



# Spokane Plan Commission Agenda

Wednesday, November 11, 2020

2:00 PM

Virtual Teleconference

808 W Spokane Falls Blvd, Spokane, WA 99201

## HAPPY VETERAN'S DAY

**Virtual Meeting - See Below For Information**

**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 – 2:30

1. Approve [10/28/2020](#) meeting minutes
2. City Council Report
3. Community Assembly Liaison Report
4. President Report
5. Transportation Sub-Committee Report
6. Secretary Report

All  
 CM Candace Mumm  
 Mary Winkes  
 Todd Beyreuther  
 John Dietzman  
 Louis Meuler

### Workshops:

2:30 – 2:55

1. [Housing Action Plan Update](#)

Maren Murphy

2:55 – 3:20

2. [Receivership Code Text Amendment SMC 17F](#)

Jason Ruffing

3:20 – 3:50

3. [North Bank Subarea Plan](#)

Chris Green

3:50 – 4:00

4. [Code Maintenance, SMC Various Sections](#)

Melissa Wittstruck

### Continued Hearing:

4:00 – 4:30

1. Renaming Fort George Wright Drive

Tami Palmquist

### Board Business:

**Adjournment: The next PC meeting will be held on Wednesday, December 09, 2020**

# Plan Commission Meeting Information

Wednesday, November 11, 2020

In order to comply with public health measures and Governor Inslee's *Stay Home, Stay Safe* order, the Plan Commission meeting will be held on-line.

**Members of the general public are encouraged to join the on-line meeting using the following information:**

<p><b>Meeting Password:</b> PlanCommission</p> <p><b>Meeting Number (access code):</b> 146 205 9622</p>	<p><b>Join Webex Meeting Online:</b></p> <p><b>Tap to join from a mobile device (attendees only):</b></p> <p style="text-align: center;"><a href="tel:+14084189388">+1-408-418-9388</a>,<a href="tel:+1462059622">1462059622##</a> United States Toll</p> <p><b>Join by phone:</b> +1-408-418-9388 United States Toll</p> <p><b>Global call-in numbers:</b></p> <p style="text-align: center;"><a href="https://spokanecity.webex.com/spokanecity/globalcallin.php?MTID=m514c2d4fc1d4af7864559443420dee7b">https://spokanecity.webex.com/spokanecity/globalcallin.php?MTID=m514c2d4fc1d4af7864559443420dee7b</a></p> <p><b>Join from a video system or application:</b> Dial <a href="tel:sip:1462059622@spokanecity.webex.com">sip:1462059622@spokanecity.webex.com</a></p> <p>You can also dial 173.243.2.68 and enter your meeting number.</p> <p><b>Join using Microsoft Lync or Microsoft Skype for Business Dial:</b></p> <p style="text-align: center;"><a href="tel:sip:1462059622.spokanecity@lync.webex.com">sip:1462059622.spokanecity@lync.webex.com</a></p>
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## How to participate in virtual public testimony:

**Sign up to give testimony by clicking on the button below. This will take you to an online google form where you can select the hearing item on which you wish to give testimony.**

The form will be **open until 1:00 p.m.** on November 11, 2020. Hearings begin at 4:00 p.m. When it is your turn to testify, Plan Commission President will call your name and you can begin your testimony. If you called-in to the meeting, you must hit\*3 on your phone to ask to be unmuted. The system will alert you when you have been unmuted and you can begin giving your testimony. When you are done, you will need to hit \*3 again.

Please note that public comments will be taken during the meeting, but the public is encouraged to continue to submit their comments or questions in writing to:

**Louis Meuler at [plancommission@spokanecity.org](mailto:plancommission@spokanecity.org)**

The audio proceedings of the Plan Commission meetings will be recorded, with digital copies made available upon request.

# Spokane Plan Commission - Draft Minutes

October 28, 2020

Webex Teleconference

Meeting Minutes: Meeting called to order at 2:00 PM by Todd Beyreuther

## Attendance:

- Board Members Present: Michael Baker, Todd Beyreuther(President), John Dietzman, Greg Francis (Vice President), Thomas Sanderson, Carole Shook, Sylvia St. Clair, Diana Painter, Jo Anne Wright, Candace Mumm (City Council Liaison), Mary Winkes (Community Assembly Liaison)
- Board Members Not Present: Clifford Winger
- *Quorum Present: yes*
- Staff Members Present: Tirrell Black, Jackie Churchill

## Public Comment:

None in Briefing Session.

## Briefing Session:

Minutes from the October 14, 2020 meeting approved unanimously.

### 1. City Council Liaison Report - Candace Mumm

- Council Member Mumm reported that Emerson Garfield, West Central, and Riverside neighborhoods will be able to put 50% of Tax Incremental Financing funds towards Affordable Housing.

### 2. Community Assembly Liaison Report - Mary Winkes

- Ms. Winkes reported that Community Assembly has not met since the last Plan Commission meeting.

### 3. Commission President Report - Todd Beyreuther

- President Beyreuther reported that a Planning Forum on Local Historic Districts that will be held during an upcoming Plan Commission meeting.

### 4. Transportation Subcommittee Report - John Dietzman

- Mr. Dietzman reported that Plan Commission Transportation Subcommittee is meeting December 1st at the earliest and prior to that meeting a new Chair will need to be appointed by the Plan Commission President. A Vice Chair may also be elected as well. He also reported that Citizen Transportation Advisory Board is starting again and is finalizing the project list for Residential Maintenance and Infill Sidewalks for 2021. Mr. Dietzman is continuing to work on the proposal to create an avenue for citizen input about arterial maintenance selection through the Citizen Transportation Advisory Board and the Neighborhood Councils.

### 5. Secretary Report - Tirrell Black filing in for Louis Meuler

- Ms. Black reported that the Housing Action Plan will be a workshop item on November 11th. Furthermore, the Comprehensive Plan Amendments, that were previously brought before the Plan Commission, will be before City Council November 23rd. Ms. Black also stated that the hearing for Renaming Fort George Wright Drive will heard today but also continued to November 11.

## Workshop(s):

### 1. SRTC Division Connects Study

- Presentation provided by Jason Lien
- Questions asked and answered
- Discussion ensued

## 2. Central City Line

- Presentation provided by Karl Otterstrom
- Questions asked and answered
- Discussion ensued

### Hearing:

#### 1. Renaming Fort George Wright Drive

- Presentation provided by Tami Palmquist, Carol Evans, and Margo Hill, CM Karen Stratton, CM Betsy Wilkerson
- Questions asked and answered
- Discussion ensued
- Public Testimony:
  - Carol Evans, Spokane Tribe Chairwoman - Ms. Evans discussed and explained the process of outreach that was involved in picking the proposed new name, Whist alks Way, of Ft. George Wright Drive
  - Margo Hill, Spokane Tribe member - Ms. Hill spoke about the process followed by the Spokane Tribe to choose a new name for Ft. George Wright Drive, including mailings that were sent out to Tribal Elders as a way to include them in the process and discussed the Spokane Tribe's reasons and for picking the name Whist alks Way and the name's historical background.
  - Rodney Cawston, Chairman for the Colville Confederated Tribes - Mr. Cawston spoke in favor of the name change.
  - Angel Tomeo Sam, Spokane resident, member of Colville Tribe, TNAAPA member, and the Bail Project - Ms. Tomeo Sam spoke in support of the name change of Ft. George Wright Drive, recounted some of the history between Native Americans and settlers in the Spokane area, and voiced concerns over the inclusivity of the name change process.
  - Jenny Slagle, member of Yakama Nation, Spokane resident, TNAAPA member - Ms. Slagle read a letter from The Native American Alliance for Policy and Action into the record that voiced questions about the inclusivity of the process of the name change, and she voiced support in favor of the name change.
  - Toni Lodge, CEO NATIVE Project - Ms. Lodge spoke in favor of name change and voiced concerns over the inclusivity of the policy and practices included in the name change.
  - Karen Dorn Steele, member of Unitarian Universalist Church of Spokane and of Spokane Alliance - Ms. Dorn Steele spoke in favor of the name change.
  - Maureen Rosette, Spokane resident and COO NATIVE Project - Ms. Rosette voiced support for the name change and asked for confirmation that the hearing would be continued for two more weeks so that additional comment can be included.

***Greg Francis made a motion to continue the hearing of the Renaming of Fort George Wright Drive to November 11<sup>th</sup>. Seconded by Jo Anne Wright. Motion Passed unanimously.***

The hearing will be continued until November 11<sup>th</sup>. Public record will remain open until that date.

Meeting Adjourned at 5:13 PM

Next Plan Commission Meeting scheduled for Wednesday, November 11, 2020

*Note: Minutes are summarized by staff. A full recording of the meeting can be found on the City of Spokane's Vimeo page.*

**BRIEFING PAPER**  
**Plan Commission Workshop**  
**Housing Action Plan**  
**November 11, 2020**

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**Subject**

The City of Spokane is preparing a Housing Action Plan to address current and future housing needs of the Spokane community. The Housing Action Plan will provide a strategic approach for the City to increase housing options that meet the needs of residents at all income levels. The planning process will follow a data-driven, community-informed approach with a focus on equity built on inclusive outreach and engagement with residents, partners, and City leaders. The outcome will be a coordinated vision that focuses attention, builds community support, and promotes accountability for enacting change.

**Project Update and Upcoming Public Engagement**

The City hosted a series of roundtable discussion in September and October 2020 with community stakeholders to engage in deeper discussions and guide the development of key priorities around development regulations, land use and housing policy, equity, and affordable housing and rental housing. The City worked with EcoNorthwest (a consultant) to complete a draft housing needs assessment that provides data which helps inform gaps and housing needs. Staff will also be publishing a community survey in November 2020 to gather experiences and issues related to housing from community members. This survey will be available in multiple languages, a first for a planning survey in Spokane.

Please review the project page for the Needs Assessment and roundtable discussion summaries related to the creation of the Housing Action Plan:

<https://my.spokanecity.org/housing/spokane-housing-action-plan/>

**Background**

In 2019, the WA Legislature passed RCW 36.70A.600 (formerly E2SHB 1923) to incentivize cities to increase urban residential capacity and density by completing recommended actions or a housing action plan. The legislation emphasizes the need to increase housing supply for all income levels, and encourages cities to prioritize the creation of affordable, inclusive neighborhoods. Certain non-project actions are not subject to SEPA appeal if completed prior to April 1, 2021 (see [RCW 36.70A.600](#)).

**Plan Commission Consideration:**

When available, a Housing Action Plan draft will be reviewed by the Plan Commission and then forwarded to the City Council for consideration of adoption by resolution in spring 2021.

## Briefing Paper

### Urban Experience Committee

<b>Division &amp; Department:</b>	Neighborhood and Business Services, Code Enforcement
<b>Subject:</b>	Receivership and the Building Official Process
<b>Date:</b>	January 2, 2020
<b>Author (email &amp; phone):</b>	Jason Ruffing, Enforcement Supervisor, <a href="mailto:jruffing@spokanecity.org">jruffing@spokanecity.org</a> , 509.625.6529
<b>City Council Sponsor:</b>	Council President Breean Beggs
<b>Executive Sponsor:</b>	Kris Becker
<b>Committee(s) Impacted:</b>	Urban Experience, Safe and Healthy
<b>Type of Agenda item:</b>	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
<b>Alignment:</b> (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Aligned with Strategic Plan focuses of Available Housing, increasing housing quality and diversity. Also aligned with expressed intent of Chapter 17F of the Spokane Municipal Code, SMC 17F.070.010 D states It is further the policy of the City to put vacant buildings to use, especially residences, by encouraging the rehabilitation of usable structures and to demolish those that are beyond repair so that new development can occur.
<b>Strategic Initiative:</b>	Urban Experience, Safe and Healthy
<b>Deadline:</b>	Timeline: January of 2019, present at Urban Experience, February 2019, present at Plan Commission (possibly multiple meetings) March of 2019, return to Urban Experience, March- April of 2019, present for City Council adoption.
<b>Outcome:</b> (deliverables, delivery duties, milestones to meet)	Code text amendments for two sections in Chapter 17F of the Spokane Municipal Code to provide language authorizing the receivership process to be utilized as an alternative to demolitions of substandard, abandoned, unfit, and nuisance properties through the Building Official Process.
<p><b>Background/History:</b> <i>The Building Official process is an administrative hearing process aimed at resolving substandard, abandoned, unfit, or nuisance properties in the City of Spokane. The Building Official, acting in a quasi-judicial role, is authorized by State Law and the Spokane Municipal Code to issue orders and take actions to resolve substandard conditions. Historically, the process has provided extended timeframes for compliance due to the limited actions for resolution. If an owner fails to cure the violations, the Building Official's options are fairly limited. The most common city action that resolves a substandard building is demolition. This action, while effective and often necessary, is cost and labor intensive. Demolition removes a potentially salvageable dwelling, replacing it with a vacant lot encumbered with liens. The Building Official Process is an effective method of Code Enforcement and due process for resolving symptoms of substandard buildings and abandoned properties. However, this process could have a greater impact on these properties with the ability to direct properties towards a receivership process. With the assistance of the Legal Department, the Building Official and Code Enforcement staff could petition the courts for a receiver to be appointed upon failure to comply with the Building Official's orders within a specified time. Code text amendments would be necessary to formalize receivership as an option for the Building Official process. More specifically, changes are needed to reference receivership as an alternative to demolition in Spokane Municipal Code sections 17F.070.470 and 17F.070.490. The Legal Department has assisted Code Enforcement staff with preparing drafts of the relevant code text amendments and staff plans to propose these amendments in 2020.</i></p>	

Executive Summary:

- *Code text amendments being proposed for Spokane Municipal Code sections 17F.070.470 and 17F.070.490*
- *These changes are needed to reference receivership as an alternative to demolition*
- *Receivership is already in use and has proven to be a successful method of bringing about ownership changes to properties that are abandoned, or substandard to the extent that they create a public safety hazard.*
- *City Legal, the Civil Enforcement Unit, and Code Enforcement already are in the practice of collaborating on these types of properties and referring cases for the receivership process.*
- *These code amendments will bolster this collaboration and improve the Superior Court process.*
- *Recent receivership success stories such as the Grove Community structures in West Central are great examples of the intent of these amendments. This cooperation has been successful in avoiding demolition, thus decreasing the amount of public dollars that are spent on demolitions.*

Budget Impact:

Approved in current year budget?  Yes  No

Annual/Reoccurring expenditure?  Yes  No

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.) Potentially less budget expenditure on demolitions.

Operations Impact:

Consistent with current operations/policy?  Yes  No

Requires change in current operations/policy?  Yes  No

Specify changes required:

Known challenges/barriers:

## Receivership and the Building Official Process

The Building Official process is an administrative hearing process aimed at resolving substandard, abandoned, unfit, or nuisance properties in the City of Spokane. The Building Official, acting in a quasi-judicial role, is authorized by State Law and the Spokane Municipal Code to issue orders and take actions to resolve substandard conditions. Historically, the process has provided extended timeframes for compliance due to the limited actions for resolution. If an owner fails to cure the violations, the Building Official's options are fairly limited. The most common city action that resolves a substandard building is demolition. This action, while effective and often necessary, is cost and labor intensive. Demolition removes a potentially salvageable dwelling, replacing it with a vacant lot encumbered with liens.

Multiple departments within the City are impacted by abandoned and nuisance properties. Code Enforcement and the Spokane Police Department, in particular, spend extensive amounts of staff time attempting to resolve symptoms of these types of properties. These two departments collaborate on numerous approaches aimed at resolving complex issues that have broad impacts across multiple departments, including substandard buildings and abandoned properties. One particularly successful program has been the receivership program, implemented and managed by the Civil Enforcement Unit of the Spokane Police Department. With the assistance of the Legal Department, the Civil Enforcement Unit is able to petition the courts to appoint a receiver to facilitate the resolution of nuisance conditions when the ownership proves to be absentee or otherwise unable to manage the property in compliance with state and local law. The receiver is a third party agent of the property that is appointed by the court in successful cases. Many receivership cases have used Code Enforcement data and case information as evidence of abandonment and documentation of nuisance conditions. Numerous properties that have been in the Building Official process have ultimately gone through the receivership process as well, finally bringing about resolution to substandard and nuisance conditions, while avoiding demolition and costly liens. One missing piece in this partnership is explicit municipal code language that provides the Building Official with the option of directing a property towards receivership instead of ordering a demolition. As opposed to demolition, receivership addresses the root cause of the nuisance property, rather than just extending the cycle of symptom mitigation.

In conclusion, the Building Official Process is an effective method of Code Enforcement and due process for resolving symptoms of substandard buildings and abandoned properties. However, this process could have a greater impact on these properties with the ability to direct properties towards a receivership process. With the assistance of the Legal Department, the Building Official and Code Enforcement staff could petition the courts for a receiver to be appointed upon failure to comply with the Building Official's orders within a specified time. Code text amendments would be necessary to formalize receivership as an option for the Building Official process. More specifically, changes are needed to reference receivership as an alternative to demolition in Spokane Municipal Code sections 17F.070.470 and 17F.070.490. The Legal Department has assisted Code Enforcement staff with preparing drafts of the relevant code text amendments and staff plans to propose these amendments in 2020.

## Title 17F Construction Standards

### Chapter 17F.070 Existing Building and Conservation Code

#### Section 17F.070.470 Compliance with Order

- A. The order under this chapter specifies the action to be taken by the owner and establishes a time or timeframe for compliance.
  
- B. So long as a building is boarded up, or unfit, substandard, or abandoned and subject to the building official hearing process, the owner must pay an annual fee as provided in [SMC 8.02.067](#). This fee is lienable under [SMC 17F.070.500](#). Otherwise, the owner must cause the building to be occupied in compliance with all applicable code requirements. However, it is the intent of this chapter that boarding a dangerous building is a temporary solution to imminent danger and a building may not remain boarded up longer than two years unless an extension of time is part of a plan approved by the building official or hearing examiner detailing the future rehabilitation, sale, demolition, or other disposition of the building.
  1. A property remaining boarded up longer than two years may be subject to demolition by order of the building official.
  2. The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. (2006 International Property Maintenance Code section 110.1).
  3. When the building is of sufficient value to be repairable, the building official may recommend action by the City to obtain the property through eminent domain, pursuant to the provisions of the chapter 35.80A Revised Code of Washington.

4. As an alternative to demolition, when appropriate, the building official may issue an order to refer substandard, abandoned, unfit, or nuisance properties to Superior Court in pursuit of a receivership order.
- C. The owner of a substandard building must repair and rehabilitate it so as to bring it into compliance with the standards of this chapter, at a minimum, or into compliance with the new work and replacement requirements of the building and associated codes provided in [chapters 17F.030 through 17F.060 SMC](#) and [chapters 17F.080 through 17F.100 SMC](#) if applicable by their terms. When warranted by the nature and extent of the repairs and the type of occupancy, the order may require the building to be vacated and secured during rehabilitation.
- D. The owner of an unfit building must cause it to be vacated, secured against entry, demolished, and the land filled and cleared. When warranted by the location of the building and the nature of the defects the order may allow demolition to be delayed upon such conditions, such as clearing and securing, as will safeguard health and safety.
- E. Should the owner of an unfit building propose a written undertaking, acceptable to the building official or the hearing examiner, giving assurance and security that the building can be safely rehabilitated in a reasonable time, then the order can direct rehabilitation according to the undertaking, in lieu of demolition. Upon the owner's failure to accomplish his undertaking, the building official or hearing examiner may summarily order demolition or receivership, or when the building is of sufficient value to be repairable, the building official may recommend action by the City to obtain the property through eminent domain, pursuant to the provisions of chapter 35.80A Revised Code of Washington.
- F. An order respecting a building under this chapter may require the owner to take specified action in regard to the surrounding ground whereby nuisance, such as dry vegetation or other combustible accumulations, or toxic, septic, or unsafe substances, is abated.

Date Passed: Monday, March 15, 2010

Effective Date: Wednesday, April 21, 2010

ORD C34577 Section 3

## Title 17F Construction Standards

### Chapter 17F.070 Existing Building and Conservation Code

#### Section 17F.070.490 Enforcement

- A. Whenever an owner has failed to complete the action required by an order under this chapter:
  - 1. the building official or the hearing examiner may extend the time for completion, imposing such conditions as may seem warranted, if the owner has made substantial progress; or
  - 2. the director causes the ordered action to be done, by competitive bid contract whenever feasible, or by negotiated contract, or by city forces when circumstances do not allow time for bidding.
- B. All work of rehabilitation and demolition done pursuant to an order made under this chapter is subject to all applicable laws respecting permits, contractor registration and certification of workers, except work done by city forces under emergency circumstances.
- C. Invitations to bid on a demolition contract shall provide that salvage be awarded to the contractor as a credit against the contract price. A bid based on an estimate of the value of salvage may not be changed to reflect actual salvage value. The director may invite and receive bids before the time for compliance by the owner has expired.
- D. As an alternative to demolition, when appropriate, the building official may issue an order to refer substandard, abandoned, unfit, or nuisance properties to Superior Court in pursuit of a receivership order.

Date Passed: Monday, February 28, 2005

Effective Date: Saturday, April 2, 2005

ORD C33594 Section 6

# Receivership and the Building Official Process

Plan Commission Workshop  
November 11, 2020

Jason Ruffing  
City of Spokane  
Code Enforcement

# Receivership and the Building Official Process

- Proposed amendments to Spokane Municipal Code **17F.070.470** and **17F.070.490**
- Formalizes **alternative** to Building Official **demolition** orders by routing appropriate properties through Receivership

# Receivership and the Building Official Process

- Proposed amendments would be implemented through the Building Official orders and the related administrative hearing process for **substandard, abandoned, unfit, and nuisance properties**
- Receivership process aimed at facilitating the **rehabilitation** and **re-use** of these types of properties

# Building Official Process Timeline

## Preventative (Code Enforcement)

Notice/Outreach

Weeks - Years



## Building Official Hearings

Hearings/Orders

1-6 months



## Appeal Process (Hearing Examiner)

Order(s) can be appealed

1 month

# Receivership Process Timeline

## Investigation (SPD, CE, BO)

Investigation/Review by City Legal

Weeks - Years



## Superior Court

Court hearing, Receiver ordered

Prep < 1 month, Notice – 2 weeks



## Receiver Actions

Abate, list for sale

Sale within 1 month, court review

# Timeline Summary

- Each property is **different**
- Specific conditions may require different compliance timeframes
- Notice and appeal processes will remain constant
- **No change** to existing processes or opportunities for voluntary compliance
- Complete timeline for each property **will vary**, from 4-6 months to 1+ year(s)

# Legislative timeline

**-1/13/20-** Proposal briefed at City Council Urban Experience committee

**-2/6/20-** Department of Commerce Notice (60 day) filed

**-2/12/20-** Introductory briefing to Plan Commission

**-2/14/20-** Project page posted on City of Spokane Website

<https://my.spokanecity.org/projects/alternative-to-substandard-building-demolition/>

**-2/26/20-** Information sent to City Clerk's Office for publication in City Gazette

**-3/2/20-** email sent through ProChamps (foreclosure registry) to notify mortgage industry contacts of proposed amendment.

**-3/4/20-** email sent to Spokane Association of Realtors to notify of proposed amendment.

# Legislative timeline

- 3/6/20**- project page sent to Neighborhood Council contacts through Office of Neighborhood Services “Friday Update”
- 3/11/20**- Plan Commission Workshop
- 3/19/20**- presentation/discussion with Land Use Committee of the Community Assembly (pending)
- Spring 2020**- project process delayed due to COVID-19 and dramatic impacts to staff work priorities
- Fall 2020**- resumed adoption process
- 11/4/20**- project page updated
- 11/6/20**- project page again sent through “Friday Update” email
- 11/11/20**- Plan Commission workshop

# Legislative timeline

## Next steps (December 2020, January 2021)

- Plan Commission Hearing scheduled for December 9, 2020
- Return to City Council

# Questions?

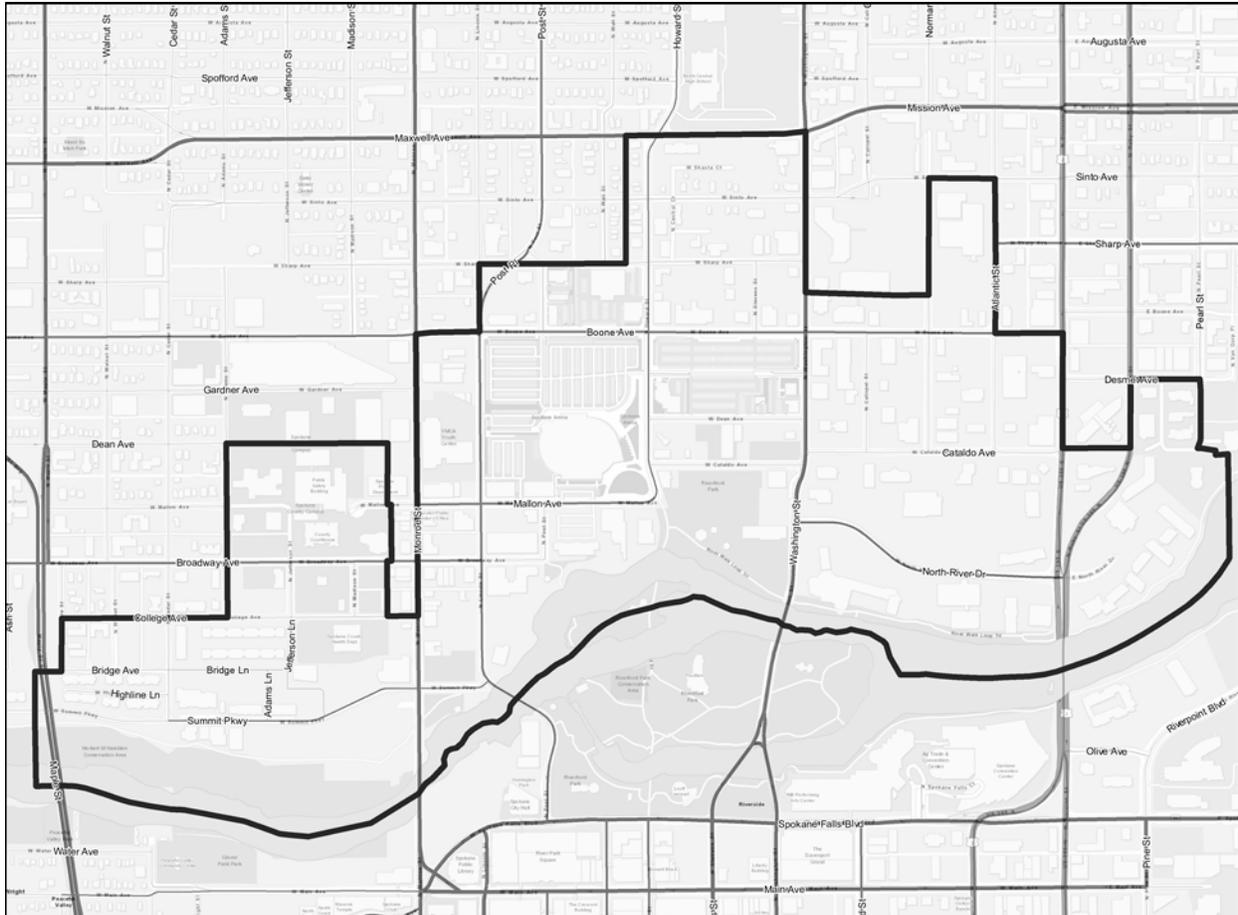


**BRIEFING PAPER**  
**Spokane Plan Commission**  
**North Bank Subarea Planning Workshop**  
**November 11, 2020**

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**Subject: North Bank Subarea Planning**

This briefing paper summarizes the North Bank subarea planning process, a proposed resolution to recognize the draft *North Bank Subarea Plan*, and possible next steps in the process.



*North River Overlay District Boundary – SMC Chapter 17C.160*

The Draft North Bank Subarea Plan, previous presentations, and meeting documents are available for review on the City project website:

<https://my.spokanecity.org/projects/north-bank-plan/>

**Background**

City Council adopted the North River Bank Design Plan in 1982, followed by the implementation development standards to implement the plan’s policies related to preservation of access and views from the North Bank subarea. Many of these

**BRIEFING PAPER**  
**Spokane Plan Commission**  
**North Bank Subarea Planning Workshop**  
**November 11, 2020**

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standards remain in effect as the North River Overlay District ([SMC Chapter 17C.160](#)), including:

- An allowed Floor Area Ratio (FAR) for non-residential buildings of 4.5, or higher if allowed by the underlying zone (such as DTG, which allows a non-residential FAR of 6).<sup>1</sup>
- Limiting building site coverage and east-west building width
- Requiring north-south pedestrian connections through east-west building frontages of more than 300 feet

The subsequent adoption of the current Comprehensive Plan (2001), citywide update to the zoning ordinance (2006), and updated Shoreline Master Program (2011) implement many of the North River Bank Design Plan goals. In light of potentially overlapping standards, and changes to the North Bank reflected in several completed or proposed housing, recreation, and entertainment developments within the past decade, a project to complete an updated subarea plan and implementing code changes began in early 2019.

With consultant assistance from Community Attributes, Inc. (CAI) and MAKERS Architecture & Urban Design, community engagement and plan development continued through 2019, including a three day charrette in March 2019. CAI completed a preliminary draft of the subarea plan in August 2019. Plan Commission held four workshops on the draft subarea plan and proposed implementation measures in fall 2019.<sup>2</sup> CAI completed a [revised draft of the Subarea Plan](#) in December 2019, including implementation measures focused on expanding the boundaries of the DTG zone and associated overlays. Based on the analysis of the consultants and feedback from stakeholders, the draft Subarea Plan also identifies significant potential for multifamily residential development within the North Bank subarea.

In addition to the recent development activity and potential issues with North River Overlay standards identified earlier, additional issues emerged from stakeholder engagement in the subarea planning process:

- Lack of connectivity in the street network in the North Bank, and the impact on bicycle and pedestrian travel within and through the subarea.
- Lack of alignment between the current CB-150 (Community Business with 150 foot height limit) along Howard Street between Boone and Maxwell Avenues and

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<sup>1</sup> Floor Area Ratio is unlimited for household living uses in the DTG zone and commercial zones within the North Bank subarea.

<sup>2</sup> August 24, 2019; September 25, 2019; October 23, 2019; and November 13, 2019.

**BRIEFING PAPER**  
**Spokane Plan Commission**  
**North Bank Subarea Planning Workshop**  
**November 11, 2020**

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the vision for Howard Street as a “pedestrian corridor” as adopted in the 2009 Fast Forward Downtown Spokane Plan update.<sup>3</sup>

- Both the North Bank and South University District subarea planning processes identified potential refinements to the street frontage standards set forth in the Complete Streets system used in Downtown zoning districts ([SMC Section 17C.124.035](#); street designations shown on [Downtown Plan Map 5.1 “Infrastructure Improvements”](#)). Consultant recommendations for more extensive changes to the frontage standards are contained in Appendix 1 of the draft *North Bank Subarea Plan*.
- Property owners within the North River Overlay, but outside of the DTG zone, have requested that the overlay allowing for no minimum off-street parking requirement ([“Downtown Parking Requirement Map” SMC 17C.230-M1](#)) be extended into the remainder of the North River Overlay District.

### **Current Status**

Because of the complexity of the issues involved, and the possibility that proposed implementation measures might be different than those contained in the draft Subarea Plan, additional outreach to North Bank stakeholders and other participants in the subarea planning process is needed. The planning process has been on hold since March 2020, due to limitations on in-person meetings traditionally used to carry out broad community engagement, and to avoid coinciding with Plan Commission and City Council review of other subarea plans.

### **Recommendation**

Adopt a resolution recognizing the *North Bank Subarea Plan* and engage stakeholders and the community at large as part of the upcoming process to adopt implementing measures for the 2020 Downtown Plan Update.

### **Action**

Plan Commission recommendation for a resolution recognizing the *North Bank Subarea Plan* to move forward to hearing on December 9, 2020.

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<sup>3</sup> See [Fast Forward Downtown Spokane Plan](#), pg. 66.

**BRIEFING PAPER**  
**City of Spokane Plan Commission Workshop**  
**Unified Development Maintenance Code Cleanup**  
**November 11, 2020**

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**Subject**

This update is for the Unified Development Maintenance Code Cleanup. This project was reviewed at the September 23, 2020 Plan Commission workshop.

A draft ordinance of Phase I amendments is included with this workshop to Plan Commission. A Plan Commission hearing is anticipated for December 9.

**Background**

The 2020 Unified Development Code (UDC) Maintenance Project is a list of proposals for changes to some Titles in the Spokane Municipal Code (SMC). These are most often proposed by City Planning and Developer Services staff over time. The Maintenance project purpose is to respond to needed corrections, changing conditions, and the potential for improvements for all users.

This is the first overall maintenance effort undertaken and adopted since 2015. Several chapters of the SMC will be included. Shaping Spokane, the 2017 adopted City of Spokane Comprehensive Plan Chapter 3 Land Use policy 7.2 calls out a continuing review process; the continuing need for periodic maintenance of the SMC is intended to aid the public in preparing applications for development and reviews by staff for relying on code citations and the enforcement of same.

This proposal is Phase I of a multi-phase effort coming to Plan Commission for consideration and recommendations, and eventually, to City Council over the next 12 months. Phase I consists of minor corrections.

To help understand the types of changes that are recommended, the amendments have been consistently categorized under three general types over the last two decades. The first category is MINOR. These are the types of proposals coming to Plan Commission in late 2020.

**Minor:** These include changes such as corrections to cross references from Title 11, typically repealed sections of chapter 11.19 found in Title 17 SMC. In some cases, redundant phrasing or inaccurate word choice without changing meaning or substance are also categorized as minor.

Later phases, anticipated for 2021, are the next two categories, CLARIFICATION and SUBSTANTIVE. Think of these next phases along the lines of a larger correction or repair that is needed.

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

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

Phase I proposed amendments are categorically exempt from State Environmental Policy Act (SEPA) as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b).

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For more information please contact Melissa Wittstruck, Planner II, [mwittstruck@spokanecity.org](mailto:mwittstruck@spokanecity.org)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to Design Review Board, Residential Zones Primary Uses, Downtown Zones Limited Use Standards, Off-site impacts Noise, SEPA Categorical Exemptions Applicability Appendix B, Construction Standards General Provisions Notice of Hearing, Building Code Awnings, Design Review Board Procedures, Design Review Board Criteria, Administration and procedures, Planned Unit Developments, Subdivision Design Standards, and Street Development Standards, amending Spokane Municipal Code (SMC) sections 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040(B), 17G.060.020(A)(3), 17G.060.070(B)(5)(c), 17G.070.220(A), 17G.080.070(C)(5), 17H.010.240, and 17H.010.250.

WHEREAS, the maintenance of the Unified Development Code (UDC) and in general the Spokane Municipal Code (SMC) has been a periodic, recurring project of Planning and Development Services as well as other City departments over the course of the last two decades to maintain consistency and clarity as local policy documents needs or local, State and Federal regulations change; and

WHEREAS, Planning & Development Services has identified Phase I of multiple sections of SMC chapters require minor corrections, elimination of redundancy, or other non-substantive action; and

WHEREAS, Shaping Spokane, the 2017 adopted City of Spokane Comprehensive Plan Chapter 3 Land Use policy 7.2 calls out a continuing review process; and

WHEREAS, the continuing need for periodic maintenance of the SMC is intended to aid the public in preparing applications for development by relying on code citations and the enforcement of same necessitates active review and corrections; and

WHEREAS, the processing of applications and enforcement activity is anticipated to be more efficient by eliminating the time spent on resubmittal after explanation of the current SMC Title 17 affecting the applicant, improving customer service; and

WHEREAS, amendments to SMC Title 17 does require Plan Commission review or recommendation whether or not the amendment affects a land use action; and

WHEREAS, this repeal action is categorically exempt from the State Environmental Policy Act (SEPA) as stated in Washington Administrative Code (WAC) Procedural Actions 197-11-800(19)(a)(b); and

WHEREAS, a Notice of Intent to amend and adopt SMC multiple chapter sections including 04.13.015, 17C.110.100, 17C.124.110, 17C.220.060, 17E.050.080 Appendix B, 17F.010.050, 17F.040.140, 17G.040.040(B), 17G.060.020(A)(3), 17G.060.070(B)(5)(c), 17G.070.220(A), 17G.080.070(C)(5), 17H.010.240, and 17H.010.250 as part of periodic maintenance of the SMC was published in the City Gazette November XX, 2020 and the Spokesman-Review November XX and November XX, 2020; and

**WHEREAS, the City Council adopts the recitals set forth herein as its** findings and conclusions in support of its repeal of these sections of chapter 11.19; --

Now, Therefore, The City of Spokane does ordain:

Section 1. That SMC **04.13.015(E)** is amended:

**04.13.015(E) Administrative Agencies and Procedures; Design Review Board**

Purpose.

The design review board is hereby established to:

- A. improve communication and participation among developers, neighbors, and the City early in the design and siting of new development subject to design review under the Spokane Municipal Code;
- B. ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan;
- C. advocate for the aesthetic quality of Spokane's public realm;
- D. encourage design and site planning that responds to context, enhances pedestrian characteristics, considers sustainable design practices, and helps make Spokane a desirable place to live, work, and visit;
- E. provide flexibility in the application of ~~development~~ design standards as allowed through ~~development~~ design standard departures; and
- F. ensure that public facilities and projects within the City's right-of-way:
  1. wisely allocate the City's resources,
  2. serve as models of design quality.

Section 2. That SMC 17C.110.100(B) & (C) is amended:

**17C.110.100(B) & (C) Residential Zones; Residential Zones Primary Uses; Limited Uses (L) and Conditional Uses (CU)**

A. Permitted Uses (P). Uses permitted in the residential zones are listed in [Table 17C.110-1](#) with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses (L). Uses permitted that are subject to limitations are listed in [Table 17C.110-1](#) with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. In addition, a use or development listed in [SMC 17C.320.080](#), (~~Design Criteria~~) Decision Criteria, is also subject to the standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from [Table 17C.110-1](#).

C. Conditional Uses (CU). Uses that are allowed if approved through the conditional use review process are listed in [Table 17C.110-1](#) with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "CU" that also have a footnote number in the table are subject to the standards cited in the footnote. In addition, a use or development listed in [SMC 17C.320.080](#), (~~Design Criteria~~) Decision

Criteria, is also subject to the standards of this chapter. The conditional use review process and approval criteria are stated in [chapter 17C.320 SMC](#), Conditional Uses.

D. Uses Not Permitted (N).

Uses listed in [Table 17C.110-1](#) with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards of [chapter 17C.210 SMC](#), Nonconforming Situations.

Section 3. That SMC 17C.124.110 (A)(7)(a) is amended:

[Chapter 17C.124](#) Downtown Zones

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

The paragraphs listed below contain the limitations and correspond with the bracketed [ ] footnote numbers from [Table 17C.124-1](#).

1. Group Living.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [1].

a. General Standards.

All group living uses except for alternative or post-incarceration facilities are allowed by right.

b. Alternative or Post Incarceration Facilities.

Group living uses which consist of alternative or post incarceration facilities are conditional uses.

2. Adult Business.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [2]. Adult businesses are subject to the additional standards of [chapter 17C.305 SMC](#).

3. Commercial Parking.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [3]. See [SMC 17C.230.310](#) for the parking structure design guidelines. See [SMC 17C.124.340](#), Parking and Loading, for ground level parking structure use standards.

a. New standalone surface commercial parking lots are not allowed as the primary use within the area shown on [Map 17C.124-M1](#), Surface Parking Limited Area. Within the area shown on [Map 17C.124-M1](#), standalone commercial parking as a primary use must be located entirely within a parking structure.

4. Drive-through Facility.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [4]. Drive-through facilities are subject to the additional standards of [SMC 17C.124.290](#).

5. Quick Vehicle Servicing.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a Type III or IV complete street. Quick vehicle servicing uses must be fully contained within a structure. Quick vehicle servicing uses are subject to the additional standards of [SMC 17C.124.290](#).

6. Retail Sales and Services Uses Motorized Vehicle Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [6]. Sale, rental, or leasing of motor vehicles, including passenger vehicles, light and medium trucks is not allowed. Sale, rental, and leasing of motorcycles and other recreational vehicles not able to be licensed for normal on street use is allowed. For sale or

leasing of motorcycles and other recreational vehicles see [SMC 17C.124.270](#),  
Outdoor Activities

#### 7. Industrial Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [7]. These types of uses are limited to assure that they will not dominate the downtown area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of [chapter 17C.220 SMC](#), the planning director may require documentation that the development will be modified to conform with the standards.

- a. Limited industrial uses are allowed. (~~Only limited industrial uses are allowed.~~) Industrial uses more intensive than the limited industrial definition are not allowed.
- b. Industrial buildings and industrial sites are subject to the same design standards as commercial buildings and commercial sites.

#### 8. Mini-storage, Storage, Warehousing, Industrial and Parking Structure Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have an [8]. See [SMC 17C.124.340](#).

#### 9. Mini-storage Facilities Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have an [9]. Mini-storage facilities are subject to the additional standards of [chapter 17C.350 SMC](#), Mini-storage Facilities.

#### 10. Outdoor Activity Limitation.

This regulation applies to all parts of [Table 17C.124-1](#) that have a [10]. Outdoor display, storage, or use of industrial equipment or other industrial items such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.

#### 11. Community Services.

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

#### 12. Wireless Communication Facilities.

See chapter [17C.355A SMC](#).

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

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

#### 14. Mobile Food Vending.

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

Section 4. That SMC 17C.220.060 is amended:  
The City noise standards are stated in ((~~SMC 10.08.020~~) SMC 10.08D.090, Public Disturbance **Noise**. In addition, the department of ecology has standards that apply to environments within which maximum permissible noise levels are established.

Section 5. That SMC 17E.050.080 Appendix B is amended:

#### Chapter 17E.050 SEPA

### Article III. Categorical Exemptions and Threshold Determinations

#### Section 17E.050.080 Categorical Exemptions – Applicability

A. If a proposal fits within any of the provisions in SMC 17E.050.230 (Part Nine) and 17E.050.070, the proposal shall be categorically exempt from the threshold determination requirements (WAC 197-11-720), except when the proposal is a segment of a proposal that includes:

1. a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

2.a series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead agency unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the department of ecology to resolve disputes (WAC 197-11-946).

For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, provided the requirements of WAC 197-11-070 are met. See Appendix B for an informational matrix of exempt and nonexempt activities.

B. The lead agency is not required to document that a proposal is categorically exempt. The lead agency may note on an application that a proposal is categorically exempt or place such a determination in the agency's files.

### APPENDIX "B"

**SMC 17E.050.080**  
**SMC 17E.050.230**  
**(ORD C33583)**

### SEPA EXEMPTION LEVELS MATRIX (INFORMATIONAL ONLY)

**The following matrix serves for informational purposes only and should not be interpreted as law. Departments may administratively update this matrix for their own information. See Washington Administrative Code (WAC) chapter 197-11, and the provisions set forth in this ordinance for specific SEPA exemption rules and regulations.**

ACTIVITY	EXEMPT	NON-EXEMPT
Rezone		X
<del>((Special Permit Use Permit))</del> Conditional Use Permit When Project Meets Flexible Thresholds	X	
Variances (Not including change in use or density)	X	
Short Plats or Short Subdivisions	X <sup>1</sup>	
Short Plat Within Land Previously Platted		X
License for Discharge to Water		X
Activities Critical Areas		X <sup>2</sup>
Annexation Into A City	X	
License for Discharge to Air		X
< 20 Dwelling Units	X	
Agricultural Buildings <20,000 Square Foot	X	
Office, School, Commercial, Recreational, Service, Storage Buildings < 12,000 Square Feet And Up to 40 Parking Spaces	X	
Parking Lots < 40 Parking Spaces	X	
Landfills And Excavations < 500 Cubic Yards	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Transit Stops	X	
Signs And Signals	X	
Minor Road Repair Including Pedestrian and Bike Facilities	X	
Additions To Building Below the Flexible Thresholds	X	
Building Demolition Below Flexible Thresholds	X	
Demolition of Buildings of Historic Significance		X
Underground Tanks < 10,000 gallons	X	
Vacation of Streets And Roads	X	
Hydrological Measuring Devises	X	
Survey and Boundary Markers	X	
Repair, Remodeling, Maintenance or Existing Structures	X <sup>1</sup>	
Minor Repair or Replacement of Structures	X <sup>1</sup>	
Dredging		X
Reconstruction/Maintenance Shoreline Protection Measures		X
Replacement of Utilities/ Utility Lines	X <sup>3</sup>	
Repair/Rebuilding Dams, Dikes or Reservoirs		X
Water Rights and Structures For <50 c/f/s of Surface Water for Irrigation	X	
Water Rights and Structures For 1 c/f/s or 2,250 g/p/m or Ground Water	X	
Sale, Transfer, Exchange or Lease of Land	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Closure of Schools (Plan)	X	
Open Burning	X	
Variances Under the Clean Air Act	X	
Issuance, Renewal, Revision of Air Operating Permit	X	
Water Quality Certifications	X	
Activities of Fire and Law Enforcement Exempt Construction	X	
Proposal Or Adoption of Rules, Regulations, Resolutions Ordinance or Plan Relating To Procedures and Contains No Standards	X	
Adoption of State Building Codes	X	
Adoption of Noise Ordinances	X	
Installation, Construction, Relocation Of Utilities Except The Following: <ol style="list-style-type: none"> <li>1. Communication Towers or Relay Stations</li> <li>2. Stormwater, Water and Sewer with lines &gt; 8 inches</li> <li>3. Electrical Facilities and Lines &gt; 55,000 Volts</li> </ol>	X <sup>1</sup>	
Grants Of Franchise By Agencies To Utilities	X	
Class I, II, II Forest Practice Permits/Regulations	X	
Recreational Sites Development <12 Campsites	X	
Watershed Restoration Projects Pursuant To a Restoration Plan	X	
Microcell Attached To Structure– No Residence or School On-site	X	

ACTIVITY	EXEMPT	NON-EXEMPT
Personal Wireless Service Antennas Attached To Structure— No Residence or School On-site And in a Commercial, Industrial, Forest or Agricultural Zone.	X	
Personal Wireless Service Tower <60 Feet In a Commercial, Industrial, Forest or Agricultural Zone.	X	

<sup>1</sup>Applies to land not covered by water.

<sup>2</sup>Under section 197-11-305 WAC, each County/City may adopt provisions to exclude exemptions listed in 197-11-800 for those sites listed in Critical Areas.

<sup>3</sup>Some utility replacements are non exempt. See WAC for specifics (i.e. replacement of transmission line for natural gas is not exempt).

Section 6. That SMC 17F.010.050(A)(1) is amended:

[Section 17F.010.050](#) Notice of Hearing

A. Existing Building and Conservation Code.

1. ~~((Pursuant to [chapter 11.11 SMC](#), notice of hearing,))~~ Notice of hearing by the building official is given by ~~((the department of neighborhood services and code enforcement))~~ the Developer Services department in the complaint which is:
  - a. served personally or by certified mail with return receipt, or if the whereabouts of a person to be served cannot be ascertained, by publication once a week for two consecutive weeks in a legal newspaper, upon all persons having a record interest in the subject property; and
  - b. posted on the subject property; and
  - c. filed in the manner of a lis pendens in the office of the Spokane County auditor.
2. Personal service, service by certified mail and filing in the auditor's office are between ten and thirty days before the hearing. Posting and first publication are between fifteen and thirty days before the hearing.
3. Notice of the public hearing of the hearing examiner on an appeal from the order of the building official is given by the office of the hearing examiner by personally serving on, or mailing to, the appellant and all persons having a record interest who have not disclaimed all interest, notice at least ten days prior to the hearing.

B. Effect of Notice.

The notice provisions of this chapter are not jurisdictional or exclusive. The failure of any person to receive notice under this section does not affect the validity of any hearing under this chapter. This section is subject to any specific notice provisions of state and federal law. This section does not prevent any City agency from adopting further provisions for notice by rule or preclude other methods of notice.

202001030.DraftUDCphase I ordinance

Section 7. That SMC 17F.040.140(A) is amended:

**Section 17F.040.140 Awnings**

In addition to the requirements of IBC Section 3105, these provisions apply:

A. ((A fixed awning not more than ten feet in length may be erected over a doorway to the building.))

A. An awning which defines an entrance to a nonresidential use and which provides shelter between a passenger loading point and the entrance may be installed in accordance with the standards of this section so long as any portion of the awning that does not project at least forty-two inches over the pedestrian way is confined along the facade to a width not to exceed the width of the doorway plus six feet on both sides.

B. Projection.

Awnings may extend over public property (whether the building is conforming or nonconforming) but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally.

C. An awning which projects more than eighteen inches into the public right-of-way must provide a minimum forty-two-inch coverage over any sidewalk adjacent to the property.

D. Clearance.

All portions of any awning shall be at least eight but not more than twelve feet above any public walkway.

EXCEPTION: Any valance attached to an awning shall not project above the roof of the awning at the point of attachment and shall not extend more than twelve inches below the roof of the awning at the point of attachment, but in no case shall any portion of a valance be less than seven feet in height above a public way.

E. Signs.

If an awning also carries advertising copy, the copy is regulated as a sign, but the awning is not thereby exempted from the provisions of this chapter as provided in Section 3107.

Section 8. That SMC17G.040.040(B) is amended:

**Design Review Criteria.**

The board shall base its review, report, and/or recommendation on the following criteria:

A. The requirements, guidelines, and applicable provisions of [Title 17 SMC](#) that apply to the property in question including all additional zoning regulations which may apply to the use or to its area by provision for overlay district, or made

202001030.DraftUDCphase I ordinance

applicable by any conditional use or variance approval.

- B. ~~A summary of the design guidelines adopted by the City is found in the~~ The Design Review Application Handbook, outlining the design review process, with application forms and submission checklists, is on file in the planning department.

Section 9. That SMC 17G.060.020(A)(3) is amended:

**Section 17G.060.020 Administration**

A. Responsibility for the administration, application and interpretation of these procedures pursuant to this ordinance is as is set forth below:

1. The director of building services or his designee is responsible for [chapter 17E.050 SMC](#), Division F; [chapter 17G.010 SMC](#), Division I; and the development codes.
2. The director of engineering services or his designee is responsible for [chapter 17D.020 SMC](#), [chapter 17D.070 SMC](#), [chapter 17E.010 SMC](#), [chapter 17E.050 SMC](#), [chapter 17G.080 SMC](#), Division H and the development codes.
2. The director of planning services or his designee is responsible for SMC ~~((Division B, Division C,))~~ Title 17B and Title 17C and (( [chapter 11.15 SMC](#), [chapter 11.17 SMC](#), [chapter 11.19 SMC](#),)) [chapter 17D.010 SMC](#), [chapter 17D.060 SMC](#), [chapter 17D.080 SMC](#), [chapter 17D.090 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), [chapter 17E.050 SMC](#), [chapter 17E.060 SMC](#), [chapter 17E.070 SMC](#), [chapter 17G.020 SMC](#), [chapter 17G.030 SMC](#), [chapter 17G.040 SMC](#), [chapter 17G.060 SMC](#), [chapter 17G.070 SMC](#) and [chapter 17G.080 SMC](#)

B. The procedures for requesting interpretations of the land use codes and development codes shall be made by the department and may be contained under the specific codes.

**Section 10. That SMC 17G.060.070(B)(5)(c) is amended:**

**Section 17G.060.070 Application Requirements**

A. Application requirements for Type I, II, and III project permit applications shall contain the following:

1. Predevelopment meeting summary as provided in [SMC 17G.060.050\(B\)](#), if required in [Table 17G.060-3](#).
2. Application documents provided by the department specifically including:
  - a. General application;
  - b. Supplemental application;

- c. Environmental checklist, if required under [chapter 17E.050 SMC](#);
- d. Filing fees as required under [chapter 8.02 SMC](#);
- e. A site plan drawn to scale showing:
  - i. property dimensions;
  - ii. location and dimensions of all existing and proposed physical improvements;
  - iii. location and type of landscaping;
  - iv. walkways and pedestrian areas;
  - v. off-street parking areas and access drives;
  - vi. refuse facilities; and
  - vii. significant natural features, such as slopes, trees, rock outcrops including critical areas.
- f. Required number of documents, plans, or maps (as set forth in the application checklist);
- g. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
- h. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application; and
- i. Additional application information may be requested by the permitting department and may include, but is not limited to, the following:
  - i. geotechnical studies,
  - ii. hydrologic studies,
  - iii. critical area studies,
  - iv. noise studies,

- v. air quality studies,
- vi. visual analysis, and
- vii. transportation impact studies.

3. A certificate of appropriateness if required by chapter 17D.100 SMC.

B. The following Type II and III applications shall meet the requirements in this subsection in addition to the provisions of subsection (A) of this section:

1. Shoreline – Substantial Development Permit, Conditional Use Permit and Variance.
  - a. Name, address, and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
  - b. Name, address, and phone number of the applicant's representative if other than the applicant.
  - c. Name, address, and phone number of the property owner, if other than the applicant.
  - d. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
  - e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
  - f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
  - g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
  - h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

- i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
  - i. the boundary of the parcels(s) of land upon which the development is proposed;
  - ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;
  - iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;
  - iv. a delineation of all wetland areas that will be altered or used as a part of the development;
  - v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;
  - vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to [SMC 17E.060.240](#), Shoreline Vegetation Inventory;
  - vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;

- viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
- ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
- x. quantity, composition and destination of any excavated or dredged material;
- xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
- xii. where applicable, a depiction of the impacts to views from existing residential uses;
- xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.

2. Certificate of Compliance.

- a. Site plan is to be prepared by a licensed surveyor; and
- b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.

3. Plans-in-lieu of Compliance.

- a. Alternative development plan designed in conformance with the applicable development regulations; and
- b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.

4. Preliminary Plat, Short Plat, and Binding Site Plan.

As provided in [chapter 17G.080 SMC](#).

5. PUD.

- a. Profiles of any structures more than one story, shown in relation to finished grade.
- b. Location, dimension, and boundary of proposed open space.
- c. Site plan demonstrating compliance with (~~chapter 11.19 SMC~~) chapter 17C.110 and chapter 17G.070 including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.

6. Skywalk.

- a. A legal description of airspace to be occupied.
- b. Architectural and engineering plans.
- c. Artist's rendering of the proposed skywalk; and
- d. Written narrative of the access for the public from the street, other buildings, and other skywalks.

7. Floodplain – Floodplain Development Permit and Variance.

As provided in [chapter 17E.030 SMC](#).

Section 11. That SMC 17G.070.220 is amended:

[Section 17G.070.220](#) Vesting

A. Applicability.

A planned unit development shall be reviewed under this chapter, the zoning, development and other land use control ordinances contained in (~~Title 11 SMC and~~) [Title 17 SMC](#) of the Spokane Municipal Code, and any uncodified ordinances modifying the same, in effect on the date a concept plan application has been deemed fully complete by the City. For the purposes of this section, a vested concept plan application shall mean that the applicant is entitled to implement the planned unit development or any portion of it described in the application under the zoning, development and land use ordinances applied by the City in its review of the planned unit development application.

B. Subsequent Regulations.

An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the development to all land use ordinances enacted after the application is vested. In order for the director to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project and the City while maintaining consistency with the comprehensive plan and will not be significantly detrimental to the health, safety, or general welfare of the City. The

director shall review and either approve the request or determine if a new application must be submitted.

Section 12. That SMC 17G.080.070(C)(5) is amended:  
[Section 17G.080.070](#) Subdivision Design Standards

A. Street Design and Improvements.

1. Street design is governed by the comprehensive plan, city design standards, [chapter 17H.010 SMC](#) and [chapter 17E.030 SMC](#). Streets within and along a subdivision are to be designed in light of topography and existing and planned street patterns.
2. Except in unusual cases a plat must dedicate a full width street.
3. Entry gates are prohibited on public streets.
4. The following statement shall appear in the dedication of the final plat, final short plat or final binding site plan:
  - a. "All street identification and traffic control signs required by this project will be the responsibility of the developer."

B. Easements.

1. Where alleys are not provided, easements for public utilities shall be provided adjacent to any right-of-way. Such easements shall be the minimum necessary to provide public utilities. Insofar as possible, the easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions.
2. Easements for sewers, drainage, water main, electric lines or other public use utilities shall be dedicated whenever necessary. The size and location of the easement dedication shall be reviewed and approved by the appropriate utility provider.
3. Adequate provisions for public access to publicly owned parks, conservation areas or open space land shall be provided when a subdivision, short plat or binding site plan is adjacent to such lands.
4. The following statements are required to appear in the dedication of the final plat, final short plat and final binding site plan:

- a. "Slope easements for cut and fill, as deemed necessary by the Engineering Services – Developer Services Department in accordance with the City's Design Standards, are hereby granted to the City of Spokane for the construction and maintenance of public streets adjoining this plat."
- b. "A \_\_ foot easement for utilities, including cable television, is hereby granted along all street frontages to the City and its permittees."
- c. "Utility easements shown hereon the described plat are hereby dedicated to the City and its permittees for the construction, reconstruction, maintenance and operation of utilities and cable television, together with the right to inspect said utilities and to trim and/or remove brush and trees which may interfere with the construction, maintenance and operation of same."

### C. Design of Lots and Blocks.

1. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of the street traffic, provision for utilities and recognition of limitations and opportunities of topography.
2. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines or a combination of the two, unless an alley is desired, in which case a block may be comprised of two closed polygons separated by the adjoining alley.
3. Blocks shall ordinarily be sufficient to allow for two tiers of lots of depths sufficient to meet the underlying zone. Double-frontage lots should be avoided.
4. All plat lots shall begin with lot one block one and shall be numbered consecutively by lots and blocks, provided that for plats sequenced by phasing, and which adjoin a previously recorded phase of the approved preliminary plat, lots may continue with lot one and the next consecutively sequenced block number. Lots from one plat shall not cross plat boundaries into another plat.
5. Lot widths, lot areas and frontage upon a public street (or private street within a PUD or binding site plan) shall conform to the underlying zone. For PUDs the hearing examiner may adjust the standards of the underlying zone subject to the provisions of ((~~SMC 11.19.366~~)) SMC 17G.070 and for binding site plans the director may adjust the standards of the underlying

zone subject to provision of [SMC 17G.060.170\(D\)\(4\)](#). Corner lots shall be designed to ensure setbacks are met from both streets. Lots shall be as nearly rectangular as possible with side lot lines approximately at right angles or radial to street lines.

6. Lots shall not be divided by the boundary of any zoning designation or public right-of-way.
7. Where a lot is plotted into one acre or more in size, the director may require an arrangement of the lot such as to permit a subsequent redivision in conformity with plans adopted by the City.

#### D. Stormwater Improvements.

Stormwater facilities design and improvements shall be in accordance with [chapter 17D.060 SMC](#) and other applicable design standards. The following statements shall appear in the dedication of the final plat, final short plat or final binding site plan:

1. "Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Engineering Services – Developer Services prior to the issuance of any building and/or grading permits."
2. "All stormwater and surface drainage generated on-site must be disposed on-site in accordance with [chapter 17D.060 SMC](#), Stormwater Facilities, and City Design Standards, and as per the Project Engineer's recommendations, based on the drainage plan accepted for the final plat."
3. "No building permit shall be issued for any lot in this subdivision/PUD until evidence satisfactory to the Director of Engineering Services has been provided showing that the recommendations of [chapter 17D.060 SMC](#), Stormwater Facilities, and the Project Engineer's recommendations, based on the drainage plan accepted for the final subdivision/PUD, have been complied with."

#### E. Sewer Improvements.

Sewer design and improvements shall be in accordance with [chapter 13.03 SMC](#) and the city's design standards. The following statements shall appear in the dedication of the final plat, final short plat or final binding site plan:

1. "Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private sanitary sewer system complying with the requirements of the Engineering Services Department."

## F. Water and Utility Improvements.

Water and city utility design and improvements shall be in accordance with [chapter 13.04 SMC](#) and the city's design standards. The following statements shall appear in the dedication of the final plat, final short plat or final binding site plan.

1. "Only City water and sanitary sewer systems shall serve the plat; the use of individual on-site sanitary waste disposal systems and private wells is prohibited."
2. "All required improvements serving the plat, including streets, sanitary sewer, stormwater and water, shall be designed and constructed at the developer's expense. The improvements must be constructed to City Standards by the developer prior to the occupancy of any structures within the development."
3. "Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private water system complying with the requirements of the Engineering Services Department and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department."
4. "Prior to the issuance of any building permits, the lots shall be served by fire hydrants and shall have appropriate access to streets as determined by the requirements of the City Fire Department and the Engineering Services Department."
5. "Water mains and fire hydrants must be installed at the developer's expense, in locations approved by the City Fire Department and in accordance with applicable State and Federal provisions."
6. "All private improvements constructed within the boundaries of a PUD are required to be maintained by a homeowner's association or comparable entity established for this PUD." (applies to PUDs).

Section 13. That SMC 17H.010.240(C) is amended:  
[Section 17H.010.240](#) Vertical Clearances

- A. The clearance above any street surface shall be a minimum of sixteen and one-half feet to overhead obstacles. This height shall be maintained across the full width of the street, extending to two feet behind the face of curb.
- B. Vertical clearances for street signs above sidewalks and other pedestrian areas shall be as shown in the standard plans.

C. Vertical clearance requirements for skywalks and private/commercial signs shall be as provided in [SMC 12.02.0462](#) and Title 17C SMC (?). (~~and chapter 11.17 SMC.~~)

Section 14. That SMC 17H.010.250(A) is amended:  
[Section 17H.010.250](#) Horizontal Clearances

- A. The clear horizontal sight distance triangle at intersections shall be as provided in (~~SMC 11.19.590.~~) chapter 17C.110.
- B. The minimum clear zone distances are as provided in the city's clear zone policy ([ADMIN 0370-08-04](#)). The values presented in the table are minimum allowable clear zone distances. Design engineers should evaluate and provide larger clear zone distances wherever practical.

PASSED by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date