local register historic district, an administrative approval may be considered.
- B. The requests for review and issuance of a certificate of appropriateness and any supplemental information shall be transmitted by the HPO to the commission, the property owner or applicant, and interested parties of record at least fourteen (14) days prior to the next scheduled meeting of the commission. The review of requests for certificate of appropriateness which may be approved by the HPO are deemed to be ministerial permits. The review of requests for certificates of appropriateness which are approved by the landmarks commission are subject to the timeline and procedures contained in this section.
- C. At its next scheduled meeting, the commission reviews the request and decides whether to issue a certificate of appropriateness. The commission transmits its findings to the applicant. If the commission is unable to process the request, the commission may extend the time for its determination.

D. The commission reviews the request for certificates of appropriateness under the following procedure:

1. The HPO reviews each application, certifies it complete and, within seven (7) days of certification, causes notice of application to be provided. After the notice of application has been given, a public comment period is provided. The purpose of the public comment period is to provide the opportunity for public review and comment on the application. Comments on the application will be accepted at or any time prior to the closing of the record of the open-record public hearing.
2. At the close of the public comment period, the HPO consults with the commission regarding a date and time for public hearing. At least fifteen (15) days prior to the public hearing, the officer causes notice of hearing to be provided.
3. Commission review.
 - a. The HPO makes a written report regarding the application to the commission, ensures that the application is sent to appropriate other City departments, coordinates their review of the application and assembles their comments and remarks for inclusion in the report to the commission as appropriate. The report of the HPO contains a description of the proposal, a summary of the pertinent Secretary of the Interior's Standards for Rehabilitation, findings and conclusions relating to those standards and a recommendation. If the recommendation is for approval with conditions, the report also identifies appropriate conditions of approval. At least ten (10) days prior to the scheduled public hearing, the report is filed with the commission as appropriate and copies are mailed to the applicant and the applicant's representative. Copies of the report are also made available to any interested person for the cost of reproduction. If a report is not made available as provided in this subsection, commission may reschedule or continue the hearing, or make a decision without regard to any report.
 - b. The commission makes a decision regarding the application within ten (10) days of the date the record regarding the application is closed. The time for decision may be extended if the applicant agrees. In making the decision, the commission may approve, approve with conditions, or deny the permit application. The decision is in writing.
4. Within seven (7) days of making the decision, the permit authority causes a notice of decision to be provided.
5. The applicant for a certificate of appropriateness must provide to the commission drawings of the proposed work, photographs of the existing building or structure and adjacent properties, information about the building materials to be used, and any other information requested by the HPO or commission.

6. In making a decision on an application, the commission uses the Secretary of the Interior's Standards for Rehabilitation, historic district design standards and other general guidelines established and adopted by the commission. In adopting and using standards, the commission does not limit new construction to any one architectural style but seeks to preserve the character and integrity of the landmark or the historic district through contemporary compatible designs.

Section 17D.100.220 Certificates of Appropriateness – Demolition of Historic Landmarks or Contributing Resources Within Spokane Register Historic Districts.

- A. No permit for the demolition of an historic landmark or a contributing building located within a local historic district shall be processed or issued until the commission issues a certificate of appropriateness for the proposed action. A building permit for a replacement structure under this section may not be accepted, processed, or issued prior to the issuance of the demolition permit.
- B. Within forty-five (45) days of the HPO's receipt of an application for a certificate of appropriateness concerning the demolition of an historic landmark or a contributing resource located within a local historic district, the applicant and the HPO shall meet to determine if there are feasible alternatives to demolition. The attempt to find feasible alternatives may continue beyond forty-five (45) days if both parties agree to an extension.
- C. If no feasible alternative to demolition has been agreed to within the forty-five (45) day window and any extension(s), the commission may either issue or deny the certificate of appropriateness for demolition by taking into account the following:
 1. The historic importance of the property;
 2. The nature of the redevelopment which is planned for the property;
 3. The condition of the existing structure;
 4. The effect on the surrounding neighborhood of the planned replacement use;
 5. The overall effect of the proposed redevelopment on the neighborhood character and the elements of the neighborhood's urban design; and
 6. Any proposed mitigation measures under which the owner would salvage significant architectural features of the structure after properly documenting the building before demolition.
- D. If the commission denies the application for a certificate of appropriateness for a property for which a demolition permit is sought, no demolition permit may be

issued. The applicant may appeal the denial, within thirty (30) days to the Hearing Examiner, who shall review the commission's decision. Such appeal is conducted by the Hearing Examiner on a closed record; that is, the Hearing Examiner may only consider the written record of the commission's deliberations, findings, and recommendation, and no additional evidence shall be considered by the Hearing Examiner.

- E. The Hearing Examiner may affirm the denial or may remand to the HPO or commission, as appropriate, for further consideration.
- F. If the commission issues a certificate of appropriateness for the demolition of an historic landmark, or a building located within an historic district, such certificate shall include conditions such as:
 - 1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;
 - 2. the provision of ongoing, specific site security measures;
 - 3. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;
 - 4. if no replacement structure is constructed on the site within six (6) months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up;
 - 5. abatement of any hazardous substances on the property prior to demolition;
 - 6. requirement for dust control during the demolition process; and
 - 7. that the certificate of appropriateness for demolition of the building is valid for three (3) months.

Section 17D.100.230 Demolition Permits for Historic Structures in the Downtown Boundary Area and National Register Historic Districts

- A. No demolition permits for structures that are listed or eligible to be listed on the National or Local Register of Historic Places located in the area shown on Map 17D.100.230-M1, Downtown Boundary Area, and in all National Register Historic Districts shall be issued unless the structure to be demolished is to be replaced with a replacement structure that is approved by the commission under the following criteria:

1. The replacement structure shall have a footprint square footage equal to or greater than the footprint square footage of the landmark structure to be demolished. The replacement structure must also have a floor area ratio equal to or greater than 60% of that of the landmark structure to be demolished. The square footage of the footprint may be reduced:
 - a. to accommodate an area intended for public benefit, such as public green space and/or public art;
 - b. if the owner submits plans in lieu for review and approval by the City's design review board subject to applicable zoning and design guidelines; and
 - c. if the replacement structure is, in the opinion of the HPO and the commission, and in consultation with the Design Review Board, compatible with the historic character of the Downtown Boundary Area or National Register Historic District, as appropriate.
 2. Any replacement structure under this section shall satisfy all applicable zoning and design guidelines, and shall be considered by the commission within thirty days of the commission's receipt of an application for a certificate of appropriateness concerning the building for which a demolition permit is sought.
 3. A building permit for a replacement structure under this section must be accepted, processed, and issued prior to the issuance of the demolition permit. In the alternative, the owner may obtain a demolition permit prior to the issuance of the building permit if the owner demonstrates to the satisfaction of the director of building services, in consultation with the HPO, that the owner has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or has other financial resources that are sufficient (together with any valid and binding commitments for financing) and available for such purpose.
- B. Eligibility shall be determined by the commission within thirty (30) days of the submission of the application for a demolition permit. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures that are determined not to be listed or eligible to be listed on a National or Local Register of Historic Places shall be processed pursuant to existing regulations.
- C. This section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety, or welfare concerns.

D. If the commission issues a certificate of appropriateness for the demolition of an building on the national register or located within the downtown boundary zone, such certificate shall include conditions such as:

1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;

2. the provision of ongoing, specific site security measures;

3. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;

4. limitations on the extent of the demolition permitted, such that only non-historically significant portions of the property are subject to demolition;

5. if construction on a replacement structure is not commenced on the site within six (6) months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up;

6. abatement of any hazardous substances on the property prior to demolition;

7. requirement for dust control during the demolition process; and

8. that the certificate of appropriateness for demolition of the building is valid for three months.

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Section 17D.100.240 Economic Hardship Determinations

- A. The City recognizes that there are circumstances under which enforcement of this chapter may cause an undue hardship to a property owner. The City therefore finds that it is necessary to provide property owners the opportunity to demonstrate that an economic hardship exists in specific cases, under which the demolition prohibitions of SMC 17D.100.230 shall not apply.
- B. The requirements of SMC 17D.100.230 shall not apply and the owner may obtain a demolition permit without the requirement of constructing a replacement structure if the owner can demonstrate to the satisfaction of the ad hoc committee established by this section that maintaining the historic structure would impose an economic hardship on the property owner that was created beyond the owner's control.

1. The ad hoc committee on economic hardship shall be appointed by the commission, and will consist of at least seven members as follows:
 - a. one member of the real estate development community or association such as CCIM Institute, Institute of Real Estate Management, the Society of Office and Industrial Realtors, and Building Owners and Managers Association;
 - b. one member from a banking or financial institution;
 - c. one licensed architect registered in Washington State;
 - d. one member from the property management industry;
 - e. one member representative of property developers;
 - f. one member of the landmarks commission; and
 - g. one member representing the neighborhood council where the historic structure is located.
 2. The ad hoc committee's decision shall be made by majority vote and within thirty (30) days of the submission of the material demonstrating an economic hardship by the property owners.
 - a. The property owner has the burden of demonstrating the economic hardship.
 - b. Evidence of economic hardship is limited to instances when preservation will deprive the owner of reasonable economic use of the property.
 - c. An owner's financial status is not evidence of economic hardship.
 - d. The decision of the ad hoc committee may be appealed to the hearing examiner within thirty days of the committee's decision.
 3. The ad hoc committee will be a standing committee with one revolving member representing the specified neighborhood in which the property resides.
 - a. There is a preference for developer and architects who participate on the ad hoc committee to have both new building construction and historic renovation experience.
 - b. There is a preference for the neighborhood representative who participates on the ad hoc committee to have experience in development, appraising, construction, and/or related skills.
 - c. Members of the ad hoc committee shall serve for two-year terms and may be reappointed for additional two-year terms.
- C. For purposes of this section, a reasonable economic use would be one that provides a greater return on the underlying land value (land with improvements) than the land alone could generate. The following four steps will be taken to determine reasonable economic use:

1. The market value of the land, as vacant, is to be estimated.
 - a. The sales comparison approach to value is an approved method.
 - b. The land residual technique is an approved method, but only allowable when accompanied by and reconciled with the sales comparison approach method.
 2. The first year market rate of return on leased land is to be estimated. Market data supporting this rate of return must be provided.
 3. Based on applying the rate of return to the land value estimate, an annual market return on the underlying land results. This is the base figure or threshold for the analysis.
 4. Provide an estimate of the annual market net operating income for the property as is, and under any reasonable modifications thereof. Note that any required capital investment in the property would increase the basis from which the return is estimated.
 - a. The sales comparison approach, income approach, cost approach, and development approach to value are all approved techniques.
 - b. Under valuation scenarios where an additional capital investment is required, the expected market return on the capital investment will be subtracted from the annual return, with the residual income being the return on the land.
- D. In order that a property may be marketed for sale or refinance with knowledge of the property's status, an owner may request an advance determination that a specific property qualifies under the economic hardship exemption established by this section. Upon receipt of a written request from a property owner, the owner shall be entitled to an economic hardship hearing at the owner's expense, to provide a showing that the factors stated in SMC 17D.100.230(B) are present. If the commission agrees, it shall issue a written determination to the owner that the property qualifies for economic hardship status pursuant to this section, and the owner is therefore entitled to represent the such written determination as binding upon the property owner and City to third parties including without limitation prospective purchasers and lenders.
- E. This section does not apply to orders of the building official or fire marshal that a structure be demolished due to public health, safety, or welfare concerns.

Section 17D.100.250 Negotiated Standards

The owner, the commission, or the HPO may request a negotiation process leading to more specifically defined or different management standards for a specific piece of property; provided, however, that nothing in this section requires the commission to agree to participate in a negotiation process leading to specifically defined or different standards for any particular property which would otherwise be subject to this chapter,

and provided also that it is the intent of the City that negotiated standards are to be utilized only in extraordinary circumstances. While the negotiation process is occurring, the requirements for a certificate of appropriateness continue to be in effect.

Section 17D.100.260 Negotiated Standards – Approval Process

Once the negotiation process is completed and the owner and the commission are in agreement with the negotiated standards, a copy of that agreement is transmitted to the council or board for final approval. Once final approval is received, the commission distributes copies of the agreement to the appropriate boards, commissions and agencies for implementation. If the council or board does not approve the agreement, it may be sent back, with a statement of the council's or board's objection, for further negotiation. When renegotiation is completed, the agreement is returned to the council or the board for approval.

Section 17D.100.270 Negotiated Standards – Arbitration and Appeal

If no agreement can be reached between the commission and the owner, the matter may be presented to the council or the board, or designees to arbitrate the agreement. Appeal from any arbitration decision may be made to the superior court.

Section 17D.100.300 Waiver of Review

The commission, at the request of the owner, may waive review under SMC 17D.100.240 through 17D.100.290 of those actions which may require a certificate of appropriateness or which may be within the scope of agreed management standards when the action will be reviewed by the Washington State Department of Archaeology and Historic Preservation or the National Park Service and will be subject to the Secretary of the Interior's Standards for Treatment of Historic Properties. The commission may choose to deny said request should it be determined by the Washington State Department of Archaeology and Historic Preservation or the National Park Service that the proposed action does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Section 17D.100.310 Review and Monitoring of Properties for Special Property Tax Valuation

A. Timeline

1. Applications shall be forwarded to the commission by the assessor within ten (10) calendar days of filing.
2. Applications shall be reviewed by the commission before December 31 of the calendar year in which the application is made.
3. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten (10) calendar days of issuance.

B. Procedure

1. The assessor forwards the application(s) to the commission.
2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in SMC 17D.100.090.
 - a. If the commission finds the properties meet all the criteria, then, on behalf of the City, it enters into a Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120) with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s) for special property tax valuation.
 - b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s) for special property tax valuation.
3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
4. For approved applications, the commission:
 - a. forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) to the assessor.
 - b. Notifies the state review board that the properties have been approved for special valuation; and
 - c. Monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.
5. The commission determines, in a manner consistent with its rules of procedure and based on the report of the HPO, whether properties are disqualified from special valuation. Such disqualification can be based on:
 - a. The owner's failure to comply with the agreement's terms; or
 - b. The loss of the property's historic value due to physical changes to the building or site.
6. If the commission concludes that a property is no longer qualified for the special property tax valuation, the commission shall notify the owner, assessor, and state review board in writing that the property is disqualified and state the facts supporting its findings.

C. Criteria

1. The City attained Certified Local Government (CLG) status in 1986. As a CLG, the City determines the class of property eligible to apply for Special Valuation. Eligible property types in Spokane mean only properties listed on Spokane Register of Historic Places or properties certified as contributing to a Spokane Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.
2. To be complete, applications must include the following documentation:
 - a. A legal description of the historic property,

- b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation,
 - c. Architectural plans or other legible drawings depicting the completed rehabilitation work, and
 - d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request, and
 - e. For properties located within historic districts, in addition to the standard application documentation, a statement from the appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.
3. In its review, the commission shall determine if the properties meet all the following criteria:
- a. The property is historic property;
 - b. The property is included within a class of historic property determined eligible for Special Valuation by the City;
 - c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the date of application; and
 - d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in 17D.100.210 of this ordinance).
4. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.
- D. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).
- E. Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to the Superior Court under Chapter 34.05.510 -34.05.598 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.

Section 17D.100.320 Incentives

- A. In order to help fulfill the purposes of this chapter, the HPO is authorized to approve incentive measures described in this section for historic landmarks and contributing buildings within historic districts, in addition to the other generally applicable provisions of the City's Economic Development Strategy identified by the City Council. In addition, the HPO is authorized to approve the use of funds from the Historic Preservation Incentives Fund to incentivize historic preservation in Spokane and fulfill the purposes of this chapter.

B. Façade improvement grants

The HPO is authorized to administer a grant program to provide matching funds for the improvement of the street-facing façades of historic landmarks and contributing resources located within historic districts.

C. Pilot sidewalk Improvement grants

1. There is created a Pilot Sidewalk Improvement Grant program to mitigate the cost of improvements or repairs to sidewalks adjacent to historic landmarks or contributing resources located within historic districts, and made in conjunction with the historic rehabilitation of an historic landmark or contributing resource. This grant shall be administered by the HPO and shall be available starting on January 1, 2019.
2. Project Criteria
 - a. The grant program created by this section applies only to projects in which the property owner has invested an amount equaling not less than twenty-five percent (25%) of the assessed value of the property, as measured by the valuation of the project after the completion of the rehabilitation project.
 - b. The property must be located within the boundaries of Council district 2.
3. Applicants shall apply for project funding to the HPO on a form supplied by the HPO. The application shall provide the following information:
 - a. Satisfaction of project criteria stated above;
 - b. Documentation of the property's status as an historic landmark;
 - c. A description of the changed proposed for the property to be made as a result of the project,
 - d. Information sufficient to show that the project has financial funding or commitments for funding; and
 - e. any other relevant information requested by the HPO.
4. Funding
 - a. On or before January 1, 2019, there shall be allocated five thousand dollars (\$5,000) to this Pilot Sidewalk Improvement Grant program.
 - b. No individual project funding may exceed one thousand dollars (\$1,000) dollars.

- c. On or before January 1, 2020, the program will be evaluated to determine, based on reports of administration staff, the success of the program.
- 5. This section shall expire on January 1, 2021 unless renewed.

D. Pilot Urban Utility Installation Program

Pursuant to SMC 08.10.230, the Pilot Urban Utility Installation Program shall be made available for historic landmarks and contributing resources within historic districts.

Section 17D.100.400 Enforcement; Violations; Penalty

- A. This chapter shall be enforced by the HPO under the city's civil infraction system, pursuant to chapter 01.05 SMC. The HPO is the "code enforcement officer" as designated by SMC 01.05.020(B).
- B. A violation of SMC 17D.100.200-17D.100.230 is a class 1 civil infraction.
- C. Pursuant to SMC 01.02.950(A), the HPO may refer violations or imminent violations of this chapter to the city attorney for actions in Superior Court seeking declaratory or injunctive relief.

Section 3. That section 17G.010.210 of the Spokane Municipal Code is amended to read as follows:

Section 17G.010.210 Application for Permits for Special Activities

A. Blasting Permit.

An applicant for a permit to conduct blasting operations on a particular job shall make written application to the engineering services department, on prescribed form, showing:

- 1. if there is a structure at the blasting site, its occupancy, whether its power source is electricity or something else, and the combustibility of its contents;
- 2. the name of the person to have immediate charge of the blasting operations;
- 3. that the named blaster has currently in force a license, bond, and insurance;
- 4. such other information as may be required.

B. Building Moving Permit.

- 1. An applicant for a permit required to move any building, structure, or part of a structure along, over, or across a public way in the City must pay the prescribed fee and submit a written application on prescribed forms to the department of building services which application:
 - a. gives the applicant's current state contractor registration number;

- b. is accompanied by the required street obstruction permit;
 - c. states the address and legal description of the land onto which the structure is to be moved and, if such land is within the City, is accompanied by a building relocation permit, as provided in SMC 10.26.010.
 - d. is accompanied by a certificate issued by an insurance company qualified to do business in Washington covering the moving activity with a general liability policy with minimum limits of five hundred thousand dollars combined single limit or an approved alternate indemnity arrangement;
 - e. describes the structure to be moved;
 - f. states the address from which the structure is to be moved;
 - g. details the proposed route; and
 - h. states the date and time of the proposed move and estimates the time required to complete the move.
2. A building moving permit is a class IIIB license as provided in chapter 4.04 SMC.
 3. No fee shall be charged for applications to move historic landmarks or buildings located within an historic district.

C. Sewer Permits.

1. A contractor or resident homeowner proposing to construct, reconstruct, extend, or repair a side sewer, private sewer, special side sewer, or private storm sewer, as defined in chapter 13.03 SMC, shall pay the prescribed fee and make application to the engineering services department for a permit, which application:
 - a. gives the applicant's state contractor registration number, or contains a certificate that the applicant proposes to do work in connection with the residence owned by the applicant;
 - b. indicates the legal and street address description of the premises to be served and the type of occupancy;
 - c. subject to waiver by the city engineer, includes duplicate detailed plans of the work showing the entire course of the sewer from its terminus at the building(s) to the connection with the public sewer and, as may be required, detailing the structures and means for measuring, sampling, or otherwise determining the nature, quality, and quantity of sewage;
 - d. gives such further information as maybe required.
2. If the work to be done under the sewer permit requires the excavation or obstruction of a public way, the applicant must obtain a street obstruction permit.

3. A separate tap permit, as provided in SMC 13.03.0606, is required for connection to the public sewer.

D. Street Obstruction Permit.

1. A person proposing to dig up, excavate, work in, occupy by person, equipment, structure, or material, or in any fashion obstruct, render less safe, or interfere with the free use of any public way must first make application to the engineering services department for a permit, which may be individual location under SMC 12.02.0706 or a master annual permit under SMC 12.02.0707.
2. Exemptions.
The following activities do not require a street obstruction permit:
 - a. A licensed, bonded, and insured tree trimming firm may trim trees in the public way, provided the work is not on an arterial or within the central business district. Additionally, for all other areas, this exemption does not apply, and a permit is still required if the work:
 - i. involves more than thirty minutes operations in the right-of-way (example: simply trimming branches and loading them in a truck), or
 - ii. if the work involves tree removal, stump grinding or chipping.
 - b. A licensed, bonded, and insured sign company performing routine maintenance to existing signs, provided a traffic lane is not obstructed or the work is not within the central business district.
 - c. A licensed, bonded, and insured surveyor performing surveying work in the public way, provided the work is not on an arterial or within the central business district.
 - d. All persons, whether or not required to obtain a permit, shall notify the department of their activities.
3. The applicant shall:
 - a. by plat or map show the exact location of the work, structure, material, or activity when required by city engineer;
 - b. describe in detail the activity, the extent, and duration of the obstruction, and the precautions to be taken to protect the traveling public from the hazards occasioned, including, at least, lighting, barricading, and signing;
 - c. pay the permit fee;
 - d. if the activity is contracting work, demonstrate that the applicant has the appropriate license or registration certificate;
 - e. post a bond as provided in SMC 7.02.070.

Section 4. That section 08.02.031 of the Spokane Municipal Code is amended to read as follows:

Section 08.02.031 Building Code

A. Building Permit.

Building permit fees are based on the value of the work to be done as follows:

VALUE OF WORK (in dollars)	FEE (in dollars)
1 - 500	28.00
501 - 2,000	28.00 plus 3.00 for each 100 over 500
2,001 - 25,000	73.00 plus 13.00 for each 1,000 over 2,000
25,001 - 50,000	372.00 plus 10.00 for each 1,000 over 25,000
50,001 - 100,000	622.00 plus 7.00 for each 1,000 over 50,000
100,001 - 500,000	972.00 plus 5.00 for each 1,000 over 100,000
500,001 - 1,000,000	2,972.00 plus 4.00 for each 1,000 over 500,000
1,000,001 - 99,999,999	4,972.00 plus 3.00 for each 1,000 over 1,000,000

B. Valuation.

1. The value of construction for purposes of calculating the amount of the fee is determined by using the:
 - a. most current building valuation data from the International Code Conference (ICC) as published in the "Building Safety Journal"; or
 - b. contract valuation, whichever is greater.
2. "Gross area" when used in conjunction with the ICC building valuation data to determine valuation of a project is the total area of all floors, measured from the exterior face, outside dimension, or exterior column line of a building, including basements and balconies but excluding unexcavated areas.

3. The fee is based on the highest type of construction to which a proposed structure most nearly conforms, as determined by the building official.
4. For roofing permits, the value is determined to be:
 - a. one hundred fifty dollars per square for recovering roofs;
 - b. two hundred dollars per square for roofing projects when existing layers of roofing are torn off and a new layer is installed;
 - c. two hundred fifteen dollars per square for roofing projects when existing layers of roofing are torn off, new sheeting is installed, and a new layer of roof is installed;
 - d. or the contract valuation if it is greater.

C. Building Plan Review.

1. Plan review fees are sixty-five percent of the building permit fee as calculated from the table rounded up to the next whole dollar amount for:
 - a. all commercial building permits;
 - b. all industrial building permits;
 - c. all mixed use building permits; and
 - d. new multi-family residences with three or more units.
2. Plan review fees are one hundred percent of the building permit fee as calculated from the table for fast-track projects.
3. Plan review fees are twenty-five percent of the building permit fee as calculated from the table rounded up to the next whole dollar amount for new:
 - a. single-family residences; and
 - b. duplexes.
4. Plan review fees are twenty-five dollars for:
 - a. new buildings that are accessory structures for single-family residences and duplexes to include garages, pole buildings, greenhouses, sheds that require a permit, etc.; and
 - b. additions to existing single family residences and duplexes to include living space, garages, sunrooms, decks, etc.
5. Plan review fees for additional review required by changes, additions, or revisions to plans are seventy-five dollars per hour or fraction thereof.
6. The building official may elect to assess plan review for remodeling single family residences and duplexes when required. This amount will be not be higher than the twenty-five percent of the building fee as calculated in the table rounded to the nearest whole dollar charged on a new single-family residence or duplex.

D. Demolition.

Demolition permit fees are:

1. Single-family residence, duplex and accessory structures: Thirty-five dollars each.
2. Other structures: Thirty-five dollars for every thousand square feet, to a maximum fee of three hundred fifty dollars.
3. The processing fee is twenty-five dollars.
4. For historic landmarks and contributing buildings within an historic district or located within the Downtown Boundary Area: five hundred dollars.
5. All demolition permit fees received by the city are to be deposited in the historic preservation incentives fund established by SMC 07.08.151.

E. Fencing.

1. The permit fee is twenty dollars per one hundred linear feet, or fraction thereof.
2. The processing fee and review fee is twenty-five dollars.

F. Grading.

1. Grading permit fees are as follow:

VOLUME (in cubic yards)	FEE (in dollars)
100 or less	28.00
101 - 1,000	28.00 plus 12.00 for each 100 over 100
1,001 - 10,000	136.00 plus 10.00 for each 1,000 over 1,000
10,001 - 100,000	226.00 plus 45.00 for each 10,000 over 10,000
100,001 and more	631.00 plus 25.00 for each 10,000 over 100,000

2. Grading plan review fees are as follow:

VOLUME	FEE
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(in cubic yards)	(in dollars)
50 or less	None
51 - 100	20.00
101 - 1,000	25.00
1,001 - 10,000	35.00
10,001 - 100,000	35.00 plus 17.00 for each 10,000 over 10,000
100,001 - 200,000	188.00 plus 10.00 for each 10,000 over 100,000
200,001 and more	288.00 plus 5.00 for each 10,000 over 200,000

3. Failure to obtain a grading permit is a class one infraction under SMC 1.05.150.
4. The processing fee is twenty-five dollars.

G. Sign Permits.

1. Sign permit fees are:
 - a. thirty dollars for each wall sign, projecting sign and incidental sign; or
 - b. seventy-five dollars for each pole sign, including billboards and off-premises signs.
2. The building services plan review fee is fifty dollars and is in addition to the sign permit fee for pole signs in excess of one hundred square feet or more than thirty feet high.
3. The planning services review fee is fifty dollars for all signs.
4. The processing fee is twenty-five dollars.

H. Factory-built Housing.

1. The installation fee for factory-built housing is fifty dollars per section.
2. A foundation or basement requires a separate building permit.
3. Decks, carports and garages require a separate building permit.
4. The development services review fee is fifty dollars.

5. The processing fee is twenty-five dollars.

I. Manufactured (Mobile) Home.

1. The installation fee for a manufactured (mobile) home is fifty dollars per section.
2. A basement requires a separate building permit.
3. Decks, carports and garages require a separate building permit.
4. The development services review fee is fifty dollars.
5. The processing fee is twenty-five dollars.

J. Temporary Structures.

Permit fees for temporary structures are:

1. One hundred dollars for the first one hundred eighty days; and
2. Five hundred dollars for the second one hundred eighty days.
3. No third session will be allowed.
4. The development services review fee is fifty dollars.
5. The processing fee is twenty-five dollars.

K. Relocation.

1. The fee for a building relocation inspection for bond determination is seventy-five dollars.
2. The development services review fee is fifty dollars.
3. The processing fee is twenty-five dollars.
4. Any repairs or alterations required for relocation are handled by various building permits and the fees for such building permits are in addition to the relocation permit fee.

L. Early Start and Fast Track Approval.

The fee for an early start or fast track building permit approval is twenty-five percent of the building permit fee rounded to the next whole dollar amount and is in addition to any other required fees.

M. Certificate of Occupancy.

1. There is no separate fee for the issuance of a certificate of occupancy following final inspection under a permit so long as the fee for the permit is at least fifty dollars; otherwise, the minimum fee for a building permit and certificate of occupancy is fifty dollars plus a twenty-five dollar processing fee.
2. The fees for the issuance of a certificate of occupancy not resulting from work done under permit are as provided in SMC 8.02.060.

3. The building official will assess a fee not to exceed one hundred percent of the building permit fee for the issuance or extension of any temporary certificate of occupancy. The minimum fee will be:
 - a. two hundred twenty-five dollars plus a twenty-five dollar processing fee when the building permit fee exceeds this amount;
 - b. equal to the amount of the building permit fee when the building permit fee is less than two hundred fifty dollars.

N. Swimming Pools.

1. The building and plumbing permit fee for a swimming pool is:
 - a. seventy-five dollars for those accessory to a single-family residence; and
 - b. one hundred dollars for all others.
2. The planning services review fee is twenty-five dollars.
3. The processing fee is twenty-five dollars.
4. Mechanical, electrical and fence permits are additional.

O. Parking Lot and Site Work Permits.

The fee for a site work permit is charged in accordance with the fee table in subsection (A) of this section.

P. Reinspections.

The fee for reinspections for work that was not ready, or corrections previously identified but remain uncorrected, or site not accessible is seventy-five dollars per incident.

Q. Inspections Outside Normal Inspector Working Hours.

The fee for inspections outside normal inspector working hours is seventy-five dollars per hour or fraction of an hour. A minimum of two hours is payable at the time the request is made and before an inspection can be scheduled.

R. Work Done Without a Permit/Investigation Fees.

Where work has commenced without first obtaining the required permit(s), a work without permit fee equivalent to the greater of:

1. twice the inspection fee, or
2. the permit fee plus one hundred fifty dollars,

must be paid prior to the issuance of the permit(s).

S. Safety Inspections.

The fees for safety inspections are:

1. Commercial Buildings: Seventy-five dollars per hour or fraction of an hour with a prepaid minimum of one hundred fifty dollars.

2. Single-family Residence – Electrical only: Seventy-five dollars.
3. Single-family Residence – Two or more trade categories: One hundred fifty dollars.
4. Two-family Residence: One hundred seventy-five dollars.
5. Multifamily – Three to six units: Two hundred fifty dollars.
6. Multifamily – Seven to fifty units: Two hundred fifty dollars plus twenty-five dollars for each unit over six.
7. Multifamily – Over fifty units: One thousand three hundred fifty dollars plus ten dollars for every unit over fifty.
8. Electrical Service Reconnect - Residence - Twenty-five dollars
9. Electrical Service Reconnect - Commercial - Fifty dollars
10. Processing fee: Twenty-five dollars.

T. Recording Fee For Use of Public Right-of-way and Large Accessory Building Agreement.

The property owner shall be charged a pass-through fee equal to the amount assessed by Spokane County when erecting a fence, retaining wall or other structure in a public right-of-way. This is a recording fee for the acknowledged agreement whereby the property owner covenants to remove the encroachment upon notice by the City. An additional twenty-five dollar processing fee is required when a permit is not issued in conjunction with the recording.

U. Expired Permits Over Six Months.

1. Building Permits.

- a. No inspections have been made: Permits require full resubmittal, and if a commercial project, plan review. Original valuation shall be contained in description of new permit.
- b. Footings and foundations only have been inspected and approved: Minimum of seventy-five percent of the original assessed permit fee plus new processing fees. Original valuation shall be contained in description of new permit.
- c. All rough-in inspections approved: Minimum of twenty-five percent of original permit fee plus new processing fees. Original valuation shall be contained in description of new permit.
- d. Additional work done not on original permit: New valuation shall be calculated based upon either square footage if new construction, or valuation if remodel.

2. Plumbing Permits.

- a. No inspections: A full new permit for all fixtures is required.
- b. Partial inspections approved: If water tests, top outs and ground plumbing have been approved, then twenty-five percent of the original itemized permit fees plus new processing fee.

3. Mechanical Permits.

- a. No inspections: A full new permit is required.
- b. Partial inspections: If all rough-in inspections and air tests have been approved, then twenty-five percent of the original permit fee plus new processing fee.

4. Electrical Permit.

- a. No inspections: A full new permit is required.
- b. Partial inspections: If all rough-in inspections and service inspections have been approved, then twenty-five percent of the original fees plus new processing fee.

V. Processing Fee.

In addition to all of the fees identified in SMC 8.02.031, the processing fee for each permit is twenty-five dollars, unless specifically stated otherwise.

Section 5. That section 08.02.065 of the Spokane Municipal Code is amended to read as follows:

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. [Deleted]

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.

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 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, which shall be waived for the moving of a building which is an historic landmark or a contributing building located within an historic district.
- 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.

Section 6. That section 03.01A.320 of the Spokane Municipal Code is amended to read as follows:

Section 03.01A.320 Historic Preservation

The office of historic preservation shall be directed by the historic preservation officer (HPO), who shall ((serves)) shall serve as staff to the historic landmarks commission established in chapter 04.35, SMC, providing:

- A. current inventories of historic places;
- B. technical information on the proper preparation and processing of nominations to historic registers;
- C. design review for Spokane Register properties;
- D. assistance to applicants in the preparation of documentation for special valuation;
- E. technical assistance to City departments on projects impacting historic resources;
- F. review of projects for impacts on historic properties, including Section 106 review;
- G. technical information and referral regarding rehabilitation/restoration of local historic properties, as well as information pertaining to tax incentives for historic preservation.

Section 7. That there is enacted a new section 07.08.151 of the Spokane Municipal Code to read as follows:

Section 07.08.151 Historic Preservation Incentives Fund

- A. There is established a special revenue fund to be known as the “historic preservation incentives fund” into which shall be deposited funds received by the city in payment for demolition permits.
- B. Money in this fund shall be disbursed on the recommendation of the city’s historic preservation officer, and pursuant to an historic preservation incentive program established by the historic landmarks commission and approved by the city council by ordinance.

Section 8. That section 17A.020.030 of the Spokane Municipal Code is amended to read as follows:

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.

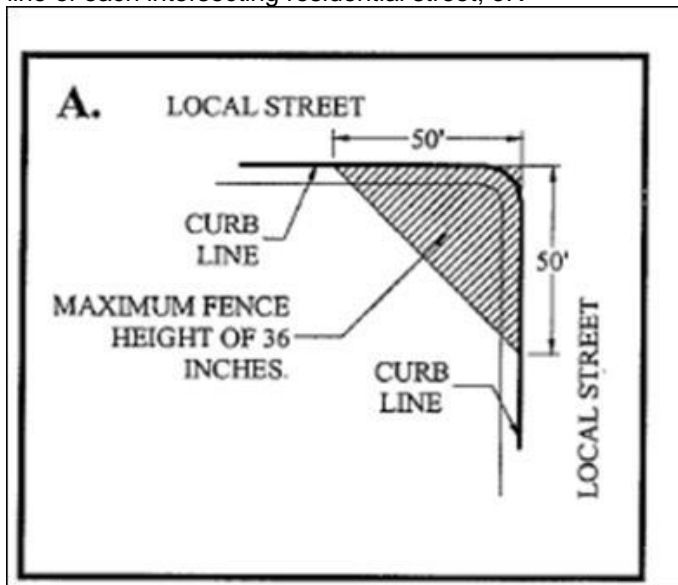
M. Clear Pedestrian Zone

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

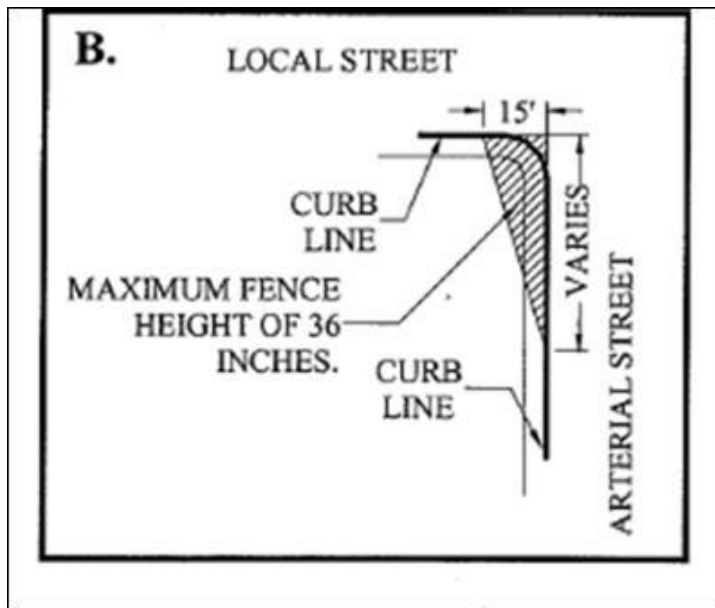
N. Clear View Triangle

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

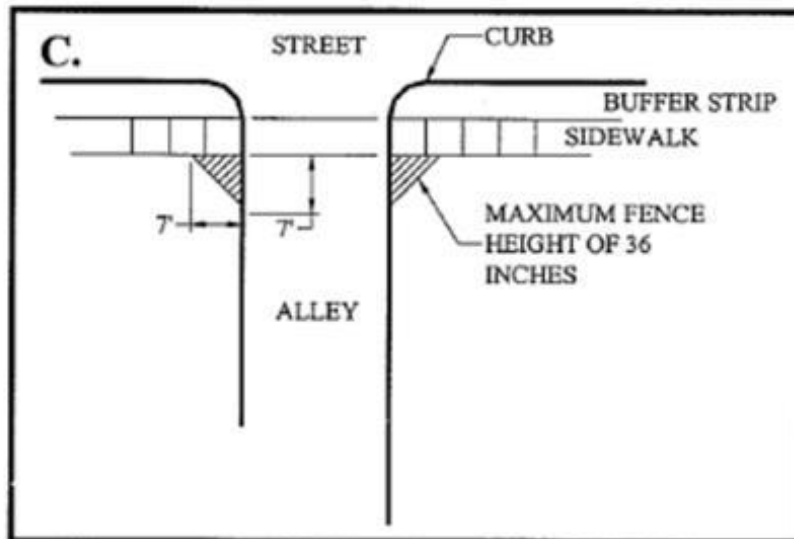


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along 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:

9. transportation,
10. public water,
11. fire protection,
12. police protection,
13. parks and recreation,
14. libraries,
15. solid waste disposal and recycling,
16. schools, and
17. 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. Contributing Resource

Contributing resource is any building, object, structure, or site which adds to the historical integrity, architectural quality, or historical significance of the local or federal historic district within which the contributing resource is located.

~~((AN-))~~AQ. 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.

~~((AQ-))~~AP. 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-))~~AQ. 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-))~~AR. 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-))~~AS. Council.

The city council of the City of Spokane.

~~((AS-))~~AT. 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-))~~AU. 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-))~~AV. Creep.

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

~~((AV-))~~AW. Critical Amount.

The quantity component of the definition of critical material.

~~((AW-))~~AX. Critical Aquifer Recharge Areas (CARA).

Critical aquifer recharge areas (CARA) include locally identified aquifer sensitive areas (ASA) and wellhead protection areas.

~~((AX-))~~AY. 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.

~~((AY-))~~AZ. 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.

~~((AZ-))~~BA. 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:
domestic and industrial water supply,
 - 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.

~~((BA-))~~BB. 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.

~~((BB-))~~BC. 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.
2. 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.

3. 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.
4. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

~~((BC-))~~BD. 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.

~~((BD-))~~BE. Critical Review Action.

1. An action by a municipal official or body upon an application as follows:

- e. 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).
- f. Application for a shoreline substantial development permit (SMC 17G.060.070(B)(1)).
- g. Application for a certificate of occupancy (SMC 17G.010.170).
- h. Application for a variance or a certificate of compliance (SMC 17G.060.070(A) or SMC 17G.060.070(B)(1)).
- i. Application for rezoning (SMC 17G.060.070(A)).
- j. Application for conditional permit (SMC 17G.060.070(A)).
- k. Application for a business license (SMC 8.01.120).
- l. Application for a permit under the Fire Code (SMC 17F.080.060).
- m. Application for a permit or approval requiring environmental review in an environmentally sensitive area (SMC 17E.050.260).
- n. Application for connection to the City sewer or water system.
- o. Application for construction or continuing use of an onsite sewage disposal system (SMC 13.03.0149 and SMC 13.03.0304).
- p. Application for sewer service with non-conforming or non-standard sewage (SMC 13.03.0145, SMC 13.03.0314, and SMC 13.03.0324).
- q. Application involving a project identified in SMC 17E.010.120.
- r. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.

- s. Application for an underground storage tank permit (SMC 17E.010.210); and
 - t. 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.

~~((BE-))~~BF. Critical Review Applicant.

A person or entity seeking a critical review action.

~~((BF-))~~BG. 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.
4. The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.
5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter

~~((BG-))~~BH. Critical Review Statement.

A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

~~((BH-))~~BI. Cumulative Impacts.

The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

~~((BI-))~~BJ. Curb Ramp.

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

~~((B.))~~ BK. Cutbank.

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 9. That section 08.10.230 of the Spokane Municipal Code is amended to read as follows:

Section 08.10.230 Pilot Urban Utility Installation Project

A. Pilot Urban Utility Installation Project

There is created a Pilot Urban Utility Installation Project established to provide funding to the City's utilities departments to mitigate the cost of the installation of new or upgrades to city-owned public utility infrastructures in the city right-of-way which is associated with the redevelopment of existing structures or in-fill development with new structures on properties in the downtown core, ~~((and))~~ in ~~((other))~~ centers and corridors targeted for infill identified in the Urban Utility Installation Area map, within historic districts established under chapter 17D.100, SMC, and for properties listed on the Spokane and National Historic Register.

B. Project Criteria

1. The City will coordinate with abutting property owners to install new or upgrade existing public utilities infrastructure located in the city right-of-way. Projects will be evaluated based on objective criteria which includes but is not limited to, the timing and extent of the redevelopment project, project financial resources, increased demand for public utility services, projected utility revenue to the city, and the impact and efficiency of the existing infrastructure. The city administration shall develop criteria consistent with this section for the awarding of project monies which shall be approved by resolution by City Council.
2. Priorities for funding shall include, but are not limited to, the following:
 - a. Re-use of buildings (historic preservation),
 - b. Density & infill mix of housing,
 - c. Affordable housing within a development,
 - d. Mix use of commercial and retail, and
 - e. Increased demand on public utility services.

C. Urban Utility Installation Area

The projects to be funded by Pilot Urban Utility Installation Project shall be located in the Urban Utility Installation Area, which is established in the map set forth in Attachment A, ~~((which may be))~~ as amended by the ((city council))City Council ((to include other centers and corridors targeted for in-fill development))from time to time, as well as Spokane and National Historic Districts and historic landmarks.

D. Application Process

The applicant shall make application for project funding to the Utilities Department on a form supplied by the department. The application shall include, but not limited to, information regarding the redevelopment project financial funding and any other relevant financial information requested by the planning and development department director. The information required on the application and provided by the applicant shall demonstrate how the project satisfies the project criteria set forth in this section and the administrative policies.

E. Initiation and Completion of Projects

Once a project is approved, the City shall determine when to initiate and complete projects for the installation of new or upgrades to existing city-owned public utility infrastructures in the city right-of-way. Funding for the specific projects shall be allocated to the applicable utilities department pursuant to the City's existing financial transfer procedures

F. Funding

1. Increases in utility revenue associated with the installation of new or upgrades to existing public utility infrastructures installed pursuant to this section, including utility hook-up fees and charges, shall be allocated to the Pilot Urban Utility Installation Project.
2. Individual project funding shall not exceed forty thousand dollars (\$40,000).
3. As a pilot program, the amount of utility revenue generated will be evaluated over the course of five years to determine the success of the Project. The program will sunset after five years ~~((and must be))~~ unless earlier renewed((at that time)).

G. Administrative Policy.

The city administration shall develop policies and procedures to implement the provisions of this section, which shall be approved by resolution of the city council. Such policies and procedures must be consistent with and shall not conflict with the provisions of this section. The policies and procedures may include provisions developing the criteria necessary to award project funding.

- H. The city administration shall update the city council at least twice a year on the Pilot Urban Utility Installation Project program including the number of applications, the status of approved and completed projects and the amount of increased property taxes.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date