



# Spokane Plan Commission Agenda

Wednesday, January 13, 2021

2:00 PM

Virtual Teleconference

808 W Spokane Falls Blvd, Spokane, WA 99201

## 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.
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### Commission Briefing Session:

2:00 – 2:30	<ol style="list-style-type: none"><li>1. Approve <a href="#">12/9/2020</a> meeting minutes</li><li>2. City Council Report</li><li>3. Community Assembly Liaison Report</li><li>4. President Report</li><li>5. Transportation Sub-Committee Report</li><li>6. Secretary Report</li></ol>	All CM Lori Kinnear Mary Winkes Todd Beyreuther Clifford Winger Louis Meuler
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### Commission Business:

2:30 – 2:40	1. Election of President and Vice-President	Plan Commission
2:40 – 2:50	2. Appoint PC Members for Comp Plan Amendment Threshold Review Sub-Committee North Bank Subarea Plan	Plan Commission
2:50 – 3:00	3. <a href="#">Plan Commission Sub-committee for Downtown Plan Update</a>	Plan Commission

### Workshops:

3:00 – 3:30	1. <a href="#">Shoreline Master Program Periodic Update (SMC 17E)</a>	Melissa Wittstruck & Ecology Staff
3:30 – 4:00	2. <a href="#">2021 Work Program Discussion</a>	Plan Commission

### Hearing:

4:00 – 4:20	<a href="#">Code Maintenance, SMC Various Sections</a>	Melissa Wittstruck
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**Adjournment: The next PC meeting will be held on Wednesday, January 27, 2021**

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email 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.

# Plan Commission Meeting Information

Wednesday, January 13, 2021

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:**

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

## 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.**

[SIGN UP](#)

The form will be **open until 1:00 p.m.** on January 13, 2021. 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.

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.

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# Spokane Plan Commission - Draft Minutes

December 9, 2020

Webex Teleconference

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

## Attendance:

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

## Public Comment:

None in Briefing Session.

## Briefing Session:

Minutes from the November 11, 2020 meeting approved unanimously.

1. **City Council Liaison Report - Candace Mumm**
  - CM Mumm reported that the Comprehensive Plan Amendments went before Council and they remanded Z19-502COMP back to Plan Commission for their recommendation on additional information.
  - City Council approved a possible sales tax increase to support affordable housing but have postponed implementation because there is a possibility for funding other than a tax.
  - City Council is working in concert with regional leaders to try to open a youth center / shelter.
2. **Community Assembly Liaison Report - Mary Winkes**
  - Ms. Winkes reported that the remanded Z19-502COMP has been discussed in Community Assembly and the Neighborhoods hope that their wishes will be considered.
3. **Commission President Report - Todd Beyreuther**
  - Mr. Beyreuther recently participated in a meetup where Representative Fitzgibbon discussed the “missing middle” housing throughout the state.
4. **Transportation Subcommittee Report - John Dietzman**
  - Mr. Dietzman reported that PCTS will not meet until February.
  - CTAB is in the middle of selecting residential projects for the upcoming 2021 year.
  - Mr. Dietzman’s term as Plan Commissioner and Chair of PCTS will be over at the end of 2020 but he has volunteered to fill in for up to 90 days, until a new member has been selected.
5. **Secretary Report - Louis Meuler**
  - Mr. Meuler reported that Planning Services hired Amanda Beck for Planner II, and a Director is in the process of being interviewed/hired.
  - A President and Vice President will be elected for Plan Commission in January
  - There will be a joint City Council/Plan Commission meeting to discuss the 2021 Plan Commission Work Plan. The meeting is tentatively planned for January.

**Workshop(s):**

**1. PCTS Chair Appointment**

- Presentation provided by Plan Commission
- Questions asked and answered
- Discussion ensued

**John Dietzman made a motion to nominate Clifford Winger as Chair of PCTS and Mary Winkes as Vice Chair. Greg Francis seconded. Motion carried unanimously**

**2. International Fire Code Update and Amendments**

- Presentation provided by Lance Dahl
- Questions asked and answered
- Discussion ensued

**3. 2021 Plan Commission Work Plan Discussion**

- Presentation provided by Plan Commission
- Questions asked and answered
- Discussion ensued

**4. Remanded Z19-502COMP Comprehensive Plan Amendment**

- Presentation provided by Kevin Freibott
- Questions asked and answered
- Discussion ensued

**Hearing:**

**1. Remanded Z19-50COMP – 29th and Ray Comprehensive Plan Amendment**

- Presentation provided by Kevin Freibott
- Questions asked and answered
- Discussion ensued
- Public Testimony:
  - Applicant Dwight Hume - Stated that the owner is open to the possibility of multifamily development on the disputed parcels.
  - Carol Tomsic - Spoke in opposition of the amended zoning for multifamily zoning for the parcels in Z19-502COMP.

**Motion: Greg Francis made a motion that the plan commission amend our original recommendation to City Council regarding comprehensive plan amendment Z19-502COMP to recommend rezoning parcels 35273.0219 and 35273.0220 to RMF (Residential Multifamily) / Residential 15-30. Second by Michael Baker**

**Greg Francis made an amended motion to recommend changing the parcels to RTF (Residential Two Family) instead of RMF (Residential Multifamily). Seconded by Thomas Sanderson Amendment to the Motion Carries (6,2,1)**

**Amended main motion vote: Motion Carries (7,1,1)**

- **Diana Painter left meeting at 5:02 PM**

**2. Receivership Code Text Amendment SMC 17**

- Presentation provided by Jason Ruffing
- Questions asked and answered
- Discussion ensued
- Public Testimony:
  - None

**Greg Francis made a motion to move that the plan commission recommend that city council approve changes to SMC 17F.070.470 and 17F.070.490 to include receivership as an option as written and presented. Seconded by Sylvia St. Clair. Motion Carries (8,0)**

**Meeting Adjourned at 5:27 PM**

**Next Plan Commission Meeting scheduled for Wednesday, January 13, 2021**

**BRIEFING PAPER**  
**City of Spokane**  
**Plan Commission Briefing Session**  
**Planning Services**  
**January 13, 2021**

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### **Subject**

This briefing paper provides information on the Downtown planning process and includes City staff's invitation for additional Plan Commission involvement through formation of an ad hoc subcommittee to review the draft plan. The **Spokane Downtown Plan** is an update of the existing plan, *Fast Forward Spokane Downtown Plan Update* (2008).

### **Background**

The existing Downtown plan is a subarea plan of the Comprehensive Plan. The new plan will fully update and replace the City's existing plan.

The project's planning consultant, Framework, worked with the City of Spokane and Downtown Spokane Partnership in a joint effort to lead the initial public engagement. Framework collected input on the plan update's vision, guiding principles, and priorities through interviews with Downtown stakeholders and in-person public meetings in October 2019 and February 2020. They also conducted two online surveys for a few weeks before and after each public meeting. Since the discontinuation of in-person meetings, the planning team developed a draft plan, conducting virtual meetings with the steering committee and other stakeholders. For additional information, visit the project webpage:

- [my.spokanecity.org/projects/downtown-plan-update](https://my.spokanecity.org/projects/downtown-plan-update)

### **Impact**

The public engagement effort will reach a broad segment of the community and target identified groups who participate in city life Downtown, such as residents, business owners, organizations, and employees. The project team's work will incorporate feedback throughout the process. The final plan is expected to result in a series of recommended actions and guide new improvements for the next ten years. Written comments should be directed to [info@downtownspokaneplan.org](mailto:info@downtownspokaneplan.org)

### **Action**

At the January 13 meeting, staff proposes to request up to three additional Plan Commission members to participate in a new, ad hoc Plan Commission subcommittee, joining Commission Vice President Francis, who represents the Plan Commission on the plan update's steering committee.

This subcommittee would review the content of the draft plan and public input to date. Participating members would be asked to attend at least three meetings, each about one hour in duration, held in a virtual format during January and February, 2021.

The updated plan is scheduled for adoption in spring 2021, following work with the Design Review Board and Plan Commission at additional workshops. The Commission will hold a public hearing and make a recommendation to the Spokane City Council.

BRIEFING PAPER  
Plan Commission  
Shoreline Master Program Periodic Review  
January 13, 2021

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### Subject

The Shoreline Master Program (SMP) Periodic Review is state mandated and led by the City of Spokane in close collaboration with Dept of Ecology. This project is narrowly focused to achieve City SMP compliance with changes to state legislation concerning Shorelines. This is an SMP Periodic Review - not an Update. The project page can be found on the City website: <https://my.spokanecity.org/projects/shoreline-master-program-periodic-update/>.

### Background

The City of Spokane is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA) (RCW 90.58). The Shoreline Management Act was created by citizen referendum in 1972, and includes the goals, policies, and regulations that govern land use and activities within the City limits. The Shoreline Management Act requires each Shoreline Master Program be reviewed on an eight-year schedule established by the Legislature (RCW 90.58.080). Spokane's shoreline jurisdiction includes Spokane River and Latah Creek through the City; their associated wetlands and floodplains; and land within the 200-foot buffer zone of these waterbodies. The last Shoreline Master Program update was done in 2011. **The City is scheduled to complete this latest periodic review by June 30, 2021.**

Shoreline Master Programs are local land-use policies and regulations that guide use of Washington shorelines to protect natural resources for future generations, provide for public access to public water and shores, and plan for water-dependent uses.

Washington Department of Ecology is required to maintain a checklist that includes review elements. The checklist helps counties, cities, and towns determine what to review and where each applicable issue is addressed in the Shoreline Master Program.

Our updated Shoreline Master Program will:

- comply with Department of Ecology applicable laws and guidelines;
- be consistent with our comprehensive plan and development regulations;
- respond to changed circumstances, new information, or improved data; and
- allow appropriate use and enjoyment of our shorelines and protect our shoreline ecosystem.

This periodic review will **not** re-evaluate the ecological baseline that was established as part of the last Shoreline Master Program update; change shoreline jurisdiction or environment designations; or result in changes to the comprehensive plan.

Planning Services has opted for the Joint State-Local 30-day Public Comment Period provided by WAC 173-26-104. This allows for a shorter timeline overall while completing

SMP Periodic Review Plan Commission Workshop January 13, 2021 For more information please contact Melissa Wittstruck, Planner II, [mwittstruck@spokanecity.org](mailto:mwittstruck@spokanecity.org)

Ecology review and legislative approvals. Notification of the comment period was published in the Spokesman-Review on December 22, 2020 and January 5, 2021, emailed to distribution lists of agencies and parties of interest along with SEPA Determination of Non-Significance, and coordinated with separate notification by Dept. of Ecology.

A Plan Commission hearing on the proposed amendments is anticipated on February 10, 2021. There will be several future opportunities for public comment as the project moves towards legislative approval both in the City and jointly with WA Dept of Ecology.

When the proposal does move forward to City Council an additional 30-day public comment period will be opened. This more extensive notification and comment period will be in addition to statutorily required notice. The importance of City of Spokane shorelines to the public is well-documented and at this time, many public processes have been adapted to meet Covid-19 pandemic restrictions. The benefits of public feedback merit additional notice and time for the public to respond.

Attachments:

- Draft proposed amendments for compliance with applicable state laws and Department of Ecology guidelines.
- Draft Periodic Review Checklist.
- 30-day Notice of Joint Public Comment Period/SEPA Determination



## SHORELINE MASTER PROGRAM PERIODIC REVIEW

### Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

#### How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

**At the end of your review process**, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

*Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.*

Prepared By	Jurisdiction	Date
Maren Murphy, Shauna Harshman, & Melissa Wittstruck	City of Spokane	Draft November 2020

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	SMC Section 17E.060.300 item B-8 outlines the cost threshold for a permit exemption when building a freshwater dock	<p>Amend the section to reflect the new dollar thresholds and periodic cost reviews referred to in ECY requirements:</p> <p>(XX) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:</p> <p>(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or</p> <p>(ii) In fresh waters the fair market value of the dock does not exceed:</p> <p>(A) twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or</p> <p>(B) Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.</p> <p>However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.</p>

Row	Summary of change	Review	Action
b.	The Legislature removed the requirement for a shoreline permit for <b>disposal of dredged materials at Dredged Material Management Program sites</b> ( <i>applies to 9 jurisdictions</i> )	Not applicable	Spokane is not one of the 9 jurisdictions -Finding of Adequacy
c.	The Legislature added <b>restoring native kelp, eelgrass beds and native oysters</b> as fish habitat enhancement projects.	Not Applicable	This applies to marine waters. Spokane has no marine appellation waters. Finding of Adequacy
2017			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	SMC Section 17E.060.290 item C outlines the cost threshold requiring a substantial development permit	Amend SMC 17E.060.290(C) to remove cost. Further amend this section to reference statute, including reference to period of review/consideration for inflation.
b.	Ecology permit rules clarified the <b>definition of "development"</b> does not include dismantling or removing structures.	"Development" is defined as "Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code." SMC 17A.020.040 "D" Definitions	Adopt the ECY definition of development, specific to shoreline section in SMC Chapter 17A.020, Section 17A.020.040 "D".  "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	Those <b>exceptions</b> (a new creation) adopted by the State do not exist under SMC Section 17E.060.300. Spokane has "exemptions."	Adding a new clause to 17E.060 "Exceptions as consolidated by WAC 173-27-044 in SMC Section 17E.060.300 (XX) Developments not required to obtain shoreline permits or local reviews. Amend 17E.060.300 to clarify exemptions and exceptions.

Row	Summary of change	Review	Action
			<p>Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:</p> <ul style="list-style-type: none"> <li>(i) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.</li> <li>(ii) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.</li> <li>(iii) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.</li> <li>(iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</li> <li>(v) Projects authorized through the Energy Facility Site</li> </ul>

Row	Summary of change	Review	Action
			Evaluation Council process, pursuant to chapter 80.50 RCW.
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	SMC Section 17G.060.210 is consistent with the 2011 statute	No action. Finding of Adequacy
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	According to the Art V SMC Section 17E.060.510 "Forest practices are not presently conducted within the shorelines, nor are they an anticipated activity within the shoreline jurisdiction.	No action Finding of Adequacy
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	It is not necessary to amend SMP.	No action. Finding of Adequacy.
g.	Ecology clarified "default" provisions for <b>nonconforming uses and development</b> .	City of Spokane has adopted its own nonconforming use provisions under SMC Section 17E.060.380	No action. Finding of Adequacy.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	No periodic review procedures.	Possibly adopt Ecology process by reference (not required) OR No action And Finding of Adequacy.
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	City of Spokane Amendment procedure already includes WAC 173-26-090 to WAC 173-26-160	No action. Finding of Adequacy with citations.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	SMC does not include SMP submittal process. SMC 17E.060.110 cites WAC 173-26 consistency for amendments.	* Possibly further adopt Ecology process by reference (not required) OR No action and Finding of Adequacy with citation.
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	SMC Section 17E.060.300 includes by reference RCW 90.58 which states that permits fulfilling ADA requirements are exempt.	No Action. Finding of Adequacy with citations.
b.	Ecology updated <b>wetlands critical areas guidance</b> including	SMC Section 17E.070 includes ecology updated critical areas guidance	No Action Finding of Adequacy with citations.

Row	Summary of change	Review	Action
	implementation guidance for the 2014 wetlands rating system.	including implementation guidance for the 2014 wetlands rating system. Section 17E.070.020 amends that wetlands are designated in accordance with the most current edition of the federal wetland delineation manual and applicable regional supplements.	
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	Optional amendment	No action. Finding documenting the optional provision.
2014			
a.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	According to SMC Section 17E.060.570 item F "Over-Water residences shall be prohibited".	No action - Spokane does not have <b>floating on water residences</b> . Finding of Adequacy with citations.
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	No SMP appeal procedure	Possibly adopt Ecology process by reference (not required) OR No action And Finding of Adequacy.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	SMC Section 17E.070.030 outlines the requirement for wetland delineation to use the Federal Manual for Identifying and Delineating Jurisdictional Wetlands	No action Finding of Adequacy supported by citation and ECY correspondence.
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	City of Spokane does not have saltwater shorelines	No action. Finding of Adequacy – cite no saltwater shorelines
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	According to SMC Section 17E.060.570 item F "Over-Water residences shall be prohibited".	No action. Finding of Adequacy – include SMC citation

Row	Summary of change	Review	Action
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	SMC 17E.060.380 identifies nonconforming structures as okay but does not allow them to increase their extent of nonconformity.	No action. Finding of Adequacy, supported by SMC citation.
2010			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	SMC Section 17E.060.170 includes RCW 90.58 and associated WACs by reference. All provisions for critical areas in the SMC that are not consistent with the RCW and WAC are void.	No action Finding of Adequacy, supported by SMC citation.
2009			
a.	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.	SMC does not include a provision for restoration project and relief from shoreline regulations that precludes a land owner from using their property for its intended use.  Local governments may want to include this option in local SMPs – though the process may be used even if the provision is not in the SMP.	Adopt, by reference, the ecology rule.  (X) The [CITY] may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	SMC Section 17E.070.140 allows mitigation banking.	No action. Does SMC Section 17E.070.140 match the new ECY wetland mitigation bank certification? If so Finding of Adequacy
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	Moratoria procedures are not required to be included in the SMP, the statute itself can be relied upon.	No action
2007			
a.	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established	SMC Section 17A.020.060 adopts the associated RCW and its definition of floodway by references	No action Finding of Adequacy, supported by SMC citation.

Row	Summary of change	Review	Action
	in FEMA maps, or the floodway criteria set in the SMA.		
b.	Ecology amended rules to clarify that <b>comprehensively updated SMPs shall include a list and map of streams and lakes</b> that are in shoreline jurisdiction.	Maps are in Section 17E.060.060	No new streams or lakes are shorelines w/state jurisdiction. No action. Finding of Adequacy, supported by SMC citation.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	SMC Section 17E.060.300 includes, by reference, exemptions under WAC 173-27-040	No action Finding of Adequacy, supported by SMC citation.

### Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

Two example formats:

SMP section	Summary of change	Review	Action
	Conflict between Boating Facilities and Water-Enjoyment Recreational Facilities for launch ramps in WWTP Environment.	17E.060, Primary Use Table	In Table 17E.060-04, Shoreline Primary Uses – change “recreational development > water enjoyment recreation” in the Wastewater Treatment Plan Environment from “N” to “CU”
<b>Art IV Shoreline Design Review 17E.060.340</b>	Delete section in total (A and B) to better align with Design Review board procedures.	Chapters 17G.060.030, 17G.060.040, and 17G.060.060 SMC provide design review board process that shoreline design review is subject to.	Amend as in Summary of Change.



SMP Section	Summary of change	Discussion
Art VIII Design Stds and Guidelines to Shoreline Districts 17E.060.800, 17E.060.810, 17E.060.820, 17E.060.830, 17E.060.840	Strikethrough “ and Guidelines” strike all references to guidelines are instruments used purely for design reviews. The downtown, campus, and great gorge shoreline districts are subject ot the shoreline diesign standards in addition to the underlying design standards in Title 17C. The downriver, Latah Creek and Upriver Districts are subject to the underlying design standards in Title 17C SMC. SMC 17E.060.800(C )(1)(2)(3) should strike “guidelines” and amend to “design criteria”	Amend as documented in Summary of Change
<b>Art VII</b> Shoreline Development Standards by District: Part II. Shoreline Development Standards 17E.060-770, Table 17E.060-5 Dev Stds; 17,060.790(C )		Amend to align with SMC.

Title 17A Administration  
 Chapter 17A.020 Definitions  
 Section 17A.020.040 "D" Definitions

- A. Day.  
 A calendar day. A time period expressed in a number of days is computed by excluding the first day and including the last day. When an act to be done requires a City business day, and the last day by which the act may be done is not a City business day, then the last day to act is the following business day.
- B. Debris Flow.  
 Slow moving, sediment gravity flow composed of large rock fragments and soil supported and carried by a mud-water mixture.
- C. Debris Slide.  
 A shallow landslide within rock debris with the slide usually occurring within a relatively narrow zone.
- D. "Decibel (dB)" means the measure of sound pressure or intensity.
- E. Dedication.  
 The deliberate appropriation of land, or an easement therein, by its owner for any general and public uses, reserving to the owner no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been devoted, and accepted for such use by or on behalf of the public. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat, or binding site plan showing the dedication thereon or by dedication deed to the City. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan, or at the City's option, by the City recording such dedication deed with the Spokane County auditor.
- F. Degraded Wetland.  
 A wetland altered through impairment of some physical or chemical property which results in reduction of one or more wetland functions and values.
- G. Demolition or Partial Demolition.  
 The destruction, removal, or relocation, in whole or in part, of a building or structure or a significant feature of a building or structure that is of important historical character. Demolition (or partial demolition) does not include the removal of past additions for the express purpose of restoration of a structure to its historic appearance, form, or function. Demolition (or partial demolition) does not include the destruction or removal of portions of a building or structure that are not significant to defining its historic character. This exclusion is valid so long as the demolition is done as part of a design review application approved pursuant to chapter 17C.040 SMC.
- H. Density.  
 The number of housing units per acre as permitted by the zoning code.
- I. Denuded.  
 Land that has had the natural vegetative cover or other cover removed leaving the soil exposed to mechanical and chemical weathering.
- J. Department.  
 Any of the departments of engineering services, planning services, fire department, or parks and recreation for which responsibility has been assigned by charter or code for administration.
- K. Design Departure.  
 Any change that is sought to modify or waive a design requirement (R) or waive a design

presumption (P) contained within the design standards. The design departure process is found in chapter 17G.030 SMC, Design Departures.

L. Design Guidelines.

A set of design parameters for development which apply within a design district, sub-district, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

M. Design Review Board.

The design review board is defined in chapter 4.13 SMC. The design review board was previously named design review committee. Any reference to design review committee is the same as a reference to the design review board.

N. Designation.

The declaration of a building, district, object, site, or structure as a landmark or historic district.

O. Desired Character.

The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted subarea plans or design guidelines for an area.

P. Detailed Site Plan.

A general site plan to which the following detailed information has been added:

1. Natural vegetation, landscaping, and open spaces.
2. Ingress, egress, circulation, parking areas, and walkways.
3. Utility services.
4. Lighting.
5. Signs.
6. Flood plains, waterways, wetlands, and drainage.
7. Berms, buffers, and screening devices; and
8. Such other elements as required in this chapter.

Q. Developable Area.

Land outside of a critical area and associated buffer including wetlands, fish and wildlife habitat conservation areas, riparian habitat area, landslide areas, steep slope areas, floodplain, floodway, shallow flooding, channel migration zone, and associated buffers, or any other restricted area on a particular piece of property.

R. Development.

1. Any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned unit development, planned area development, conditional use permit, special use permit, shoreline development permit, or any other property development action permitted or regulated by the Spokane Municipal Code.
2. Development – Shoreline.  
"Development" for shoreline regulations shall be defined by WAC 173-27-030(6) as amended to read "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment.

- S. Development Activity – Floodplain.  
Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
- T. Development Approval.  
Any recommendation or approval for development required or permitted by this code.
- U. Development Codes.  
The state-adopted codes, boiler and pressure vessel, building, electrical, elevator, fire, mechanical, plumbing, and related publications adopted by the City, along with other provisions of this code that relate to private access to, use and obstruction of public right-of-way, and engineering standards that relate to private construction of public utilities and facilities.
- V. Development Permit.  
Any permit issued by the City authorizing construction, including a building permit, conditional use permit, substantial development permit, or other permit required by the City.
- W. Development Plan, Site.  
The final site plan that accompanied a recommendation or approval for development permitted by this code and that may identify standards for bulk and location of activities, infrastructure and utilities specific to the development.
- X. Dike.  
An artificial embankment placed at a stream mouth or delta area to hold back sea water for purposes of creating and/or protecting arable land from flooding.
- Y. Direct Impact.  
An impact upon public facilities that has been identified as a direct consequence or result of a proposed development.
- Z. Directional.  
Any of the four basic compass directions, abbreviated as follows: N, S, E, W, SE, NE, SW, NW shall also be considered as a directional. A directional is placed in front of the root roadway name.
- AA. Directional Sign.  
See SMC 17C.240.015.
- BB. Director.  
The administrative official of the department responsible for compliance with this code, the development codes, and the land use codes. These include the director of building services, director of engineering services, and the director of planning services.
- CC. Discharge (n).  
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means runoff, excluding offsite flows, leaving a proposed development through overland flow, built conveyance systems, or infiltration facilities.
- DD. Discharge (v).  
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, or placing of any material so that such material enters and exits from the MS4 or from any other publicly owned or operated drainage system that conveys storm water. The term includes other verb forms, where applicable.
- EE. Discharger.  
In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means any person that discharges to the City's MS4 or any other publicly owned or operated drainage system that conveys, manages, or disposes of stormwater flows.

**FF. District.**

A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of buildings, objects, sites, and/or structures united by past events or aesthetically by plan or physical development.

**GG. Disturbance Area.**

In the context of chapter 17D.090 SMC or chapter 17D.060 SMC, this term means an area where soils are exposed or disturbed by development, both existing and proposed. The disturbance area includes staging and storage areas, structures, and areas needed for vehicle access and maneuvering.

**HH. Dock.**

All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.

**II. Documented Habitat.**

Habitat classified by state or federal agencies as critical to the survival of endangered or threatened or sensitive animal, fish, or plant species.

**JJ. Domestic Animal.****1. Large Domestic Animals.**

- a. Animals including, but not limited to, horses, donkeys, burros, llamas, alpacas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type.
- b. Young of horses, mules, donkeys, burros, and llamas under one year in age.
- c. Bovines under ten months in age.
- d. Sheep, goats, and swine under three months in age are not included when counting large animals.

**2. Small Domestic Animals.**

- a. Fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined.
- b. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type.
- c. Small livestock are defined as:
  - i. swine- breeds include miniature Vietnamese, Chinese or oriental pot-bellied pigs (*sus scrofa vittatus*),
  - ii. other small pig breeds such as Kunekune, Choctaw, and Guinea hogs,
  - iii. all breeds of goats excluding mature large meat breeds such as Boers, and
  - iv. all breeds of sheep excluding mature large meat breeds such as Suffolk or Hampshire sheep.
  - v. No horned rams shall be permitted as a small livestock.
  - vi. Under no circumstance shall a small livestock exceed thirty-six inches shoulder height or one hundred and fifty pounds in weight.
- d. Young small animals, livestock or fowl under three months in age are not included when counting small animal, livestock or fowl.

**KK. Drainage Ditch.**

An artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities, or other wholly artificial watercourses, except those that

directly result from the modification to a natural watercourse. Ditches channels that support fish are considered to be streams.

LL. Dredge Spoil.

The material removed by dredging.

MM. Dredging.

The removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition.

NN. Drift Cell.

Or “drift sector” or “littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

OO. Driveway.

An all-weather surface driveway structure as shown in the standard plans.

PP. Duplex.

A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

QQ. Dwelling Unit.

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

## Title 17A Administration

### Chapter 17A.020 Definitions

#### Section 17A.020.060 "F" Definitions

A. Facade.

All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

B. Facade Easement.

A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.

C. Facility and Service Provider.

The department, district, or agency responsible for providing the specific concurrency facility.

D. Factory-built Structure.

1. “Factory-built housing” is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.]
2. “Factory-built commercial structure” is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

## E. Fair Market Value.

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

## F. Fascia Sign.

See SMC 17C.240.015.

## G. Feasible (Shoreline Master Program).

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
  - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
  - b. The action provides a reasonable likelihood of achieving its intended purpose; and
  - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

## H. Feature.

To give special prominence to.

## I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

## J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

## K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under chapter 17D.020 SMC, Financial Guarantees: Performance guarantee and performance/warranty retainer.

## L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-supporting and

reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

See SMC 17C.240.015.

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

R. Flood-proofing.

Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

S. Floodway.

~~((The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As defined under Section 90.58.030 RCW, or as amended.))~~ The area, as identified in the shoreline master program, that either: (a) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (b) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover



condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

T. Floor Area.

The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
2. Roof area, including roof top parking.
3. Roof top mechanical equipment.
4. Attic area with a ceiling height less than six feet nine inches.
5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).

U. Floor Area Ratio (FAR).

The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

V. Focused Growth Area.

Includes mixed-use district centers, neighborhood centers, and employment centers.

W. Frame Effect.

A visual effect on an electronic message sign applied to a single frame to transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

X. Freestanding Sign.

See SMC 17C.240.015

Y. Frontage.

The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article II. Administration: Part II. Administrative Authority and Legal Provisions

Section 17E.060.110 Shoreline Master Program Amendments

- A. The City may initiate an amendment to these shoreline regulations according to the procedures prescribed in ((~~WAC 173-26-090 to WAC 173-26-160~~)) WAC 173-26.
- B. The City shall conduct a public hearing in accordance with chapter 17G.020 SMC on any amendment proposed.

- C. Any person or agency may conduct an amendment to the SMP consistent with both chapter 17G.020 SMC and WAC 173-26.

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article IV. Shoreline Permits and Exemptions

Section 17E.060.290 Shoreline Substantial Development Permit

A. Purpose.

To ensure that substantial development within the shoreline area is accomplished in a manner that protects the shoreline ecology consistent with the comprehensive plan and the Shoreline Management Act, this section establishes criteria for determining the process and conditions under which a shoreline substantial development permit may be acted upon by the director.

- B. A shoreline substantial development permit is subject to the specific review procedure established in chapter 17G.060 SMC, Land Use Application Procedures, and the conditions which may be imposed to assure compliance with all applicable regulations. A request for a shoreline substantial development permit use may be disapproved if the director finds the shoreline development is inconsistent with these shoreline regulations, the comprehensive plan or the Shoreline Management Act.

- C. No use, modification, or development, except for those listed in SMC 17E.060.300, Use, Modifications, and Developments Exempt from Shoreline Substantial Development Permit Requirement, shall be undertaken in the shoreline jurisdiction without first obtaining a shoreline substantial development permit from the director. Substantial developments include any development with which the total cost or fair market value, whichever is higher, ~~((does exceed)) exceeds~~ ~~((five thousand seven hundred eighteen dollars or))~~ the adjusted amount per WAC 173-27-040, or if such development does materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For the purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of use, modification, or development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

- D. Where a substantial development is proposed which would be partly within and partly outside of the shoreline jurisdiction, a shoreline substantial development permit shall be required for the entire development.

- E. An application for a shoreline substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of these shoreline regulations and shall follow the time period for public comment in SMC

17G.060.130, Public Comment Period. For purposes of this section, a limited utility extension means the extension of a utility service that:

1. is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;
2. will serve an existing use in compliance with these shoreline regulations; and
3. will not extend more than two thousand five hundred linear feet within the shoreline jurisdiction.

#### Title 17E Environmental Standards

#### Chapter 17E.060 Shoreline Regulations

#### Article IV. Shoreline Permits and Exemptions

#### Section 17E.060.300 Uses, Modifications, and Developments Exempt or Excepted from Shoreline Substantial Development Permit Requirement

##### A. Application and Interpretation of Exemptions.

1. Exemptions shall be construed narrowly. Only those uses, modifications, or developments that meet the precise terms of one or more of the listed exemptions may be exempt from the shoreline substantial development permit process.
2. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of these shoreline regulations, or from any other regulatory requirements. To be authorized, all uses, modifications, and developments must be consistent with the policies and regulations of the entire SMP and the Act.
3. Pursuant to WAC 173-27-160, a use, modification, or development that is listed as a shoreline conditional use pursuant to these shoreline regulations or is an unlisted use, must obtain a shoreline conditional use permit even though the use, modification, or development does not require a shoreline substantial development permit.
4. When a use, modification, or development is proposed that does not comply with the bulk, dimensional and performance standards of these shoreline regulations, such use, modification, or development can only be authorized by approval of a shoreline variance pursuant to SMC 17E.060.330, Shoreline Variance Permit, and SMC 17E.060.340, Procedures.
5. The burden of proof that a development or use is exempt from the permit process is on the applicant.
6. If any part of a proposed use, modification, or development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed project.
7. All permits or statements of exemption issued for a use, modification, or development within the shoreline jurisdiction shall include written findings approved by the director, including compliance with bulk and dimensional standards and policies and regulations of the entire SMP. The director may attach conditions to the approval of exempt uses, modifications, or developments as necessary to assure consistency of the project with the Act and these shoreline regulations.

8. The department of ecology must approve all exemptions requiring permits from the U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act, and any project involving a section 404 permit under the Clean Water Act.
9. Use, modifications, and developments proposed within the shoreline jurisdiction may require permits from other governmental agencies other than the department of ecology.

B. Exemptions.

The following shall not be considered substantial development and are exempt from obtaining a shoreline substantial development permit from the director:

1. Any use, modification, or development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars or the adjusted amount per WAC 173-27-040, if such use, modification, or development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the use, modification, or development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within twelve months after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
3. Construction of the normal protective bulkhead common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high-water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high-water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high-water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State department of fish and wildlife.
4. Emergency construction necessary to protect property from damage by the elements. An emergency means an unanticipated and imminent threat to public health, safety or

the environment which requires immediate action within a time too short to allow full compliance with these shoreline regulations. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW or these shoreline regulations shall be obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the entire SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

5. Construction and practices normal or necessary to maintain existing farming and irrigation activities, including agricultural service roads and utilities in the Latah Creek shoreline jurisdiction presently zoned for agricultural use.
6. Construction or modification, by or under the authority of the coast guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency having jurisdiction thereof or the City of Spokane, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high-water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high-water mark. Construction authorized under this exemption shall be located landward of the ordinary high-water mark.
8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances. ~~((The fair market value of the dock shall not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of these shoreline regulations.))~~ This exception applies if either:
  - a. In fresh waters the fair market value of the dock does not exceed:
    1. Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or

2. Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.

However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
11. Operation and maintenance of any system of dikes, ditches, drains, or other public facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
12. Any project with a certification from the governor pursuant to chapter 80.50 RCW.
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under these shoreline regulations if:
  - a. the activity does not interfere with the normal public use of the surface waters;
  - b. the activity will have no significant adverse impact on the environment, including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
  - c. the activity does not involve the installation of any structure and, upon the completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity;
  - d. a private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the City of Spokane to ensure that the site will be restored to preexisting conditions; and
  - e. the activity is not subject to the permit requirements of RCW 90.58.550.
14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW.
15. Watershed restoration projects as defined in chapter 17A.020 SMC and RCW 89.08.460. The City of Spokane shall review the projects for consistency with these shoreline regulations pursuant to procedures in chapter 17G.060 SMC. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
16. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:

- a. The project has been approved in writing by the department of fish and wildlife.
- b. The project has received hydraulic project approval (HPA) by the department of fish and wildlife pursuant to chapter 77.55 RCW; and
- c. The City of Spokane has determined that the project is substantially consistent with these shoreline regulations. The City shall make such determination and provide it by letter to the project proponent.

17. All other uses, modifications, and developments exempted by WAC 173-27-040.

#### C. Exceptions

Developments not required to obtain shoreline permits or local reviews. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

((Title 17E Environmental Standards  
Chapter 17E.060 Shoreline Regulations  
Article IV. Shoreline Permits and Exemptions  
Section 17E.060.340 Shoreline Design Review

#### A. Design Review Board Process:

The following are subject to the design review board process. Shoreline design review is subject to the procedures established in chapter 17G.030 SMC, chapter 17G.040 SMC, and SMC 17G.060.060.

1. Shoreline development by a public agency.
2. Shoreline development on public property.
3. Shoreline development requiring a shoreline conditional use permit.
4. Other types of shoreline permits may also require review by the design review board at the request of the director.

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~~B. Administrative Design Review.~~~~Projects not included in subsection (A) above shall follow procedures for design standards administration in SMC 17E.060.800.}}~~

## Title 17E Environmental Standards

## Chapter 17E.060 Shoreline Regulations

## Article VI. Environment Designations and Requirements for Modifications and Uses in Specific Environments: Part II. Modifications and Uses in Specific Environments

## Section 17E.060.690 Shoreline Primary Use

- A. In addition to this section, shoreline uses are subject to the regulations in Article V, Part I, General Requirements for Shoreline Use.
- B. Refer to SMC 17E.060.300 for uses and activities that are exempt from obtaining a shoreline substantial development permit. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of these Shoreline Regulations, or from any other regulatory requirements. To be authorized, all uses and activities must be consistent with the policies and regulations of the entire SMP and the Act.
- C. To be permitted in the Shoreline Jurisdiction, a use must be permitted in both the shoreline environment and the underlying zone in which it is located.
- D. Uses not listed in Table 17E.060-4 or Title 17C may only be authorized as a conditional use.
- E. Legend for Table 17E.060-4:
  - 1. Permitted Uses – “P”  
Uses permitted are listed in Table 17E.060-4 with a “P”. These uses are allowed if they comply with the development standards of these Shoreline Regulations and Title 17C. A shoreline substantial development permit or an exemption from such permit is required, pursuant to SMC 17E.060.290 and SMC 17E.060.300.
  - 2. Limited Uses – “L”  
Uses allowed that are subject to limitations are listed in Table 17E.060-4 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 of these Shoreline Regulations and title 17C SMC. A shoreline substantial development permit or an exemption from such permit is required.
  - 3. Conditional Uses – “CU”  
Uses that are allowed if approved through the shoreline conditional use review process are listed in Table 17E.06-4 with a “CU.” These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards of these Shoreline Regulations and Title 17C. Uses listed with a “CU” that also have a footnote number in the table are subject to the standards cited in the footnote.
  - 4. Uses Not Permitted – “N”  
Uses listed in Table 17E.060-4 with an “N” are not permitted. Existing uses in categories listed as not permitted are subject to the standards in Chapter 17C.210 SMC, Land Use Standards Non Conforming Situations, and SMC 17E.060.380, Nonconforming Structures and Uses.

TABLE 17E.060-04  
SHORELINE PRIMARY USES



Use is:		Shoreline Environments					
P:	Permitted (with shoreline substantial development permit or exemption)	NE	UCE	SRE	LUE	IUE	WTPE
N:	Not permitted						
L:	Allowed, but special limitations						
CU:	Conditional use review required						
Agriculture							
Low intensity agriculture		N	L[1]/CU	N	N	N	N
High intensity agriculture		N	N	N	N	N	N
Aquaculture							
Aquaculture		N	N	N	N	N	N
Boating Facilities							
Marinas		N	N	N	N	N	N
Launch ramps for small non-motorized watercraft		CU	CU	CU	CU	N	CU
Capital Facilities and Utilities							
Maintenance of existing utilities or facilities		P	P	P	P	P	P
New construction or expansion of existing utilities or facilities		L[2]/CU	L[2]/CU	L[2]/CU	L[2]/CU	L[2]/CU	L[2]/CU
Over-water or underwater utility crossings		CU	CU	CU	CU	CU	CU
New bridges solely for pipelines		N	N	N	N	N	N
Facilities which constitute the final termination or destination of a transmission line		N	N	N	N	N	N
Expansions or upgrades of existing wastewater treatment plant facilities and accessory uses		N	N	N	N	N	CU
New wastewater treatment plant facilities and pumping stations		N	N	N	N	N	L[2]/CU
New wastewater treatment outfall infrastructure		CU	CU	CU	CU	CU	P

New wireless communication support tower	N	N	N	N	N	N
Commercial Development						
Water-dependent commercial uses	N	P	N	P	P	N
Water-related commercial uses	N	P	N	P	P	N
Water-enjoyment commercial uses	N	P	N	P	P	N
Non-water-oriented commercial uses	N	L[3]	N	L[3]	L[3]	N
Forest Practices						
Forest practices	N	N	N	N	N	N
Industrial Development						
Water-dependent industrial uses	N	CU	N	CU	CU	N
Water-related industrial uses	N	CU	N	CU	CU	N
Non-water-oriented industrial uses	N	L[4]/CU	N	L[4]/CU	L[4]/CU	N
High-impact industrial uses	N	N	N	N	N	N
Institutional						
Water-dependent institutional	CU	CU	CU	CU	CU	N
Water-related institutional	CU	CU	CU	CU	CU	N
Water-enjoyment institutional	CU	CU	CU	CU	CU	CU
Non-water-oriented institutional	L[5]/CU	L[5]/CU	L[5]/CU	L[5]/CU	L[5]/CU	N
In-stream Structures						
In-stream structures	L[6]/CU	CU	CU	CU	CU	CU
Mining						
Mining	N	N	N	N	N	N
Recreational Development						
Water-dependent recreational	CU	CU	CU	CU	CU	N
Water-related recreation	CU	CU	CU	CU	CU	<del>((N))</del> CU
Water-enjoyment recreation	L[7]/CU	CU	CU	CU	CU	CU
Non-water-oriented recreation	N	CU	CU	CU	CU	N
Residential Development						

Single-family residences	CU	P	P	P	P	N
Two-family residences	N	P	P	P	P	N
Three-family residences	N	P	P	P	P	N
Multi-family residences (4 or more dwelling units)	N	CU	CU	CU	CU	N
Accessory dwelling unit (ADU)	CU	P	P	P	P	N
Detached accessory structures	CU	P	P	P	P	N
Group living	N	CU	CU	CU	CU	N
Subdivision						
All subdivisions (including binding site plans)	L[8]/CU	CU	CU	CU	CU	N
Parking						
Commercial parking or parking facility as primary use	N	N	N	N	N	N
Parking, accessory to a permitted use	P	P	P	P	P	P
Transportation						
New streets or street expansions that are part of the City of Spokane designated regional arterial network	L[9]/CU	L[9]/CU	L[9]/CU	L[9]/CU	L[9]/CU	L[9]/CU
New local access streets or street expansions serving permitted shoreline uses	L[10]/CU	L[10]	L[10]	L[10]	L[10]	L[10]
Pedestrian and bicycle linkages to existing or planned transportation networks	L[11]/CU	P	P	P	P	P
Maintenance roads, accessory to a permitted use	P	P	P	P	P	P
Railroads and Rail Corridors						
New rail lines	L[12]/CU	L[12]/CU	L[12]/CU	L[12]/CU	L[12]/CU	L[12]/CU
Expansion of existing rail lines	P	P	P	P	P	P

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VII. Shoreline Development Standards by District: Part II. Shoreline Development Standards

Section 17E.060.770 Visual Access Setback

- A. Purpose.  
To preserve views of the river corridor and the scenic environment along the river from the public street system.
- B. Visual access shall be achieved by setting buildings back a minimum of fifteen feet from property lines adjacent to public rights-of-way that intersect the shoreline jurisdiction.
- C. The following shall apply in the visual access setback:
1. No structures shall be allowed over a height of thirty-six inches; and
  2. Vegetative landscaping shall be allowed.

TABLE 17E.060-5 DEVELOPMENT STANDARDS <sup>[1]</sup>					
	Shoreline District Dimensional Standards				
	Downtown (Alternatives)	Campus (Alternatives)	Upriver	Great Gorge / Downriver	Latah Creek
Shoreline Buffer	See Shoreline Buffers Map and SMC 17E.060.720				
Structure Setback from Shoreline Buffer <sup>[2]</sup>	25 feet <sup>[2]</sup>	15 feet <sup>[2]</sup>			
Visual Access Setback <sup>[5]</sup>	15 feet <sup>[3]</sup>				
Maximum Width of All Structures Parallel to OHWM	70% of the width of the site generally running parallel to the OHWM <sup>[4][5]</sup>				
Maximum Lot Coverage	70% <sup>[4]</sup>				
Tall Building Design ((Guidelines)) Standards	Buildings over 55 feet in height also follow SMC 17C.250.030 and SMC 17C.250.040				
Maximum Structure Height by Shoreline District <sup>[6][7]</sup>					
Distance from OHWM					
0 feet - 75 feet	30 feet				

Greater than 75 feet - 100 feet	40 feet	40 feet	35 feet
Greater than 100 feet - 200 feet	Alternative 1 = 55 feet Alternative 2 = 55 feet base with a Skinny Tower - 150 feet total height (See Shoreline Tall Building Standards for Alternative 2)		
Public Access Pathway Width			
Public Access Pathway Width	Minimum of 10 feet <sup>[8]</sup>		
<b>Notes:</b>  [1] Within the shoreline districts, the most restrictive development standards of both the underlying zone and the shoreline district apply.  [2] See the shoreline buffers map to determine the buffer width within the shoreline jurisdiction.  [3] Buildings shall be set back at least fifteen feet from property lines adjacent to public rights-of-way that intersect the shoreline district. This does not apply to structures below grade.  [4] See SMC 17E.060.770 for exceptions.  [5] See SMC 17E.060.800 for pedestrian views and access for large buildings over three hundred feet.  [6] No structures are allowed within the shoreline buffer and structure setback.  [7] No structure shall exceed thirty-five feet above average grade level within the shoreline jurisdiction that will obstruct the view of a substantial number of residences on or adjoining such shorelines except where the SMP or underlying zoning does not prohibit such development and only when overriding considerations of the public interest will be served. See SMC 17E.060.290(Y), Physical and Visual Public Access.  [8] Public access pathways within a shoreline buffer shall not exceed ten feet in width.			

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VII. Shoreline Development Standards by District: Part II. Shoreline Development Standards

Section 17E.060.790 Pedestrian Views and Access for Large Buildings

- A. Purpose.  
To limit the length and mass of large buildings within the shoreline jurisdiction and to provide ground level access between the shoreline and the landward side of the building.
- B. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor.
- C. The visual and pedestrian penetration shall not be less than thirty feet wide and shall meet the requirements of SMC 17E.060.290, Physical and Visual Access, and Article VIII, Design Standards ~~((and Guidelines))~~ Specific to Shoreline Districts.

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VIII. Design Standards ~~((and Guidelines))~~ Specific to Shoreline Districts

Section 17E.060.800 Design Standards Administration

- A. Purpose.  
To help ensure that development compliments the unique and fragile character of the shoreline through careful consideration and implementation of site development and building design concepts.
- B. The downtown, campus, and great gorge shoreline districts are subject to the shoreline design standards ~~((and guidelines))~~ in addition to the underlying design standards in Title 17C SMC. The downriver, Latah Creek, and Upriver Districts are subject to the underlying design standards in Title 17C SMC.
- C. All projects must address pertinent design standards ~~((and guidelines))~~. A determination of consistency with the standards ~~((and guidelines))~~ will be made by the director ~~((following a design review process))~~. Design standards are in the form of requirements (R), presumptions (P), and considerations (C). Regardless of which term is used, an applicant must address each ~~((guideline))~~ design criteria. An applicant may seek to deviate from eligible standards ~~((and guidelines))~~ through the design departure process pursuant to chapter 17G.030 SMC, Design Departures.
  - 1. Requirements (R).  
Requirements are mandatory in that they contain language that is not discretionary, such as "shall," "must," and "will." Requirements must be satisfied by any plan prior to building permit approval. An applicant may seek a deviation from certain requirements through the design departure process, chapter 17G.030 SMC. Requirements are listed with an (R) after the standard.

## 2. Presumptions (P).

Presumptions are ~~((guidelines))~~ design criteria that are meant to be applied, but with some flexibility. Presumptions indicate that the City is open to design features that are equal to, or better than, that stated—so long as the purpose is satisfied. A submitted plan is incomplete and will be rejected if it does not demonstrate that the presumptive elements have been in some way incorporated or overcome. Presumptions are listed with a (P) after the standard.

### a. Overcoming a Presumption.

A presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate to the director that there is a good reason why the presumption is inappropriate. The director may approve an alternative that achieves the intent of the presumption. At the discretion of the applicant, or in rare cases, the director may refer the permit to the design review board. A referral from the director would be in those cases where the complexity of the project and/or the cumulative impacts of deviations result in the project no longer meeting the overall intent of the design standards and the comprehensive plan.

### b. Appropriate ways to overcome a presumption include:

- i. demonstrating that for a specific project the underlying design principles will not be furthered by the application of the presumption;
- ii. showing that another design principle is enhanced by not applying the presumption;
- iii. demonstrating an alternative method for achieving the intent of the presumption; and
- iv. explaining the unique site factors that make the presumption unworkable, such as lot size and shape, slope, natural vegetation, drainage, or characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

Note: Increases in the cost of development will not be an acceptable reason to waive a ~~((guideline))~~ design standard or determine that a design standard is inappropriate.

## 3. Considerations (C).

Design ~~((guidelines))~~ criteria listed as considerations are features and concepts that an applicant should consider in preparing a plan. Their omission is not grounds for rejecting a plan, but their inclusion or recognition is encouraged and may assist in overcoming certain presumptions and in gaining acceptance for a plan. Considerations are listed with a (C) after the standard.

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VIII. Design Standards ~~((and Guidelines))~~ Specific to Shoreline Districts

Section 17E.060.810 ~~((Standards and Guidelines))~~ Design Standards Applying to Downtown, Campus, and Great Gorge Districts

## A. Shoreline Relationships.

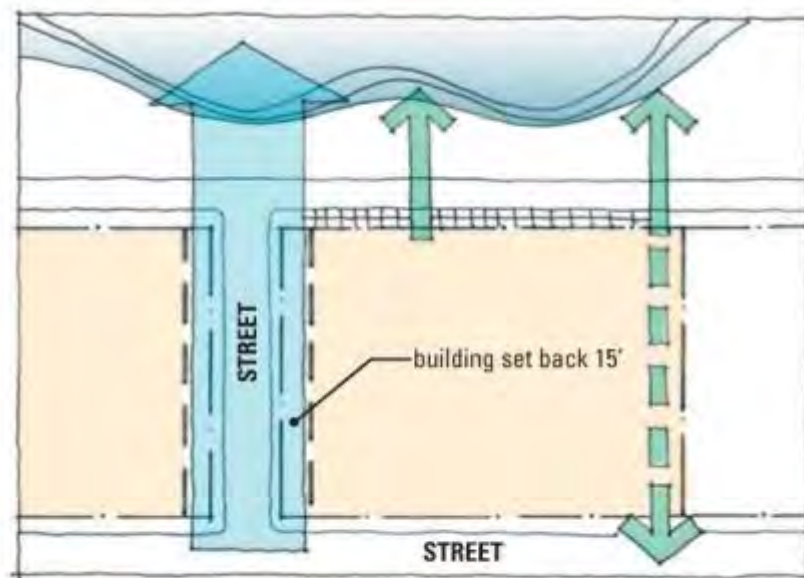
## 1. Public Access

## a. Purpose.

To meet a basic objective of the Shoreline Management Act for public access to the shoreline.

## b. When public access is required, it shall be provided pursuant to SMC 17E.060.290. (R)

## c. Visual access shall be achieved by setting buildings back at least fifteen feet from property lines adjacent to public rights-of-way that intersect the shoreline jurisdiction. (R)



*Example showing building set back 15 ft along public r-o-w to enhance a view corridor.*

## d. A pathway connecting to the nearest public right-of-way is the preferred type of public access. (P)

## e. Physical access pathways shall be a minimum of ten feet clear width. (R)

## f. The use of pervious materials is recommended for pedestrian surfaces (including pathways and patios) to absorb stormwater run-off. Options include permeable interlocking unit pavers, porous concrete, or porous asphalt. (C)

## g. To prevent invasive weeds from colonizing along pathways in the shoreline buffer area, the design of any pathway shall include finished edges. Exposed gravel shoulders shall not be allowed in this area. Soil disturbance shall be minimized during construction and any disturbed soils shall be replanted consistent with native plant colonies in the immediate vicinity. (R)

## h. Signs shall be installed to indicate that the pathway is open to the public and the hours during which the public can access the pathway. (R)



## 2. Site Design.

### a. Urban Green Streets and Urban Pathways.

#### i. Street Trees and Planting Strips.

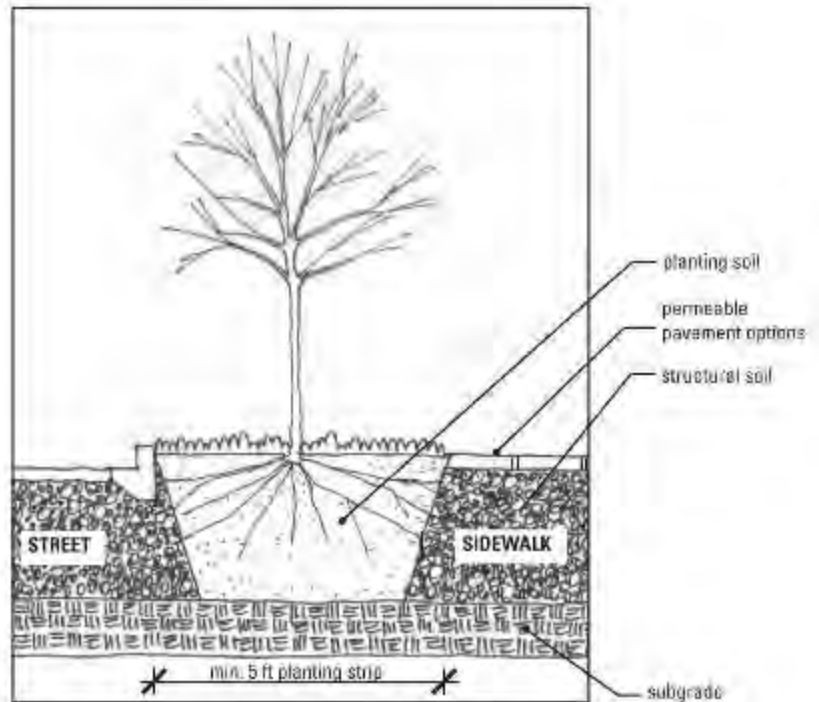
##### A. Purpose.

To supplement the urban forest with new trees and planting as development and redevelopment occur.

##### B. New development shall include street trees, installed in planting strips located between the curb and sidewalk. To promote tree health in order to gain the benefits associated with trees, consider opportunities when designing streets and sidewalks to provide as much uncompacted soil as possible. Designs shall allow for positive root growth using sustainable solutions that involve innovative means of structural support for the walking surface. (R)

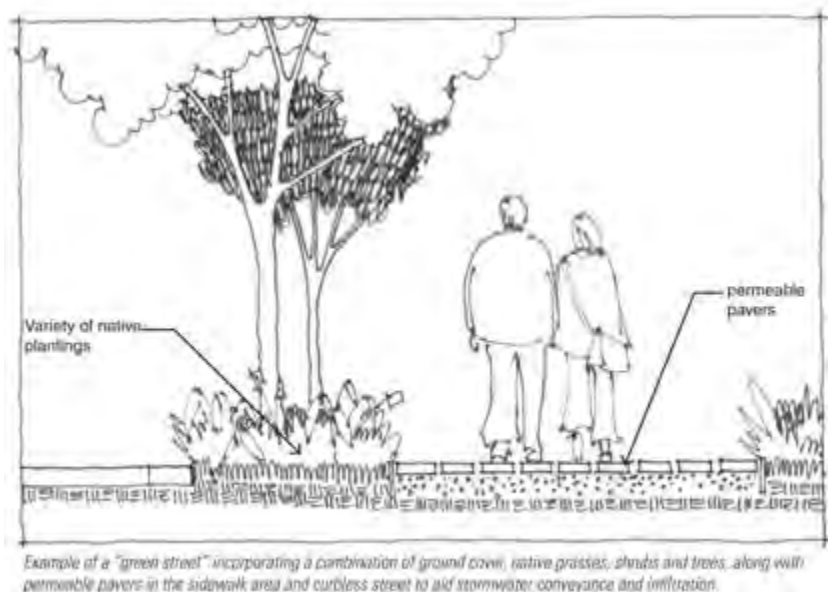
##### C. Planting strips shall be at least five feet wide and planted with ground cover or native grasses. (R)

##### D. Native trees, such as evergreens, are encouraged when adequate space is available. (C)



#### ii. Urban Green Streets and Urban Pathways.

- A. Purpose.  
To have streets add to the environmental quality of the shoreline environment.
- B. Streets within the shoreline jurisdiction shall be planted with a variety of trees, shrubs and ground cover. (R)
- C. Techniques for capturing and filtering stormwater run-off shall be incorporated into the design of streets, sidewalks, planting strips, and pathways. (R)
- D. Permeable pavement options are encouraged on pedestrian surfaces. These may include permeable interlocking unit pavers, porous concrete, or porous asphalt. (C)
- E. Alternatives to standard curbs and planting strips are encouraged to reduce concentrated storm water flowing into landscaped areas. (C)



iii. Overlooks in Public Development.



*Example of an overlook provided as an extension of the sidewalk*

A. Purpose.

To make the public aware of the rich history and environmental systems associated with the river and the shoreline.

B. Along streets, pathways or within public parks, overlooks should be provided where views of historic and aesthetic features or landmarks of the river are available. (C)

C. Methods, such as signs, should be used to describe aspects of the river, such as geology, hydrology, history, or native cultures. Interpretations can be literal (pictures and words) or symbolic (artwork, shapes, colors, inlays). (C)

b. Overlooks in Private Development.

i. Purpose.

To encourage private development to incorporate features that help people understand the setting.

ii. Along pathways and public spaces, overlooks should be provided where views of the river are available. (C)

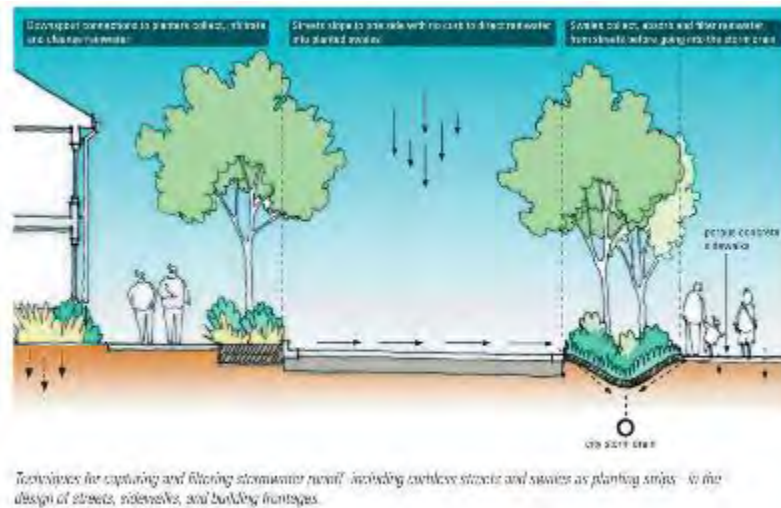
iii. Methods should be used to describe aspects of the river, such as geology, hydrology, history, or native cultures. Interpretations can be literal (pictures and words) or symbolic (artwork, shapes, colors, inlays). (C)

c. Best Management Practices (BMP).

i. Purpose.

To encourage site design to make use of state of the art techniques.

- ii. Site design shall reflect nationally recognized Best Management Practices with respect to paving, erosion control, infiltration and filtration, retention and detention, and surface water quality. (R)
  - iii. A shoreline construction site plan indicating how construction BMP's will be applied on shoreline sites during construction shall be required, pursuant to SMC 17E.060.260. (R)
- d. Low Impact Development (LID).
- i. Purpose.  
To encourage site design techniques that protects the environment and water resources by considering the site's pre-existing hydrologic conditions.
  - ii. A site plan and shoreline construction site plan shall be required that indicate ways of minimizing impact on existing features, pursuant to SMC 17G.060.070 and SMC 17E.060.260. (R)
  - iii. Site design consistent with LID principles is encouraged. Examples of LID techniques include site design to retain existing trees and vegetation, impervious surface reduction, rain gardens, retention swales, permeable paving, green roofs, rain barrels, and downspout connections to planters. (C)

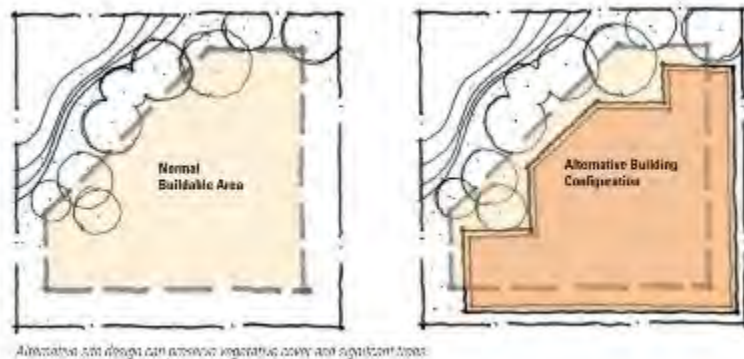


## B. Site Development.

### 1. Vegetation Conservation/Tree Preservation.

- a. Purpose.  
To maintain vegetative cover that holds slopes, filters run-off and provides habitat.
- b. There shall be no net loss of vegetative cover within the shoreline jurisdiction. (R)

- c. At least twenty-five percent of existing healthy “significant trees” (over six-inches in caliper) as identified by a qualified professional and shown on a shoreline construction site plan shall be retained when a site is developed. Design and construction methods shall ensure the protection and health of retained trees during construction. (R)
- d. Within the designated shoreline buffers, native vegetation shall be preserved. Lawns shall not extend into this area. (R)
- e. Vegetation that is removed for development purposes shall be replaced on site. Alternatively, if a qualified professional determines that is not feasible, the applicant shall contribute an amount equal to replacing the vegetation on site to a shoreline restoration fund to be used to restore identified restoration sites pursuant to the City of Spokane shoreline restoration plan. (R)



## 2. Clearing and Grading.

- a. Purpose.  
To carefully control the effects of land disturbance so that the natural systems immediately adjacent to the river are protected.
- b. Site design shall identify measures to protect the shoreline buffer from disturbance both during construction and throughout occupancy. (R)
- c. Limited removal of noxious species of non-native plants shall be allowed so that native species can thrive, pursuant to SMC 17E.060.270, Vegetation Replacement Plan. (R)
- d. Altering the natural flow of water to the river shall not be allowed, except during construction to prevent the flow of sediments or chemicals into the river. (R)

## C. Building Design.

### 1. Sustainability.

- a. Purpose.  
To encourage new development to embody sustainable features.
- b. New development within the shoreline should be designed to reflect criteria for at least LEED Certification, if not higher. (C)

2. Green Roofs.

- a. Purpose.  
To encourage innovative, sustainable elements in new roofs.
- b. New commercial development should consider the appropriateness of incorporating green roof technology as a possible option to capture, retain, and filter rainwater. (C)

3. Building/Shoreline Compatibility.

- a. Purpose.  
To ensure building design that complements and blends with the natural character of the shoreline environment.
- b. Buildings shall incorporate a variety of features to reduce their bulk and scale. At least two of the following shall be employed (R):
  - i. Bay windows.
  - ii. Visible roofs such as pitched, sloped, curved, angled.
  - iii. Deep off-sets of facades.
  - iv. Projecting elements creating shadow lines.
  - v. Terraces or balconies
- c. The upper floor(s) of building shall incorporate at least one of the following features (R):
  - i. A visible roof: Pitched, sloped, peaked, curved, angled.
  - ii. A stepping back of the top floor(s) by at least five feet.
  - iii. An overhanging roof form.
  - iv. A distinct change of materials on the upper floor(s).



*Bay windows, pitched roofs, balconies and jogs in the facade help reduce the apparent bulk of a building to blend with the natural character of the shoreline environment.*

D. Signs.

Signs within the shoreline jurisdiction shall be regulated pursuant to chapter 17C.240 SMC. (R)

E. Lighting – Cut-off.

1. Purpose.

To prevent glare and spillover.

2. All site lighting, including parking lot lighting, shall be directed downward, using internal or external cut-off methods and must be contained on site. (R)

Title 17E Environmental Standards

Chapter 17E.060 Shoreline Regulations

Article VIII. Design Standards ~~((and Guidelines))~~ Specific to Shoreline Districts

Section 17E.060.820 ~~((Standards and Guidelines))~~ Design Standards Specific to the Downtown District



## A. Shoreline Relationships – Human Activity.

### 1. Purpose.

To recognize that people's relationship to the river and anticipated uses in each district will inform the design of the built environment. Downtown is an intense urban environment where people and views of the falls create much of the interest in being there. New development along the riverfront that will facilitate desired activities is encouraged. These include shopping, dining, walking, biking, jogging, people watching, viewing the falls, and learning the stories of the river through interpretive displays.

### 2. Along the river, new buildings shall provide at least three of the following (R):

- a. Outdoor seating or opportunities for outdoor dining.
- b. Building entry from the river side.
- c. Benches along pedestrian trail.
- d. Outdoor balconies.
- e. Public plaza with seating.
- f. Public viewpoint with interpretive signs (see SMC 17E.060.810(A)(2)(a)(iii), Overlooks and Public Development, and SMC 17E.060.810(A)(2)(b), Overlooks in Private Development).
- g. Public art.
- h. Opportunities for outdoor vending such as food or bicycle rental.



## B. Streets, Sidewalks, and Trails – Pedestrian Pathways.

### 1. Purpose.

To result in an urban pathway design reflecting the form and intensity of adjacent development, as well as a higher level of pedestrian activity.

2. Pedestrian pathways shall be at least ten feet wide. (R)
3. Pedestrian pathways shall be lighted either from nearby buildings or from pedestrian-scaled fixtures. (R)



4. Seating should be provided at intervals. (C)

C. Site Design.

1. Landscape Character Protection.

- a. Purpose.

To ensure that development along the shoreline enhances the natural character of the river and falls including its geologic features and native vegetation.

- b. Parking and service areas shall be located so they are screened from views along the shoreline, from opposite shorelines, and from bridges. (R)

2. Pervious Plazas and Spaces.

- a. Purpose.

To create a system of spaces integrated with the ecological systems of the shoreline.

- b. Development shall include one or more of the following (R):

- i. Open spaces.

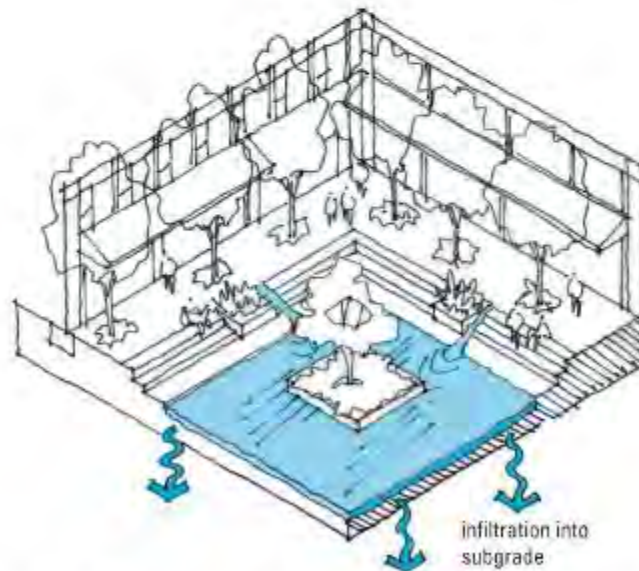
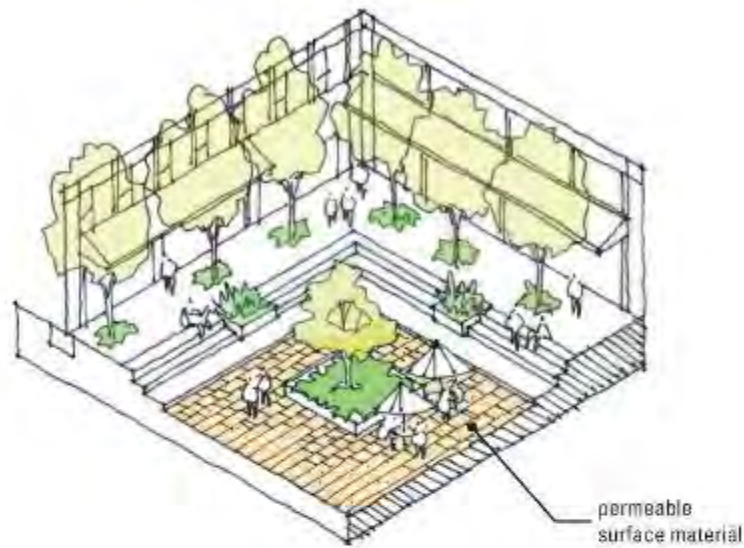
- ii. Courtyards.

- iii. Plazas.

- iv. Forecourts; or

- v. Other public spaces that allow for a seamless connection between streets and various uses.

- c. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)



*Plazas can be urban amenities that function as public gathering places and serve to hold, filtrate and cleanse stormwater overflow.*

### 3. Impervious Surfaces.

#### a. Purpose.

To reduce stormwater runoff rates and volumes, while recognizing that the downtown area will have more intense development and more hard surfaces than other districts.

#### b. New development shall include at least ten percent pervious surfaces. This may be accomplished by using one or a combination of the following (R):

##### i. At-grade planted areas.

- ii. Permeable paving systems in pedestrian surfaces such as pedestrian walkways or plazas.
  - iii. Green roofs.
  - iv. Each existing significant tree (over six inches caliper and in good health) protected during design and construction may reduce the total required pervious surface requirement by one percent per tree. The required pervious surface shall not be reduced to less than five percent. For example, an applicant retaining two significant trees shall be required to provide eight percent pervious surfaces; an applicant retaining six significant trees shall be required to provide five percent pervious surfaces. Please note that all landscape requirements shall be met regardless of pervious surface requirements.
- c. Stormwater runoff from impervious surfaces shall be directed to treatment or detention areas. For non-pollution generating impervious surfaces (generally this includes most surfaces not traveled on by automobiles) this may include one or a combination of the following as approved by director of engineering services (R):
- i. Stormwater planters.
  - ii. Tree box filters.
  - iii. Water features.
  - iv. Landscaped areas including swales or rain gardens.
  - v. Cistern for later on-site irrigation.

- vi. Other options as approved by engineering services.



*Rain gardens with native plantings integrated into an urban streetscape*

- d. Raised curbs are discouraged in parking lots so that stormwater runoff can drain naturally into City approved percolation areas rather than be directed into a concentrated flow. At grade curb alternatives to finished asphalt edges are encouraged. (C)
4. Planting Palette.
- a. Purpose.  
To protect, enhance and restore native vegetation along the shorelines, while recognizing the more urban nature of vegetation in the downtown area.
  - b. It is recognized that within downtown, there will likely be a somewhat more manicured and formal use of plantings to frame buildings, streets and spaces. However, landscape designs that rely upon lawns requiring fertilizers and herbicides, or vegetation that is highly consumptive of water should be avoided. (C)

- c. Lawns should be limited to areas where a green walking surface is necessary and desirable, in picnic areas for example. Plants should be chosen for year round interest and grouped according to their water needs for good water efficiency. Drought tolerant species and native plantings are highly encouraged. Native trees, shrubs and groundcover plants should dominate the landscape. (C)

#### D. Building Design.

##### 1. Character Related to the Setting.

- a. Purpose.  
To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls, including its geologic features and native vegetation.
- b. The dramatic nature of the river and the falls define the image of downtown Spokane in a way unlike any other city. Therefore, new buildings should respect the importance of this magnificent and unique centerpiece by not attempting to compete with it visually. Buildings should be designed with respect to location, form and color, so that the river continues to be the emphasis. (C)
- c. Building facades should also incorporate elements that strengthen the natural setting, such as local stone, bay windows, fine-grained articulation, lower floors that frame public spaces, surrounding vegetation. The preference is to have buildings that seem like a built extension of rock, embankments, and outcroppings. (C)

##### 2. Building Orientation.

- a. Purpose.  
To ensure that buildings along the shoreline have two public faces – one along the street, the other along the riverfront.
- b. While it is expected that buildings will be primarily oriented toward public streets, there shall also be features such as windows, secondary entries, balconies, and public spaces that are oriented to the river. (R)

##### 3. Ground Floor Animation.

- a. Purpose.  
To ensure that buildings take advantage of their unique shoreline setting and contribute to the vitality and activity of downtown.
- b. The ground floor of buildings shall incorporate a combination of at least three of the following features (R):
  - i. Windows covering more than thirty percent of the ground level façade facing the shoreline.
  - ii. Windows covering more than thirty percent of the ground level façade facing the street.
  - iii. Masonry or stone covering the ground level façade and producing a “plinth” effect.

- iv. Ground level details such as accent lighting, decorative medallions, and canopies.
- v. Sculpture, bas relief murals, art worked into paved surfaces.
- vi. Retail uses, such as cafes and restaurants, bike rental, and brew pubs.
- vii. Publicly accessible gardens, courtyards, or plazas.



#### E. Lighting – Dark Sky.

- 1. Purpose.  
To reduce glare and spillover from lighting associated with parking lots or buildings.
- 2. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)

### Title 17E Environmental Standards

#### Chapter 17E.060 Shoreline Regulations

#### Article VIII. Design Standards ((and Guidelines)) Specific to Shoreline Districts

#### Section 17E.060.830 ((Standards and Guidelines)) Design Standards Specific to the Campus District

##### A. Shoreline Relationships – Human Activity.

- 1. Purpose.  
To recognize that people's relationship to the river and anticipated uses in the Campus district will inform the design of the built environment. The Campus district is an area in which passive recreation is interwoven with academic, commercial, residential, and light industrial functions. New development along the riverfront should contribute to the campus-like setting, focus attention on the river as a community asset, and improve the natural aesthetics for recreational activities. These include rowing, bicycling, walking, observing birds/wildlife, and learning the stories of the river through interpretive displays.
- 2. New buildings shall provide at least two of the following waterward (R):
  - a. Outdoor seating areas.
  - b. Benches along pedestrian trail.

- c. Outdoor balconies and decks.
- d. Public plazas or courtyards with seating.
- e. Public viewpoint with interpretive signs.
- f. Public art.

B. Streets, Sidewalks, and Trails – Pedestrian Pathways.

- 1. Purpose.  
To result in a pathway design reflecting the form and intensity of adjacent development, as well as the moderate level of pedestrian activity.
- 2. Pedestrian pathways shall be at least ten feet wide. (R)
- 3. Lighting shall be provided, either from nearby buildings or from pedestrian-scaled fixtures. (R)
- 4. Seating should also be provided at intervals. (C)

C. Site Design.

- 1. Landscape Character Protection.
  - a. Purpose.  
To protect, restore, and enhance the natural character of the river, including its geologic features and native vegetation.
  - b. Within the Campus district, it is expected that there will be a soft, more “naturalistic” approach to landscape design. Developments will be loosely arranged on the landscape, with a considerable amount of planting, including ground covers, understory, and trees. However, landscape designs that include large lawn areas requiring fertilizers and herbicides, or vegetation that is highly consumptive of water, should be avoided. (C)
  - c. Native vegetation should predominate. (C)
- 2. Impervious Surfaces.
  - a. Purpose.  
To recognize that the campus area will have more open development that can allow for pervious surfaces.
  - b. Development shall incorporate ways of capturing and filtering run-off so that when it reaches the river, it has been moderately cleaned. This shall be accomplished through creative designs of courtyards, greens, planting areas, parking lots, roof scuppers, and other features. New development shall achieve at least fifteen percent pervious surfaces on the site. The installation of “green roofs” can substitute for ground level treatment. (R)
- 3. Pervious Surfaces.
  - a. Purpose.  
To create a system of spaces integrated with the ecological systems of the shoreline.
  - b. Development shall include one or more of the following (R):

- i. Open spaces.
  - ii. Landscaped courtyards.
  - iii. Plazas.
  - iv. Greenways.
  - v. Pathways; or
  - vi. Other spaces that allow for a seamless connection between streets and various uses.
- c. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)
- 4. Planting Palette.
  - a. Purpose.  
To recognize the softer landscape of campus settings.
  - b. Native plant material is strongly encouraged, with non-natives being an occasional exception. Campus settings typically involve a more “natural” array of plantings, rather than a manicured or formal arrangement. However, there may be some locations where specimen trees and formal configurations of plantings are appropriate, such as framing a public space or a building entrance. (C)
- 5. Rain Gardens.
  - a. Purpose.  
To incorporate innovative methods of capturing and filtering run-off, as a part of the overall campus site design and landscaping.
  - b. Rain gardens should be integrated into planting strips along streets, as well as in public spaces and general landscaped areas. (C)
  - c. Rain gardens shall not be adjacent to or within parking lots if it is determined that they will harm the aquifer. (R)
- D. Building Design – Character Related to the Setting.
  - 1. Purpose.  
To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls including its geologic features and native vegetation.
  - 2. Building design should not attempt to compete with the natural beauty of the river and the shoreline. Buildings should incorporate materials and colors that will be restrained and blend with native rock and vegetation. (C)
- E. Lighting – Dark Sky.
  - 1. Purpose.  
To reduce glare and spillover from lighting associated with parking lots or buildings.
  - 2. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)



3. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)
4. Parking lots shall be lighted with fixtures less than twenty two feet in height. Single, high masts with multiple fixtures shall not be allowed. (R)

#### Title 17E Environmental Standards

#### Chapter 17E.060 Shoreline Regulations

#### Article VIII. Design Standards ~~((and Guidelines))~~ Specific to Shoreline Districts

#### Section 17E.060.840 ~~((Standards and Guidelines))~~ Design Standards Specific to the Great Gorge District

##### A. Shoreline Relationships – Human Activity.

###### 1. Purpose.

To recognize that people's relationship to the river and anticipated uses in the Great Gorge district will inform the design of the built environment. The Great Gorge district is a rugged area of steep bluffs, fast water, native plants and wildlife. Passive recreational opportunities are interwoven with residential uses. New development along the riverfront that maintains the natural character of the river gorge as a backdrop for recreation activities is encouraged. These include walking, bicycling, fishing, kayaking, rafting, observing birds/wildlife, and learning the stories of the river through interpretive displays.

###### 2. Along the river, new buildings shall provide at least two of the following (R):

- a. Outdoor seating areas.
- b. Benches along pedestrian trail.
- c. Outdoor balconies and decks.
- d. Public viewpoint with interpretive signs.
- e. Public art.

##### B. Streets, Sidewalks and Trails – Pedestrian Pathways.

###### 1. Purpose.

To result in a pathway design, reflecting the mostly residential, lower intensity of adjacent development, as well as the modest level of pedestrian activity.

###### 2. Pedestrian pathways shall be at least ten feet wide. (R)

##### C. Site Design.

###### 1. Landscape Character Protection.

###### a. Purpose.

To protect, restore, and enhance the natural character of the river including its geologic features and native vegetation.

- b. Within the Great Gorge district, it is expected that there will be a very soft, open, informal, "naturalistic" approach to landscape design that reinforces the shoreline environment. Developments will be loosely arranged on the landscape, with a considerable amount of planting, including ground covers,

understory, and trees. Landscape designs that include large lawn areas requiring fertilizers and herbicides, or vegetation that is highly consumptive of water should be avoided. (C)

- c. Native vegetation should predominate. (C)
- d. If buildings require exposed pilings for support on hillsides, the ground under the building shall be planted with shade tolerant plantings. Exposed soil shall not be allowed. (R)
- e. Exposed pilings should be colored to blend with native rock and the pilings and open space should be screened by tall vegetation. (C)

## 2. Impervious Surfaces.

- a. Purpose.  
To recognize that the Great Gorge area will have more open development that can allow for more pervious surfaces.
- b. Development shall incorporate ways of capturing and filtering run-off so that when it reaches the river, it has been moderately cleaned. This shall be accomplished through creative designs of courtyards, greens, planting areas, parking lots, and roof scuppers and other features. Generally, new development shall attempt to achieve at least twenty percent pervious surfaces on the site. The installation of “green roofs” can substitute for ground level treatment. (R)

## 3. Pervious Surfaces.

- a. Purpose.  
To create a system of spaces integrated with the ecological systems of the shoreline.
- b. Development shall include one or more of the following (R):
  - i. Open spaces.
  - ii. Landscaped courtyards.
  - iii. Greenways.
  - iv. Pathways; or
  - v. Other spaces that allow for a seamless connection between streets and various uses.
- c. Surfacing of these spaces shall allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials. (R)

## 4. Planting Palette

- a. Purpose.  
To recognize the dramatic natural landscape of the Great Gorge setting.
- b. Native plant material is strongly encouraged. Non-native, ornamental trees requiring large amounts of water and maintenance are strongly discouraged. Landscape designs should reflect a “natural” array of plantings, rather than a manicured or formal arrangement. However, there may be a few locations

where specimen trees and formal configurations of plantings are appropriate, such as framing a public space or a building entrance. (C)

#### 5. Rain Gardens.

##### a. Purpose.

To incorporate innovative methods of capturing and filtering run-off.

- b. Rain gardens should be integrated into planting strips along streets, as well as in exterior landscaped spaces. (C)
- c. Rain gardens shall not be adjacent to or within parking lots if it is determined that they will harm the aquifer. (R)



*swale/rain garden*



*Cistern for on-site irrigation*



*green roof*



*permeable paving system*

#### D. Building Design – Character Related to the Setting.

##### 1. Purpose.

To ensure that new buildings are complementary or visually subordinate to the natural splendor of the river and falls, including its geologic features and native vegetation.

2. Building design should not attempt to compete with the natural beauty of the river and the shoreline. It is expected that buildings will incorporate materials and colors that will be restrained and blend with native rocks and vegetation. (C)

#### E. Lighting – Dark Sky.

1. Purpose.  
To reduce glare and spillover from lighting associated with parking lots or buildings.
2. All lighting shall be directed downwards, with cut-off designs that prevent light from being cast horizontally or upward. (R)
3. Building walls shall not be washed with light, nor shall high intensity security lighting be used to flood an area with light. (R)
4. Parking lots shall be lighted with fixtures less than 22 feet in height. Single, high masts with multiple fixtures shall not be allowed. (R)

### Title 17E Environmental Standards

#### Chapter 17E.060 Shoreline Regulations

#### Article V. General Requirements for Shoreline Use and Modifications: Part III. Nonconforming Shoreline Situations

#### Section 17E.060.380 Nonconforming Uses and Structures

##### A. Definition.

Nonconforming development is a shoreline use or structure that was lawfully constructed or established prior to the effective date of the Act, the SMP, or these shoreline regulations, or amendments thereto, but which does not conform to present regulations or standards of these shoreline regulations or the policies of the Act.

B. In accordance with the requirements of this section, structures that were legally established prior to the SMP or these shoreline regulations, or amendments thereto, and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height, or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

C. A nonconforming structure which is moved any distance must be brought into conformance with the applicable shoreline regulations and the Act.

D. If a nonconforming structure is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within six months of the date the damage occurred, all permits are obtained, and the restoration is completed within two years of permit issuance, except that nonconforming single-family residences, manufactured homes, and mobile homes may be reconstructed regardless of the extent of damage so long as application is made within the times required by this subsection.

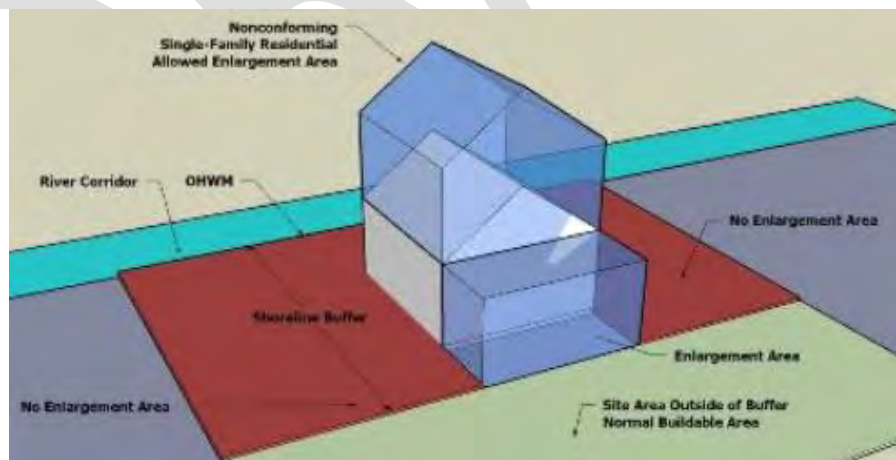
E. The replacement, expansion, or enlargement of nonconforming residential buildings (including single-family residences, manufactured homes, and mobile homes) shall achieve no net loss of shoreline ecological functions pursuant to SMC 17E.060.210 and adhere to the mitigation sequencing requirements in SMC 17E.060.220.

F. Existing nonconforming residential buildings may be replaced within the existing footprint upon approval of a shoreline substantial development permit.

G. For the replacement of manufactured homes and mobile homes, a greater building footprint than existed prior to replacement may be allowed in order to accommodate the conversion of single-wide manufactured homes to ~~((double-wide))~~ double-wide manufactured homes, upon approval of a shoreline conditional use permit.

H. Existing nonconforming single-family residences may be enlarged or expanded in conformance with applicable bulk and dimensional standards upon approval of a shoreline conditional use permit and by conformance with the following requirements:

1. An expansion or enlargement to the main structure or the addition of a normal appurtenance as defined in WAC 173-27-040(2)(g) and chapter 17A.020 SMC, Definitions, to the main structure shall only be accomplished by addition of space:
  - a. above the main structure's building footprint; and/or
  - b. onto or behind that side of the main structure which is the farthest away from the ordinary high-water mark.



2. If the requirements in SMC 17E.060.380(~~(F)~~)H((3))1(a) and (b) cannot be accomplished without causing significant harm to shoreline vegetation or other shoreline ecological functions, the director may require additional site analysis to determine if an alternative location for the

expansion or enlargement of the structure is feasible.

- I. Existing residential buildings have a change in use to another legal, conforming use shall conform to the buffer and structure setback requirements and all other requirements of the entire SMP and Title 17C SMC, Land Use Standards.
- J. A use which is listed as a conditional use but which existed prior to adoption of these shoreline regulations or any amendment thereto, and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.
- K. A structure for which a variance has been issued shall be considered a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.
- L. A structure which is being or has been used for a nonconforming use shall not be used for a different nonconforming use, except as provided below, and only upon the approval of a shoreline conditional use permit.
  - 1. No reasonable alternative conforming use is practical.
  - 2. The proposed use will be as consistent with the policies and provisions of the Act and these shoreline regulations and as compatible with the uses in the area as the preexisting use; and
  - 3. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of these shoreline regulations and the policies in the Act and to assure that the use will not become a nuisance or a hazard.
- M. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming.
- N. An undeveloped lot, tract, parcel, site, or division of land which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or the applicable shoreline regulations but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the City so long as such development conforms to all other requirements of the applicable shoreline regulations and the Act.

City of Spokane  
 Notice of Shoreline Master Program Periodic Review Amendment  
 Joint Local/State Public Comment Period and  
 SEPA Determination  
**January 5, 2021- February 5, 2021, 5:00 p.m.**

The City of Spokane and Washington State Department of Ecology (Ecology) are seeking comments to the City's Shoreline Master Program (SMP) periodic review and proposed SMP amendments. The joint local/state public comment period will run 30 days from January 5, 2021 through February 5, 2021, 5:00 p.m.

Authority for the periodic review is based on Washington's Shoreline management Act (Ch. 90.58 RCW) and related rules. These amendments were developed by the City to comply with WAC 173-26-090, which requires all local governments to review their SMPs on an eight-year schedule set in state law and revise it if necessary. The review ensures the SMP keeps up with changes in state laws, changes in other local jurisdictions' plans and regulations, and other changed circumstances. The City has elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period will occur during the state review process. Comments provided to the City of Spokane will be reviewed by both the City and Ecology. There is no need to send comments directly to Ecology.

**Comments may be submitted to:** shorelinemasterprogram@spokanecity.org or to Project Lead Melissa Wittstruck, mwittstruck@spokanecity.org. Comments may also be mailed to City of Spokane Planning Services Dept., 6<sup>th</sup> Floor, 808 W Spokane Falls Blvd., Spokane, WA 99201.

**Comment can also be made by participating in the virtual public hearing noted below.** Joint Public Hearing is to be held February 10, 2021 at 4:00 pm. Due to Washington Governor Inslee's orders for the COVID-19 pandemic, the hearing will be held virtually over Webex.

Hearing date is subject to change and can be confirmed at the City of Spokane Plan Commission agenda website: <https://my.spokanecity.org/bcc/commissions/plan-commission/>

**Comments are due by February 5, 2021 at 5:00 p.m.**

**Documents are available for review at:** <https://my.spokanecity.org/projects/shoreline-master-program-periodic-update/>.

Due to Washington Governor Inslee's orders for the COVID-19 pandemic, in person review is by appointment only to Melissa Wittstruck, mwittstruck@spokanecity.org, 509.625.6087. Documents for appointment viewing will be available in City Hall, 3<sup>rd</sup> Floor, 808 W Spokane Falls Blvd Spokane WA 99201

At the conclusion of the comment period, the City will prepare a response to comments and determine whether changes are needed. Public comments and City responses will be shared with Ecology. After local adoption, the SMP amendment will be formally submitted to Ecology for final action per WAC 173-26-104 and WAC 173-26-110. Ecology will review amendments for consistency with state laws and rules. Ecology may either approve the program as adopted or may recommend changes. **SEPA:** SEPA Determination of Non-Significance issued on January 5, 2021 under WAC 197-11-970. The lead agency will not act on this proposal for at least 14 days. Comments regarding the DNS must be submitted no later than 5:00 PM on January 21, 2021 if they are intended to alter or appeal the DNS.

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

## Draft Plan Commission 2021 Work Plan

2021 Projects			
Project Name	Start/Status	Plan Commission	Project Completion
2020 Development Code (UDC) Maintenance	In Progress	Q1-2021	Q2-2021
Downtown Plan Update	In Progress	Q1-2021	Q2-2021
* - Downtown Plan & North Bank Implementation as needed: Codes and Guidelines	Q3-2021	Q4-2021	Q1-2022
Housing Action Plan	Q4-2019	Q1-2021	Q2-2021
Design Guidelines – Shoreline, Public Projects, PUD, Skywalk, etc.	In Progress	Q1-2021	Q3-2021
Capital Facilities Chapter Update - Water	In Progress	Q3-2021	Q4-2021
Capital Facilities Chapter Update - Sewer	TBD	TBD	TBD
Highway 2 - West Plains Transportation Study - WSDOT Lead	In Progress	Q2-2021	Q3-2021
U.S. 195 / I-90 Transportation Study - SRTC Lead	In Progress	Q3-2021	Q4-2021
Division Street Study - SRTC Lead	In Progress	Q3-2021	Q4-2021
Central City Line TOD Overlay Plan Implementation	Q1-2021	Q3-2021	Q4-2021
Transit Oriented Development Framework for Centers and Corridors - I.E. Monroe / 9th and Perry	Q1-2021	Q3-2021	Q4-2021
2021 Unified Development Code Clean-up	Q1-2021	Q3-2021	Q4-2021
New Priority Project	Q3-2021?	TBD	TBD

2021 Mandated / Annual Projects			
6-Year Transportation Program Update	Q4-2020	Q2-2021	Q2-2021
6-Year City-Wide Capital Program Update	Q2-2021	Q3-2021	Q4-2021
2020 / 2021 Comp Plan Amendments - 9 Applications	Q4-2020	Q2/Q3 - 2021	Q4-2021
Shoreline Master Plan Update	Q2-2020	Q1-2021	Q2-2021

## Notes:

WA State Periodic Comprehensive Plan Update - June, 2026

Next WA State Shoreline Program Update - June, 2030

Spokane County Urban Growth Area Mandatory Review - 2025

Remaining Neighborhood Plans - Minnehaha, Shiloh Hills, Balboa / S. Indian Trail, Latah/Hangman



2021 Work Program Discussion items: This items below are for discussion purposes. Staff are seeking input on priorities from the Plan Commission for the goal of preparing discussion items for the joint Plan Commission and City Council meeting on January 28th.

Discussion items (no priority):

**Housing Related Development Code Amendments Consistent with Current Comprehensive Plan Policy, Examples:**

- Transition Lot Size Subdivision Provision changes – Performance Criteria Option?
- Infill code changes that allow for more attached townhomes outright
- RSF-C Zone – Compact lot allowance in greater area of City (City-wide?)
- Accessory Dwelling Unit Code Changes – size of unit, minimum lot size,
- Duplex on Corner Lot
- Pocket Residential Use Expansion

**Continue Center and Corridor Area Planning, Examples:**

- Centers that have not been planned yet – Five-Mile, North Town, North Nevada, Nevada and Lincoln, Maple and Maxwell, 14th and Grand, 57th and Regal
- Center Transition Areas
- Center Transit Integration / Central City Line / Transit Oriented Development
- Increased Building Height in District Center
- Mini-Center Designation Area Planning

**Sub-Area Planning such as:**

City-wide Industrial Land Policy Review

Example: North East Public Development Authority - NEPDA

**Housing Related Comprehensive Plan Amendments and Code Changes from Housing Action Plan Implementation: Examples:**

- Single Family Zoning / Review to allow more housing types – (PUDs) or other?
- Duplexes, Triplex and Courtyard Apartments City-wide
- Additional Housing Types allowed in current R 4-10 & R 10-20
- Planned Unit Developments, Example - Allow for non-residential uses and apartments in R 4-10?

**Other:**

- Short Term Rental Code Update
- Sign Code Modifications

BRIEFING PAPER  
City of Spokane Plan Commission Hearing  
Phase I Unified Development Code Maintenance  
January 13, 2021

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Subject

This update is for Phase I of the Unified Development Code and general Spokane Municipal Code Maintenance. This code maintenance project was reviewed at the September 23 and November 11, 2020 Plan Commission workshops.

A draft ordinance of Phase I amendments is included in the hearing packet for Plan Commission. If Plan Commission recommends approval, the draft ordinance will move forward to City Council hearing.

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 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 proposed for adoption 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 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.

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).

To help understand the types of changes that are addressed in maintenance projects, 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 corrections to cross references to repealed or renumbered sections in Titles; an example is the recent repeal of sections of chapter 11.19 that remain 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 in 2021 are the next two categories, CLARIFICATION and SUBSTANTIVE.

**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.

Code Cleanup Phase I Plan Commission Hearing January 13, 2021

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

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

**Action:** Plan Commission deliberation and recommendation for City Council.

Draft ordinance and supporting materials attached to this briefing paper:

- Guide and Table of Contents Memo
- Draft Ordinance

**Unified Development Code (SMC) Maintenance Project 2020**  
**PHASE I - Review Guide**  
**December 29, 2020**

**Introduction**

The attached document represents a list of proposed amendments to the Spokane Municipal Code collected by City staff since 2015 and now proposed for amendments. SMC Maintenance will be phased; this is Phase I. To help understand the types of changes that are recommended, proposed maintenance amendments have historically been categorized under three types.

The three types are:

**Minor:** These include changes such as corrections to cross references to a repealed section of SMC. For example, repealed sections of chapter 11.19 found in Title 17. Other types of changes include striking redundant phrasing, obsolete code due to state changes, or providing more accurate process description without changing meaning or substance.

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

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

**Phase I** of the UDC Title 17 Maintenance Project consists of **Minor** changes and is scheduled for Plan Commission Hearing January 13, 2021, after previous review in September and November 2020.

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**Table of Contents**

**Phase I Code Maintenance - sections of code proposed for minor amendments**

1. SMC 04.13.015(E) Administrative Agencies and Procedures; Design Review Board
2. SMC 17C.110.100(B) & (C) Residential Zones; Residential Zones Primary Uses; Limited Uses (L) and Conditional Uses (CU)
3. SMC 17C.124.110 (A)(7)(a) Downtown Zones; Limited Use Standards; Industrial Limitation
4. SMC 17C.220.060 Land Use Standards; Off-site Impacts; Noise
5. SMC 17E.050.080 SEPA; Article III Categorical Exemptions & Threshold Determinations; Categorical Exemptions-Applicability; Appendix B C33583

6. SMC 17F.010.050(A)(1) Notice of Hearing
7. SMC 17F.040.140(A) Awnings
8. SMC 17G.040.040(B) Administration and Procedures; Design Review Board  
Administration and Procedures; Design Review Criteria
9. SMC 17G.060.020(A)(3) Administration and Procedures; Land Use Application  
Procedures; Director of Planning Services
10. SMC 17G.060.070(B)(5)(c) Administration and Procedures; Land Use Applications;  
Application Requirements; PUD
11. SMC 17G.070.220(A) Planned Unit Developments; Vesting
12. SMC 17G.080.070(C)(5) Administration and Procedures; Subdivisions; Subdivision  
Design Standards; Design of Lots & Blocks

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**04.13.015 (E) Administrative Agencies and Procedures; Design Review Board**  
*Strikethrough “development and amend with “design” in both locations in this clause (E).*  
[Section 04.13.015](#) 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.
- Type of code amendment: **Minor**

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

*Amend "Design Criteria" to "Decision Criteria"*

Section 17C.110.100 Residential Zone Primary Uses

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

***Discussion: Consistency: Chapter 17C.320 Conditional Uses, Section 17C.320.080 is titled "Decision Criteria"***

- Type of code amendment: **Minor**

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**17C.124.110 (A) (7) (a) Downtown Zones; Limited Use Standards; Industrial Limitation**

*Strike one of the redundant phrases "Limited industrial uses are allowed." "Only limited industrial uses are allowed."*

**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.
- Type of code amendment: **Minor**

### 17C.220.060 Land Use Standards; Off-site Impacts; Noise

*Amend cross reference from SMC 10.08.020 Public Disturbance Noise (repealed) to SMC 10.08D.090, Public Disturbance Noise.*

The City noise standards are stated in ((SMC 10.08.020)) SMC 10.08D, Public Disturbance Noise. In addition, the department of Ecology has standards that apply to environments within which maximum permissible noise levels are established.

- Type of code amendment: **Minor**

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### 17E.050.080 SEPA; Article III Categorical Exemptions & Threshold Determinations; Categorical Exemptions-Applicability; Appendix B C33583

*Replace the term "special use permit" with conditional use permit terminology in Appendix B.*

#### 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 information. See Washington Administrative Code (WAC) chapter 197-11, and provisions set forth in this ordinance for specific SEPA exemption rules and regulations.

ACTIVITY	EXEMPT	NON-EXEMPT
Rezone		X
Special Permit Use Permit When Project Meets Flexible Thresholds	X	

***Discussion: Amend to conditional use code terminology/citation for consistency. This can be done administratively per the matrix heading paragraph.***

Type of code amendment: **Minor**

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### 17F.010.050 (A) (1) Notice of Hearing

*Strikethrough cross reference to SMC section 11.11 and department of neighborhood services and code enforcement (repealed). Amend department title to current Developer Services Center.*

#### 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 Center 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.
- Type of code amendment: **Minor**

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#### **17F.040.140 (A) Awnings**

*Delete 17F.040.140(A). IBC removed fixed awnings over a doorway to the building.*

#### [Chapter 17F.040](#) Building Code

#### [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.))~~

*Discussion: This clause is obsolete due to updates in the IBC. The rest of this section remains intact and is supported by the reference to the IBC.*

- Type of code amendment: **Minor**

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#### **17G.040.040 (B) Administration and Procedures; Design Review Board Administration and Procedures; Design Review Criteria**

#### [Chapter 17G.040](#) Design Review Board Administration and Procedures

#### [Section 17G.040.040](#) Design Review Criteria

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 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.
- C. Design guidelines adopted by the City are on file in the planning department.



- Type of code amendment: **Minor**

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**17G.060.020 (A) (3) Administration and Procedures; Land Use Application Procedures; Director of Planning Services**

*Strikethrough Division B, Division C. Amend to Title 17B, Title 17C. Strikethrough cross-reference to chapter 11.15 SMC, chapter 11.17 SMC, chapter 11.19 SMC (repealed).*

Section 17G.060.020 Administration

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

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

- Type of code amendment: **Minor**

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**17G.060.070(B)(5)(c) Administration and Procedures; Land Use Applications; Application Requirements; PUD**

*Strikethrough cross-reference to chapter 11.19 (repealed) Amend with cross-reference to chapter 17C.110 and 17G.070.*

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.

- Type of code amendment: **Minor**

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**17G.070.220 (A) Administration and Procedures; Planned Unit Developments; Vesting**

*Strikethrough "Title 11 SMC and" (repealed)*

[Chapter 17G.070](#) Planned Unit Developments

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.

- Type of code amendment: **Minor**

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### **17G.080.070 (C) (5) Administration and Procedures; Subdivisions; Subdivision Design Standards; Design of Lots & Blocks**

*Strikethrough SMC 11.19.366; amend with insertion of SMC 17G.070.*

[Chapter 17G.080](#) Subdivisions

[Section 17G.080.070](#) Subdivision Design Standards

#### **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.
- Type of code amendment: **Minor**

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), and 17G.080.070(C)(5).

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 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 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 or correct language of SMC Titles, including Title 17, affecting the applicant, improving customer service; and

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

WHEREAS, this repeal action is categorically exempt from the State Environmental Policy Act (SEPA) RCW 43.21 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), as part of periodic maintenance of the SMC was published in the City Gazette November 25 and December 2 2020, updated on the city online project page <https://my.spokanecity.org/projects/2020-2021-unified-development-smc-phase-i-code-clean-up-draft-plan-commission-hearing-january-13-2021> SMC Phase I Code Clean Up Draft Plan Commission hearing January 13, 2021  
City Council Urban Experience January 11, 2021

[code-maintenance/](#), and Plan Commission hearing notices in the Spokesman-Review December 30 2020 and January 6, 2021; and

**WHEREAS**, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its amendments to the Spokane Municipal Code as cited; --

Now, Therefore, The City of Spokane does ordain:

**Section 1. That SMC section 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 section 17C.110.100 (B) and (C) is amended:**

17C.110.100 (B) and (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,

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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 section 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](#), 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 section 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> <u>Conditional Use Permit</u> 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 Devices	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: 1. Communication Towers or Relay Stations 2. Stormwater, Water and Sewer with lines > 8 inches 3. Electrical Facilities and Lines > 55,000 Volts	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 section 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 Center 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.

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**Section 7. That SMC section 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 SMC section 17G.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

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 section 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.
3. 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 section 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 section 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 uncoded 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 section 17G.080.070(C)(5) is amended:**

[Section 17G.080.070](#) Subdivision Design Standards

A. Street Design and Improvements.

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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).

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

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

Attest:

Approved as to form:

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

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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