



# Spokane Plan Commission Agenda

January 24, 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:

2:00 -2:15	1) Approve <a href="#">January 10<sup>th</sup>, 2018</a> meeting minutes	All
	2) City Council Report	Lori Kinnear
	3) Community Assembly Liaison Report	Greg Francis
	4) President Report	Dennis Dellwo
	5) Transportation Sub- Committee Report	John Dietzman
	6) Secretary Report	Lisa Key

## Workshops:

2:15-3:00	1) Public Development Authorities – Progress Update	
	<ul style="list-style-type: none"><li>• University District PDA</li><li>• <a href="#">Northeast PDA</a></li><li>• <a href="#">West Plains PDA</a></li></ul>	Andrew Worlock Melissa Owen Boris Borisov
	2) <a href="#">Planning Services 2017 Accomplishments / 2018 Priorities</a>	Lisa Key
3:00-3:20	3) <a href="#">Comprehensive Plan Amendment Procedures Review</a>	Tirrell Black
3:20-3:40		

## Items of Interest:

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

4:00-4:30	1) <a href="#">Historic Preservation Ordinance Deliberations</a>	All
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## Adjournment:

Next Plan Commission meeting will be on February 7, 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: Username: GDS Guest Password: **Mgdt147H**

**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](mailto: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

January 10, 2018

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

## Workshop Attendance:

- Commission Members Present: Michael Baker, Christopher Batten, Todd Beyreuther, Dennis Dellwo, John Dietzman, Patricia Kienholz, Sylvia St.Clair, Carole Shook Community Assembly Liaison Greg Francis, City Council Liaison Lori Kinnear
- Commission Members Absent: Jacob Brooke
- Staff Members Present: Lisa Key, Darcie Jernberg, Jacqui Halvorson

## Public Comment:

- None

## Briefing Session:

1. The December 13, 2017 meeting minutes approved unanimously.
2. City Council Report- Lori Kinnear  
Council will review the proposed changes to Infill at their study session on Thursday, January 11<sup>th</sup> at 3:30 p.m. Proposed Council amendments include changes to the tiny house regulations limiting the bonus density to ¼ mile radius from centers and corridor zoning, and discussing the community building provisions.
3. Community Assembly Liaison Report - Greg Francis
  - Planning Department presented on Downtown Height Restrictions along Spokane Falls Blvd. Inga Note discussed the proposed update to street standards.
  - Land Use Committee discussed the following three goals for the year:
    - Follow Comp Plan amendments through to completion.
    - Continue outreach- build up Land Use Committee - reaching out to the 20 neighborhoods for engagement.
    - Land Use 101 packet issue to be distributed to the neighborhoods - engagement and awareness and why it's important for neighborhood involvement.
4. Transportation Sub-Committee Report -John Dietzman
  - Reviewed and ranked the 20 year list of projects. They were ranked on how they met the Comprehensive Plan Chapter 4 goals.
  - The purpose was to select a few that would be added to the upcoming 2023-2024 6-Year Transportation Plan.
  - Staff proposed 17 for consideration.
  - Rebuilding of Wellesley from Freya to Havana took special consideration; it will be blocked off for construction near the North Spokane Corridor - this offers an opportunity to work with WSDOT to reduce cost and raise efficiency of construction. Strategic component to The Yard Economic Development Program.
  - Choose seven out of the 17 that will be brought forward to the Plan Commission.
  - The next PCTS meeting will be February 6, 2018.
  - Inga Note- Presented to the North Indian Trail Neighborhood Council about widening the road to address the traffic issue:
    - North Indian Trail, from Barnes to Kathleen Street, will be restriped. This has been through staff review and administration. The Neighborhood Council gave high approval.
5. Secretary Report- Lisa Key
  - Because of a Council conflict, the Threshold Review-Ad Hoc Committee meeting has been changed to Wednesday, February 7, 2018 from 2:00-5:00 P.M.
  - Carole Shook will be the alternate for the Ad- Hoc Committee.

- Lisa is planning a staff work program review.
  - The Joint Plan Commission City Council Study Session will be held on Thursday January 25<sup>th</sup> at 3:30pm.
  - WSDOT has launched their web page for NSC place making.
    - <https://wsdot.maps.arcgis.com/apps/MapSeries/index.html?appid=bab715226e3b4910b846ddcd67e53d2a>
    - In March and April - Louis Mueller, Charlene Kay, and Kerry Brooks will come to discuss with the Plan Commission charrettes planned for these meetings.
  - Building Heights Story Map will be up on the web soon. The story map will be used for public engagement.
  - Priest Lake Conference May 31<sup>st</sup> June 1<sup>st</sup> .
  - APA memberships have been renewed. The APA Regional Conference will be held in Spokane this fall. - No date has been given yet. Staff will forward more information as it becomes available.
6. President - Dennis Dellwo - The application for Greg Francis was reviewed for the vacancy on the Plan Commission Board. The Commission interviewed Greg Francis. Sylvia St. Clair made a motion to recommend that Greg Francis be appointed to the vacant Plan Commission position. The motion was seconded by John Dietzman, and passed unanimously.

## **Workshops:**

### **Infill Code Revision - Nathan Gwinn**

Nathan presented an overview of the strategic action plan for the next phases of proposed Infill Code Amendments.

- Presentation given.
- Questions asked and answered.

### **Impact Fee Revision – Inga Note:**

Inga gave a presentation on the Impact Fee Study, and proposed amendments to the Impact Fee Ordinance.

- Presentation given.
- Questions asked and answered.

## **Hearings:**

### **Historic Preservation Ordinance:**

Commission President Dellwo indicated that Brian McClatchey, who helped draft the ordinance, was available via telephone, should the Commission have any questions for him.

Councilmember Lori Kinnear, project sponsor, gave a brief overview regarding the proposed ordinance. She presented a short video on historic preservation, followed by a brief presentation. Megan Duvall, the City/County Historic Preservation Officer, also gave a presentation regarding the provision contained in the proposed ordinance. Her presentation was followed by a brief presentation by Jonathan Mallahan

- Following the presentations, Plan Commission questions were asked and answer.
- The President then invited public testimony.
- A total of 19 people testified, with 18 in favor and 1 neutral.

- The Plan Commission President closed the record to oral testimony, indicating that written testimony could still be submitted through close of business on January 23, 2018.
- The President continued the hearing to a date definite of January 24, 2018 at 4 p.m. for deliberations,

The meeting adjourned at 5:23 p.m.

DRAFT

**BRIEFING PAPER**  
**City of Spokane**  
**Planning and Development Services**  
**PC Meeting, Jan 24, 2018**

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**Subject**

Northeast Public Development Authority (NEPDA)

**Intent**

Plan Commission last received a briefing regarding the NEPDA and efforts to revitalize the YARD in July, 2017. At this time staff sought support for The YARD Redevelopment Master Plan. This briefing is intended to update you on the NEPDA accomplishments and conceptual goals for 2018.

**Background**

The NEPDA hosted their annual executive event in November, 2017. They presented recent accomplishments and took time to listen to stakeholder concerns, comments and priorities. In an effort to build on past work and to address stakeholder identified issues the NEPDA has developed a conceptual list of priority areas in which they would like to make significant progress in 2018. Please note that 2018 priorities have not been adopted by the NEPDA. Concepts include:

- Recommending industrial street standards for the YARD
- Identify opportunities for property aggregation (via right of way vacation)
- Requesting funding for improvements to Wellesley
- Securing an updated Interlocal Agreement
- Working with the Administration to find a buyer or lease holder for BNSF property.
- Working with STA re: transit (specifically timing and thresholds for expansion to city limits east and north)
- Requesting that the City Ranch property undergo the City's surplus property process; finding buyer or leaseholder for City Ranch site.
- Drafting new policy regarding city participation in public infrastructure (roads) that allows to prospective and proactively investment in pavement.
- Strengthening relationships and project advocacy among YARD stakeholders
- Hiring a NEPDA Executive Director

**Impact**

The NEPDA is working to make their work more visible via communications and by taking measurable steps toward priority project achievement.

**Action/Next Steps**

An Immediate next step is to adopt a final slate of 2018 priorities. Other important next steps include communicating priority goals for 2018 with City Leadership.

**Funding**

\$50,000 annually for three years (primarily to support the hiring of an executive director)

**BRIEFING PAPER**  
**City of Spokane**  
**Planning and Development Services**  
**PC Meeting, Jan 24, 2018**

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**Subject**

West Plains/Airport Area Public Development Authority

**Intent**

The West Plains/Airport Area Public Development Authority (WP-AA PDA) was established in mid-2017. This briefing is intended to provide a general overview of the PDA, progress made in 2017, and outlook for 2018.

**Background**

The West Plains/Airport Area PDA is a partnership between the City of Spokane, Spokane County and Spokane International Airport. It includes the geographic areas of the airport plus some bordering property west, south and east of the airport. In total, the PDA encompasses 9,251 acres of public and private land. The PDA designation aligns resources and services to support targeted investments consistent with advancing the Airport Layout Plan and furthering aerospace supply-chain and other industrial development which are identified as areas for potential economic growth on the West Plains. The PDA is governed by a seven member Board. The following is an overview of the accomplishments of the WP-AA PDA between September and December of 2017:

- Established meeting calendar
- Filled at-large board position vacancies (2 positions)
- Conducted Media Tour with Spokesman Review, Inlander and Journal of Business
- Developed Executive Director (ED) job description; currently advertising position
- Discussed several capital improvement projects and initiatives (once ED is hired a specific work program will be developed to guide these and other initiatives)
  - Transload Facility
  - Rail Extension Project
  - TIGER Grant Application
  - Stormwater Solutions
- Reviewed County and City Capital Projects within PDA Boundaries
- Developed and delivered site proposal to be included in GSI's Amazon HQ2 RFP response
- Actively working on several recruitment initiatives:
  - Boeing's New Midsize Airplane (NMA)
  - Fire Fighting Air Station
- Organizational Items: retained legal counsel, elected officers, opened bank account, collected partner financial contributions, explored office space and web domains

**BRIEFING PAPER**  
**City of Spokane**  
**Planning and Development Services**  
**PC Meeting, Jan 24, 2018**

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**Impact**

The WP-AA PDA will work to undertake, assist with and otherwise facilitate the acquisition, construction, development equipping, leasing, operation and maintenance of public benefit projects within the PDA boundaries in order to assist the City, County and the Spokane International Airport in their ability to improve the economic conditions in and around the City and County of Spokane.

**Action/Next Steps**

The WP-AA PDA is working to hire an Executive Director to lead development and implementation of a work program that fulfills the mission of the PDA.

**Funding**

The WP-AA PDA is being seed funded by the three partner agencies (Spokane County, City of Spokane, Spokane International Airport) at \$60,000 per year for a period of three years.

**Briefing Paper**  
**Plan Commission Workshop**  
**January 24, 2018**

**Subject:**

This workshop will review the City of Spokane Annual Comprehensive Plan Amendment Process. This will be a discussion about adoption process which was put in place in 2017. The Plan Commission's review of proposed amendments for 2018 will occur later this year.

**Background:**

The City of Spokane accepts applications to amend the text or maps in the Comprehensive Plan between September 1 and October 31 of each year, per SMC 17G.020. All complete applications received will be reviewed by a city council subcommittee and those placed on the Annual Comprehensive Plan Amendment Work Program for the City of Spokane will begin full review early in the calendar year. Anyone may make a proposal to amend the City's Comprehensive Plan.

The City of Spokane's Comprehensive Plan addresses many facets of city life, including land use, transportation, capital facilities, housing, economic development, natural environment and parks, neighborhoods, social health, urban design, historic preservation, and leadership. The City of Spokane is committed to conducting an annual process to consider amendments to the comprehensive plan. The GMA specifies that amendments to a comprehensive plan cannot be made more frequently than once per year. The purpose for this is two-fold: it gives the plan stability over time, avoiding spontaneous changes in response to development pressures, and it groups all proposed amendments in a common process for consideration, providing the opportunity to examine their collective effects on the plan.

Following review by a City Council subcommittee, who sets the Annual Comprehensive Plan Amendment Work Program, Plan Commission consideration of each amendment proposal on the Work Program will be conducted at public workshops held during the public comment period, typically in the summer. Plan Commission will hold a public hearing and forward recommendations to the City Council. The City Council considers the amendment proposals, staff report, and Plan Commission's amendment recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget, usually late fall.

**More Information:**

- 2017/2018 Proposed Comprehensive Plan Amendment Page:  
<https://my.spokanecity.org/projects/2017-2018-proposed-comprehensive-plan-amendments/>
- Spokane Municipal Code, Chapter 17G.020 Comprehensive Plan Amendment Procedure:  
<https://my.spokanecity.org/smc/?Chapter=17G.020>
- Shaping Spokane: Comprehensive Plan:  
<https://my.spokanecity.org/shapingspokane/comprehensive-plan/>

**Contact Information:**

Tirrell Black, Associate Planner  
509-625-6185 tblack@spokanecity.org

## Historic Preservation Ordinance Deliberations

- 1) Draft Recodification of the Demolition Ordinance v36.
- 2) Public Comments from the Plan Commission January 10, 2018 Hearing.
- 3) Written Public Comments received to date.
- 4) Draft Historic Preservation Ordinance Findings of Fact and Conclusions.

**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;

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

4.5. 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;

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

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

7.8. 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 is therefore entitled 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 changes 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:

<b>VALUE OF WORK (in dollars)</b>	<b>FEE (in dollars)</b>
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:

<b>VOLUME (in cubic yards)</b>	<b>FEE (in dollars)</b>
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:

<b>VOLUME</b>	<b>FEE</b>
---------------	------------

(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.

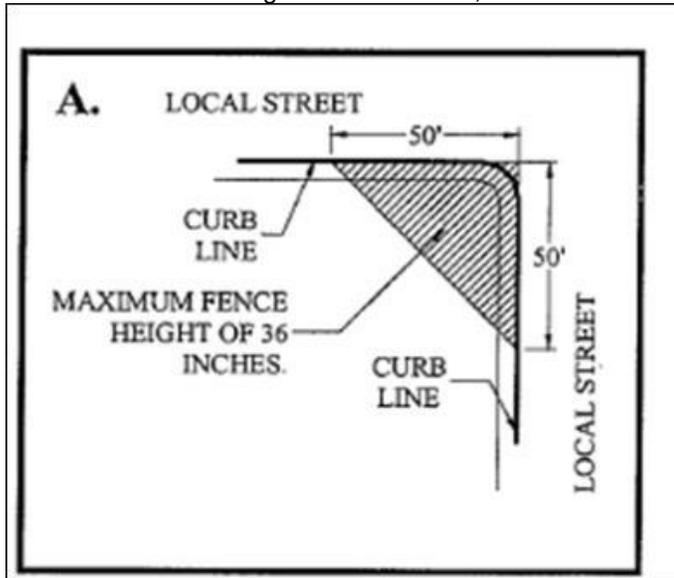
M. Clear Pedestrian Zone

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

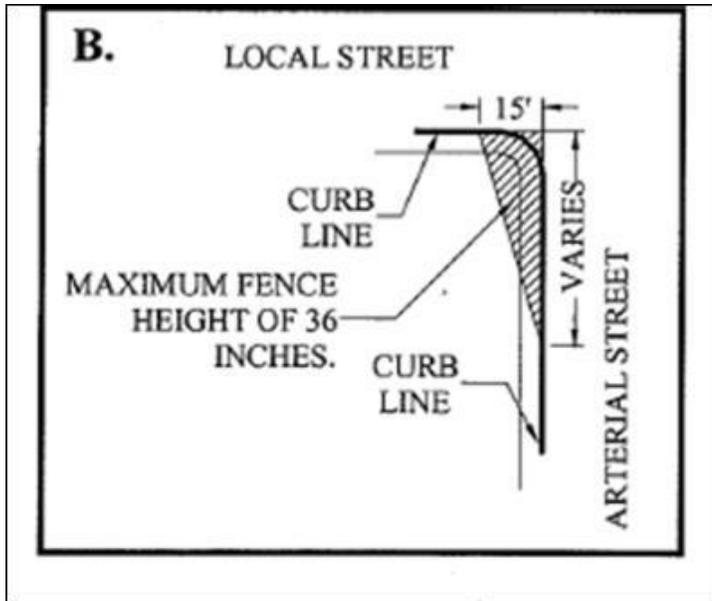
N. Clear View Triangle

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

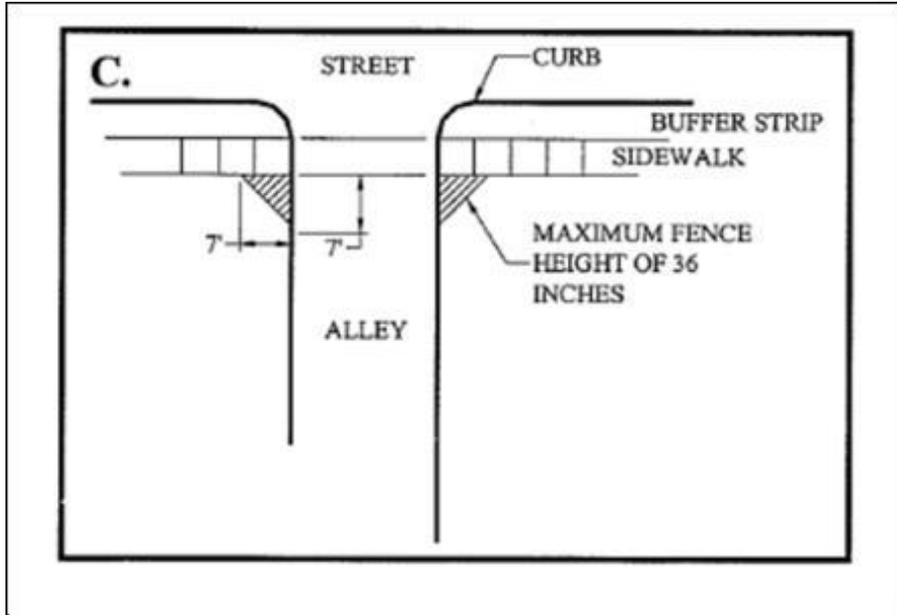


2. A right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along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

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose

Comments: Support of ordinance, testimony previously  
submitted

(Please PRINT legibly)

NAME: Lynn Mandyke

STREET ADDRESS: 1017 E. 27th Ave.

CITY: Spokane

STATE: WA

ZIP: 99203

Phone Number: 509 290 2096

E-mail Address: lmandyke@gmail.com

written testimony also submitted

2

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: Let's ~~not~~ keep Spokane unique!  
Save historic bldg. No one comes  
to a city which look like  
Mo. Division

(Please PRINT legibly)

NAME: Paul Clapp

STREET ADDRESS: 3127 W 4th

CITY: Spokane

STATE: \_\_\_\_\_

ZIP: 99224

Phone Number: \_\_\_\_\_

E-mail Address: btcclapp@gmail.com

HEARING ITEM INDIVIDUAL SIGN-IN

3

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Please PRINT legibly)*

NAME: Ann Sharley - Hubbard

STREET ADDRESS: 109 S. Holiday Rd

CITY: Spokane Valley

STATE: WA

ZIP: 99016

Phone Number: 509-998-5074

E-mail Address: rich - ann@g.com

No festimony

4

**HEARING ITEM INDIVIDUAL SIGN-IN**

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor X \_\_\_\_\_ Oppose \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Please PRINT legibly)*

NAME: James Bergdahl

STREET ADDRESS: 919 S. Adams St.

CITY: Spokane

STATE: WA

ZIP: 99204

Phone Number: 509 835 5233

E-mail Address: jbergdahl@gmail.com

Cliff Canon - 9th Ave Historic District resident  
↳ written testimony submitted

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: As a former chair of the city/county historic landmarks commission,  
I am keenly aware of the multiple benefits city's receive as a consequence of  
wide-ranging preservation ordinance. Redevelopment and maintenance of historic buildings -  
and neighborhoods, preserve the unique nature of a city while combining with new development  
to promote and sustain economic development and encourage tourism.  
(Please PRINT legibly)

NAME: JIM PRICE

STREET ADDRESS: 734E 23rd Ave

CITY: Spokane

STATE: WA

ZIP: 99203-3325

Phone Number: 509-624-1957

E-mail Address: 2inlovers@msn.com

Former chair of city/county Historic Preservation  
Commission

HEARING ITEM INDIVIDUAL SIGN-IN

6

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: The importance of Spokane's historic resources  
was acknowledged by the 2012 National Trust for H.P.  
when they held their National Conference here - these  
resources deserve protection

*(Please PRINT legibly)*

NAME: DAVID STOCKLEY

STREET ADDRESS: 1325 E. NINA AVE

CITY: SPOKANE

STATE: WA

ZIP: 99202

Phone Number: 535-3201

E-mail Address: dstockley9@comcast.net

9<sup>th</sup> Ave

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: This ordinance will help communication  
and preservation in historic and all neighborhoods.  
It's critical that every stakeholder in development  
are involved and the ordinance will provide a needed  
step.

(Please PRINT legibly)

NAME: Rick Biggersdahl

STREET ADDRESS: 2315 W. First Ave.

CITY: Spokane

STATE: WA

ZIP: 99201

Phone Number: 509 993 3368

E-mail Address: rbiggersdahl101@gmail.com

# Chair of Browne's Addition NC, and Spokane Historic Preservation Advocates

X

The chair was made of wood and was  
used for seating in the early 1900s.  
It is a fine example of the work of  
the chair maker and is a valuable  
piece of furniture.

Spokane Historic Preservation Society

1000 1st Ave

Spokane, WA 99201

Spokane Historic Preservation Society

509 325 1177

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose

Comments: WE NEED TO PROTECT THE CHARACTER OF  
OUR NEIGHBORHOODS

(Please PRINT legibly)

NAME: JANET BROWN

STREET ADDRESS: 406 S Coeur d'Alene ST, Apt C

CITY: SPOKANE

STATE: WA

ZIP: 99201

Phone Number: 509-847-3592

E-mail Address: m.janet.brown@gmail.com

No test. money

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor   X   Oppose           

Comments: I strongly Favor the New Proposed Preservation/  
Demolition Ordinance. I live in Brown's ADD. and  
I have soon first-hand how the character of the  
Neighborhood has been adversely impacted by the weakness

(Please PRINT legibly)

(OVER)

NAME: David R Williams

STREET ADDRESS: 2213 W. 4th Ave

CITY: Spokane

STATE: WA

ZIP: 99201

Phone Number: 990-7076

E-mail Address: D.R. WILLIAMS 54 @  
GMAIL.COM

IN THE CURRENT ORDINANCE. THE PROPOSED ORDINANCE  
WILL PROVIDE THE NEEDED PROTECTIONS FOR OUR  
HISTORIC HOMES + BUILDINGS AND GUIDE FUTURE  
DEVELOPMENT THAT IS RESPECTFUL OF OUR  
HERITAGE AS A CITY

No testimony,

HEARING ITEM INDIVIDUAL SIGN-IN

11  
Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  \_\_\_\_\_ Oppose \_\_\_\_\_

Comments: As an owner in Browne's Addition it is important to me to preserve the historic features in our neighborhood. I have been frustrated with the structures that have been demolished to make way for buildings that are questionable in quality & don't support the history of the neighborhood.  
(Please PRINT legibly)

NAME: Lee Williams

STREET ADDRESS: 2213 W 4th Ave

CITY: Spokane

STATE: WA

ZIP: 99201

Phone Number: (509)863-5267

E-mail Address: leewilliams@live.com

No festimons

HEARING ITEM INDIVIDUAL SIGN-IN

9  
Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: We support this ordinance in particular because  
of the creation of historic districts that will help  
preserve the character of our neighborhoods and the  
architectural heritage of our community.

(Please PRINT legibly)

NAME: Ann M. Price

STREET ADDRESS: 134 E 23rd Ave

CITY: Spokane STATE: WA ZIP: 99203

Phone Number: 624-1957 E-mail Address: annp62@gmail.com

Boardmember of Spokane Preservation Advocates

↳ SPA supports  
the ordinance

12

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Please PRINT legibly)*

NAME: Christer Loftonius

STREET ADDRESS: 2117 W Pacific Ave

CITY: Spokane

STATE: WA

ZIP: 99201

Phone Number: (509) 714-8353

E-mail Address: mjcloftonius@gmail.com

13

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: <sup>ANTI-</sup>HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING

Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: Please rename the ord. to Anti-demolition  
I support the preservation of architecture, trees  
and ~~the~~ community stability in Browne's Addition.

(Please PRINT legibly)

NAME: Mary Fulton

STREET ADDRESS: 2117 W. Pacific Ave.

CITY: Spokane

STATE: WA

ZIP: 99201

Phone Number: 509) 821-0113

E-mail Address: birdfancier2416@gmail.com.

West Pacific

14

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: When you destroy your history, you've destroyed the memory. Remembering and celebrating where we've been through our historic structures keeps us focused on our unique community. This ordinance will keep our history, our memories, our identity.  
(Please PRINT legibly)

NAME: Marylou Spraul

STREET ADDRESS: 174 S. Beard'Alene St H-304

CITY: Spokane

STATE: WA

ZIP: 99204

Phone Number: 509-270-2308

E-mail Address: mlspraul@gmail.com

Did not wish to speak

16

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose

Comments: This ordinance will strengthen historic  
preservation in Spokane, and I'm in  
favor of that as a property owner with  
a historic home

(Please PRINT legibly)

NAME: Karen Dawn Steele

STREET ADDRESS: 1325 E. 20 Th Ave

CITY: Spokane

STATE: WA

ZIP: 99203

Phone Number: 536 6259

E-mail Address: steele.kalend@gmail.com

Home on national, state + local historic register

↳ recent board members Spokane  
Preservation Advocates

17

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose

Comments: Architect with development firm specializing in  
renovating older and historic properties - favor the new ordinance

(Please PRINT legibly)

NAME: Ronald Wendle

STREET ADDRESS: 3802 S Latawah

CITY: Spokane

STATE: \_\_\_\_\_

ZIP: 99203

Phone Number: 509 991 6139

E-mail Address: ronwendle@ronwendlegroup.com

No testimony

15

**HEARING ITEM INDIVIDUAL SIGN-IN**

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose

Comments: Important changes enable implementation for  
historic preservation chapter in Comp. Plan

*(Please PRINT legibly)*

NAME: Betsy Bradley

STREET ADDRESS: 417 W 20th Ave

CITY: Spokane STATE: WA ZIP: 99203

Phone Number: 509 822-0300 E-mail Address: Betsy.Bradley1@gmail.com

Members of landmarks commission in Spokane

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**Are you in favor of or in opposition to this agenda item? Favor X Oppose \_\_\_\_\_

Comments: We need this, I live in Cliff-  
Cannon so I understand the value  
historic preservation contributes to our  
city. Please, save our historic heritage, especially  
given the disruptive times we live in  
and the urban densification we face  
(Please PRINT legibly)

NAME: Robynn SleepSTREET ADDRESS: 1414 W 10thCITY: SpokaneSTATE: WAZIP: 99204Phone Number: 509 842 8406E-mail Address: robynnsleep@gmail.com

(19)

Neutral

Andrew Polves, Downtown Spokane Partnership.  
Neutral on ordinance.

10 N Post St.  
#400

509 456-0580

DSP staff have worked closely w/ CM Kinnear and have resolved several concerns. The final two we are continuing to work w/ CM Kinnear on pertain to demolition of non-contributing bldgs for construction of parking for contributing buildings, and expanding incentives for historic buildings.

# Public Policy + Parking Mgr for DSP

2 concerns

- ① Consideration to lengthen consent period
- ② work on parking issue

20

HEARING ITEM INDIVIDUAL SIGN-IN

Date: January 10, 2018

Project Description: **HISTORIC PRESERVATION/DEMOLITION ORDINANCE HEARING**

Are you in favor of or in opposition to this agenda item? Favor  Oppose

Comments: I am both a preservationist and a developer. I believe this ordinance will benefit both. The linkage between preservation and economic vitality has been shown in numerous studies. I think our sense of place is an important part of our quality of life.

*(Please PRINT legibly)*

NAME: Paul Mann

STREET ADDRESS: 503 W Summit Ave

CITY: Spokane STATE: WA ZIP: 99204

Phone Number: 509 994-1497 E-mail Address: mannpw@comcast.net

Member STA Board, Chain of State  
Preservation Board

↳ in favor of ordinance  
in both roles

Member STA Board, Chain of State Preservation Board

January 10, 2017

To: Spokane Plan Commission Members  
From: Lynn Mandyke, Spokane Landmarks Commission  
Re: Historic Preservation Ordinance

As the chair of the Landmarks Commission, I obviously support historic preservation efforts in our community. I also support preserving historic neighborhoods where the residents, in deciding to purchase their historic home, chose their property because they appreciate not only the house they purchased, but also the character of the neighborhood including such resources as an established park, mature trees, nearby schools, and amenities that form the neighborhood they chose to live in. The Comprehensive Plan recognizes "a city's design and character play a significant role in its ability to function, meet the needs of its citizens, and foster quality of life." The goals and policies outlined in the plan intend "to protect and enhance Spokane's unique, authentic character with the tools of Urban Design and Historic Preservation." It is significant that Chapter 8 combines Urban Design and Historic Preservation, drawing on principles that support good planning in both areas. These include "the importance of public input, design review, and planning that honors authentic character." The vision statement notes "the qualities that make Spokane unique, including the historic and cultural fabric, neighborhoods, downtown area, parks and green spaces, and tree-lined streets, will be maintained and improved." And, "new development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood...using development standards that encourage creativity while ensuring compatibility with the surrounding area and enhancing local character. Maintaining or enhancing the neighborhood's character, livability, and property value is a benefit to the residents of an area and provides business owners with some assurance of community stability."

When someone purchases a historic home, they know what they want, appreciate the quality and richness of the historic design, construction, craftsmanship, and materials of the house, and value where they plan to live. It doesn't seem reasonable to allow this to dramatically change. The new ordinance's historic district guidelines help to ensure a newly constructed building has the scale and character that will not dramatically contrast and clash with the scale and character of the neighborhood -- to ensure the existing property owners can still identify the neighborhood they enjoy, and their property retains its value.

Requiring a new building in a neighborhood to look like a historic building is not what we are asking. I believe architects can design modern buildings that are not historic replicas, instead aesthetically blend with surrounding historic structures. The intent of the local historic district guidelines is not to create architectural copies that will inhibit the evolution of a neighborhood, but to allow for contemporary needs and advancing technology that preserve historic architectural design in an environment where new designs can coexist.

Historic properties are finite in our community. They cannot be replaced and should not be replicated. They are precious resources that many citizens hold in high regard. I ask you to approve the ordinance for those neighborhoods who wish to establish historic districts to retain their way of life.

Hello, my name is Dave Shockley and I live at 1325 E Nina Ave in Spokane.

I want to talk about the significance of Spokane's historic resources and the importance to protect them. In 2012 the National Trust for Historic Preservation (the national non-profit preservation group) hosted their annual conference here in Spokane. Spokane is the smallest city to ever host this conference. Spokane's conference hosted 2,000 nation-wide attendees. The year before Buffalo, NY hosted 2,400 attendees. This was a great attendance for Spokane considering the population base around Buffalo. Spokane was selected for our wealth of historic resources in buildings, places and neighborhoods. Having been recognized nationally, these historic resources deserve our protection.

Thank you.

Good afternoon. I'm Jim Price, former two-term member and chair of the Spokane City/County Historic Landmarks Commission. I would like to make a couple of points regarding the value of a strong historic preservation ordinance and the community-wide benefit it provides by sustaining the qualities that make this city and most others unique and desirable places to live and work.

First of all, historic preservation ordinances are engines of opportunity, not ~~dastardly~~ <sup>some</sup> limitations as opponents would like you to believe. The opportunities arise when cities bring sharp focus to restoration, maintenance or redevelopment of the commercial and civic structures, along with the neighborhoods and residential areas that distinguish them from other places.

There's a notion that preservation ordinances would prevent the demolition of almost any building, regardless of its appearance, utility or possibilities. That is not so. Cities throughout the country, not just New York, Baltimore, Chicago or San Francisco, have reaped economic benefit by finding new life, even new purposes, for the best of their older structures. And those cities aren't just metroplexes. In our own region, Hood River, Oregon, and Walla Walla <sup>(let alone Seattle)</sup> set a fine example, right down to the plaques that identify each historic buildings original purpose.

I'm not so naïve that I don't understand that, these days, Spokane and most comparable cities place a lot of value on tourism dollars and the economic development that can attract them. At the same time, how many conventions would choose Spokane if it were nearly a replica of San Jose or Indianapolis, Albuquerque or Des Moines.

We already have an extra history of restoration projects, one or two of them nearly daring, more than that which have won national awards. They have brought new life to the American Legion building, the Carnegie Library and the Fox Theater. Would our residents shrug off plans to knock down the county courthouse, the steam plant smoke stacks, the Paulsen buildings or the Review tower so Spokane would look like someplace else?

To visitors, and to many of us who work or live near downtown, <sup>downtown</sup> it is the neighborhood we all share. And neighborhoods of all sorts give each city its character, an identity that most long-term residents would fight to maintain, whether we're talking about 100-year downtown office buildings or the unique heights, setbacks and mass and scale that identify the various <sup>residential</sup> parts of any city including ours.

Any city, and Spokane is among them, that has a large stock of older homes and buildings, knows that its neighborhoods have their distinctions made up of structures, trees and parkland, the streets and the feel of permanence. Cannon Hill and Corbin Park are not alike, nor are West Central and Lidgerwood, Manito, Rockwood or Shadle Park.

<sup>strengthen our heritage and</sup> This ordinance is not about keeping Spokane the same as it always was. Rather, it will help us all develop constructively. What we want to preserve and maintain forever is what makes us unique.

James Bergdahl  
919 S. Adams St.  
Spokane, WA, 99204

*in the 9th Ave Historic Dist,*  
*a*

Background:

I live in the Cliff-Cannon Neighborhood and I support passage of this demolition ordinance.

Here is some background:

I was born in Spokane and am a 1960 graduate Southwest Community Kindergarten, which was located in a large Tudor home across the street from Roosevelt Grade School. I moved away from Spokane at the age of 8 and then moved back 18 years ago. None of the numerous cities I have lived in have compare to the quality of life in Spokane.

For many years I helped build big new homes and restored old ones on San Juan Island and in Seattle. By the time I was able to buy my first home I was living in Seattle in the University District but the only houses I could afford were junk. So I moved back to Spokane specifically because it has many nice, affordable, classic, Craftsman-style bungalows. Anyone familiar with the most popular books on bungalows in the United States is aware how significant Spokane bungalow housing stock is. The same applies to the City's post World War 2 ranchers.

Over the years I have restored a number of homes and small apartment buildings on the South Hill. I now own four of them, including the smallest documented Kirtland Cutter home I know of in Spokane, and the house the first woman admitted to the WA State Bar Association lived in, Reb Hurn. Ms Hurn was also the first woman to be elected to the WA State Senate. Many of

the classic old bungalows in Spokane also have a fascinating history. Many of them were built very well and can last another 100 years if they are taken care of and protected from demolition.

I am not opposed to all demolition. Some of it makes sense. For instance a 110 year old bungalow was demolished on S. Adams near Huckleberry this summer. It had been awkwardly converted to a 3 plex and recently experienced a very serious fire. The new owners are now building a beautiful, 100% new, single family home there that will fit in well with the neighboring houses.

I am generally opposed to knocking down old bungalows for commercial development, both retail and residential. For instance it is a tragedy 3 nice small bungalows were demolished on E. 32<sup>nd</sup> this last spring for a bank on S. Grand --- there were already six banks in that immediate area. It is also unfortunate that three bungalows are now scheduled for demolition near Huckleberry's on S. Monroe --- to be replaced by a 9-unit apartment complex in Spokane's nationally listed 9th Ave. historic district.

All of these redevelopments are of course legal under the existing comprehensive plan. Therefore I think the plan should be amended with this demolition ordinance to help slow down the pace of destruction of Spokane historic homes and neighborhoods.

The only changes to the plan I recommend is improving incentives for property owners to restore small homes.

**Spokane City Plan Commission**  
**Findings of Fact, Conclusions, and Recommendation**  
**Proposed Recodification of Spokane Municipal Code Chapters 17D.040 to chapter**  
**17D.100: Historic Preservation**

A recommendation from the City Plan Commission to the City Council to **APPROVE/DISAPPROVE** proposed amendments to the Spokane Municipal Code. The proposal is related to historic preservation, demolition of historic properties, and the formation of local historic districts, repealing Spokane Municipal Code chapter 17D.040 and replacing it with a new chapter 17D.100 of the Spokane Municipal Code.

**Findings of Fact:**

- A. The City of Spokane's Comprehensive Plan encourages the "recogni[tion] and preserv[ation of] unique or outstanding landmark structures, buildings, and sites." (Goal DP 1.1), "[e]stablish[es] historic preservation as a high priority within city programs" (Goal DP 3.1), requires that the city "[i]dentify historic resources to guide decision making in planning" (Goal DP 3.3) and seeks to "[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).
- B. The Comprehensive Plan also 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).
- C. To accomplish this, the City's Comprehensive Plan states as a goal 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).
- D. The City's Comprehensive Plan recognizes our neighborhoods as one of our City's finest assets, and therefore requires that the City "[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
- E. On July 26, October 11, and December 13, 2017 the Spokane City Plan Commission held workshops to study the proposed ordinance.

- F. On October 25, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt this proposed ordinance. On October 25, 2017, the City received an acknowledgement letter from the Department of Commerce. On November 13, 2017, the Department of Commerce notified the City that expedited review of the proposed ordinance had been granted.
- G. A public open house was held on October 18, 2017 at the Northwest Museum of Art and Culture, seeking public feedback on the proposed ordinance. The City provided notice of the open house meeting by advertising on its website and via email notice to neighborhood councils and interested parties, such as Spokane Preservation Advocates, the Spokane Homebuilders, and the Downtown Spokane Partnership.
- H. On December 27, 2017 and January 3, 2018, the City caused Notice of the proposed ordinance and announcement of the Plan Commission's January 10, 2018 hearing to be published in the City's Official Gazette. The Notice and announcement was also published in the Spokesman Review on December 29, 2017 and again on January 3, 2018.
- I. On January 11, 2018, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed ordinance. The public comment period for the SEPA determination ended on January 25, 2018.
- J. On January 10, 2018, the City Plan Commission held a public hearing on the proposed ordinance; public testimony was taken, and the hearing was continued to January 24, 2018 for deliberations.

**Public Comment:**

- A. [Number] written comments were received by January 23, 2018, and were provided to the Plan Commission prior to their deliberations on January 24, 2018, regarding the proposed ordinance: [number] in favor, [number] neutral, and [number] in opposition.
- B. During the hearing on January 10, 2018, the Plan Commission heard testimony from 19 individuals: 18 were in favor of the amendments; 1 was neutral, expressing support for the proposed amendments generally, but suggested changes regarding allowing the demolition of non-contributing buildings for parking in support of historic buildings.
- C. No other testimony was heard.

**Plan Commission Deliberations:**

- A. During deliberations, the Plan Commission considered the proposed ordinance, repealing chapter 17D.040, SMC and replacing it with chapter 17D.100, SMC.

B. By a vote of [redacted] to [redacted], the Plan Commission recommended the following revisions to the proposed language of the ordinance in its recommendation to City Council, during their deliberations on the January 24, 2018:

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C. During deliberations, Plan Commissioners stated [redacted]

### Conclusions:

With regard as to whether the proposed ordinance, repealing chapter 17D.040, SMC and enacting a new chapter 17D.100, SMC, meet the approval criteria of SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission makes the following findings:

- A. The proposed ordinance provisions **ARE/ARE NOT** consistent with the applicable provisions of the City's Comprehensive Plan.
- B. The proposed ordinance provisions **DO/DO NOT** bear a substantial relation to public health, safety, welfare, and protection of the environment.

### Recommendation:

By a vote of [redacted] to [redacted], the Plan Commission recommends to the City Council the **APPROVAL/DENIAL** of the proposed ordinance making amendments to the Unified Development Code, with changes as deliberated.

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**Dennis Dellwo, President  
Spokane Plan Commission  
January 23, 2018**